



Washington College  
Annual Security and Fire Safety Report

October 1, 2022

Department of Public Safety

**EMERGENCY NUMBERS**

FIRE - RESCUE - POLICE - 911

KENT COUNTY EMERGENCY MANAGEMENT - 410-778-1241

DEPARTMENT OF PUBLIC SAFETY - Ext. 7810 or 410-778-7810 (direct line)

**OTHER IMPORTANT PHONE NUMBERS**

Chestertown Police Department - 410-778-1800

Kent County Sheriff's Office - 410-778-2279

Maryland State Police - 410-758-1101 (Centreville Barracks)

University of Maryland Shore Medical Center at Chestertown - 410-778-3300

Kent County Health Department - 410-778-1350

WC Health and Counseling Services – 410-778-7261

Behavioral Health and Rape Crisis Center at For All Seasons, Inc. - 1-800-310-7273

Eastern Shore Mobile Crisis Response – 1-888-407-8018

Chester River Behavioral Health and Wellness – 410-778-5550

National Suicide Prevention Hotline - 1-800-273-TALK (8255)

Crisis Text Line - text "HOME" to 741741 for any Crisis

The Trevor Project (support for LGBTQIA+ students) – 1-866-488-7386

Trans Peer Support Hotline (all operators are transgender) – 1-877-565-8860

The Steve Fund (support for students of color) – text "STEVE" to 741741

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## 1.00 INTRODUCTION

Washington College is committed to providing a safe and secure environment for the campus community. Because no campus is isolated from crime, Washington College has developed a safety program that enhances the learning experience and complements the College's educational mission. With the support of students, faculty, and staff, we have many people involved in keeping this campus safe and secure. Although we have been fortunate in not experiencing a significant number of serious crimes, it would not be honest to say such incidents have not occurred. A truly safe campus can be achieved only through the cooperation of all students, faculty, and staff.

Please join us in our effort to ensure that this collective endeavor is effective. We hope you will read this information carefully and use it to foster a safe environment for yourself and others.

## 2.00 DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety is located on the ground floor of Cullen House. Office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday. On campus, there are Patrol Officers on duty 24 hours a day, 7 days a week, 365 days a year. Officers conduct foot, bicycle and vehicular patrols of the entire campus. The Department aids in the enforcement of federal, state, and local statutes, as well as Washington College regulations.

### 2.01 Police Authority

Public Safety Officers have citizen arrest authority and are responsible for patrolling and responding to incidents and calls for service on property owned and controlled by Washington College. The Public Safety Department works closely with local and state jurisdictions and participates in regular meetings and joint agency trainings. Occasionally, for large events, we utilize special events staff. Public Safety also has a Memorandum of Understanding (MOU) with the Chestertown Police Department. This MOU outlines the working relationship between Public Safety and the Chestertown Police Department, and covers such areas as the sharing of information, jurisdiction, the investigation of alleged criminal offenses, and responsibilities for each entity.

Public Safety currently has four commissioned \*special police officers who have arrest authority on property owned and controlled by Washington College.

\*A special police officer is an individual at least 18 years old, who holds a commission granted by the Governor. Generally, a commission authorizes the officer to arrest individuals who trespass or commit offenses on the property described in the commission, exercise the powers of a police officer on the property described in the commission, and exercise the powers of a police officer in a county or municipal corporation associated with the property described in the commission, and direct and control traffic on public highways and roadways in the immediate vicinity of the property described in the commission.

The jurisdiction for Public Safety Officers consists of all property owned and controlled by Washington College.

### 3.00 REPORTING CRIMINAL ACTIVITY

To report criminal actions or emergencies, call Public Safety at 410-778-7810 (extension 7810 from campus phones) or dial 911. When you call 410-778-7810, you will be able to speak directly with Public Safety personnel. If you are unable to contact an Officer, dial 911 (Kent County Office of Emergency Services). Any victim or witness to a crime on campus is asked to call the police. When you dial 911, trained dispatchers are available 24 hours a day to respond to emergency calls. Department of Public Safety Officers will respond to investigate all reports of criminal activity or emergencies. Typically, Officers will prepare and submit incident reports, which may be shared with local law enforcement agencies for investigation or with other departments on campus (Student Affairs, Human Resources, etc.) depending on the incident. This information will also be used for the purpose of making timely warning reports and for the annual statistical disclosure.

Individuals can also report crimes to a Campus Security Authority, the College's Title IX Coordinator or to one of several Deputy Title IX Coordinators.

#### 3.01 Confidential Reporting Procedures

Washington College encourages accurate and prompt reporting of all crimes to Public Safety and to appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report.

If you are the victim or witness of a crime and are unable to make a report, or do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director or a designee of the Department of Public Safety can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents occurring on campus, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Information will only be shared among people who have an immediate role in maintaining safety on campus. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

In some cases, we may have to pursue action to ensure the safety of the campus but will also maintain the privacy of the reporting party. For sexual offenses, the Title IX Coordinator will be notified of the crime.

#### 3.02 Daily Crime Log

The Washington College Department of Public Safety maintains a daily crime log that contains information on recent criminal activity to include the nature, date, time and general location of each crime. The daily crime log is available for review by members of the community at the Department of Public Safety from Monday through Friday, 8:30 a.m. to 4:00 p.m., and covers the most recent 60-day period. Crime log information dating back more than 60 days will be made available for inspection within two business days of a request.

If new information about an entry in the log becomes available to our Department, then the new information will be recorded into the log not later than two business days after the information becomes available.

The Public Safety Department may withhold information from the daily crime log if the release of such information would jeopardize an ongoing criminal investigation, the safety of an individual, cause a suspect to evade detection or flee, and/or result in the destruction of evidence.

### 3.03 Anonymous Tips

Members of the Washington College community can provide Public Safety with information pertaining to criminal and suspicious activity through our Anonymous Tips link. The link can be found on the Public Safety website. Just click on the link marked “Anonymous Tips” and complete the form. The address for the link is:

[https://www.washcoll.edu/people\\_departments/offices/public-safety/anonymoustips.php](https://www.washcoll.edu/people_departments/offices/public-safety/anonymoustips.php)

All reports are anonymous.

### 3.04 Campus Security Authorities

A Campus Security Authority (CSA) is defined as an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

When CSAs receive information from students or employees regarding criminal offenses, they are required to report this information to Public Safety.

On the Public Safety webpage, individuals can find the following information:

- Clery Crimes by Definition (detailed description of criminal offenses for which we are required to disclose statistics)
- CSA Training Handout (handy two-page guide)
- CSA Reporting Form (form that can be used to report criminal offenses)

### 3.05 Annual Clery Notice Compliance

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the college community obtained from Department of Public Safety, other Campus Security Authorities (CSAs), and local Police Departments. CSAs are reminded once a year and during training to provide any statistical information to the Department of Public Safety.

Members of the College’s Counseling Center are not required to make such disclosures as those services are confidential. Professional counselors on campus, if and when they deem it appropriate, inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

All statistics are gathered, compiled, and reported to the college community via this report, entitled “Annual Security and Fire Safety Report” which is published by the Washington College Department of Public Safety. Public Safety submits the annual crime statistics

published in this report to the Department of Education (ED). The statistical information gathered by the ED is available to the public through the ED website.

Public Safety sends an email to every enrolled student and current employee on an annual basis. The email includes a brief summary of the contents of this report. The email also includes a link to the Annual Security and Fire Safety Report on the Public Safety page. A hard copy of the report can also be obtained by making a request to Public Safety by telephone (410-778-7810), in person, or in writing. Public Safety is located on the ground floor of Cullen House. The mailing address is Public Safety, Washington College, 300 Washington Avenue, Chestertown, MD 21620.

### 3.06 Non-campus Housing

Washington College has no recognized, non-campus housing. However, on occasion, the Chestertown Police Department will contact Public Safety when there are off campus incidents involving our students. These incidents are not counted in our annual disclosure of statistics, as they are not within our physical jurisdiction.

### 3.07 Unfounded Crimes

All reported crimes must be recorded. For a crime to be “unfounded,” it must be proven through investigation that the crime did not occur. As an agency with non-sworn officers, we are unable to change a crime status to unfounded. Public Safety would contact the Chestertown Police Department to request a crime status be changed to “unfounded.”

## 4.00 EDUCATION AND PREVENTION PROGRAMS

The Department of Public Safety and the Office of Student Affairs work closely with many student organizations and with the Student Government Association to promote safety and security. Washington College offers programs throughout the academic year designed to raise awareness with regard to the prevention of sexual assault, dating violence, domestic violence, and stalking. Self-defense classes are offered upon request. Guests are invited to speak on various pertinent crime issues. These programs are also available to students living off campus. Washington College currently does not have any recognized off-campus student organizations or housing.

The Department of Public Safety posts information on its website outlining procedures to follow when different emergency situations arise:

[https://www.washcoll.edu/people\\_departments/offices/public-safety/Emergency%20Guidelines.pdf](https://www.washcoll.edu/people_departments/offices/public-safety/Emergency%20Guidelines.pdf)

Some of the topics covered include medical emergencies, severe weather, fire, and personal safety tips. There is also basic information on our website regarding vehicle registration and parking regulations. The Department supplements this information throughout the year through electronic e-mail notices and newspaper articles. Incidents that require community awareness are also communicated in this fashion. A brochure on personal safety is given to all students at the beginning of the school year and is also available in the Public Safety Office.



#### 4.01 Primary Prevention and Awareness Programs

Washington College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and

Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Education programming consist of primary prevention and awareness programs for all incoming students and new employees, and ongoing awareness and prevention campaigns for students and employees that:

Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;

Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;

Defines what behavior and actions constitute consent to sexual activity in the state of Maryland and/or using the definition of consent found in the Student Handbook if state law does not define consent;

Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Provides an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act.

#### 4.02 Prevention and Awareness Campaigns

To raise awareness and hopefully prevent incidents of sexual assault, dating violence, domestic violence and stalking, Washington College provides primary and ongoing educational programs to incoming students and new employees, as well as current students and employees. These programs are designed to encourage students and employees to be

responsible for their own security and the security of others. Also included are training sessions attended by College personnel that relate to crime prevention and awareness.

**Note: Students were permitted to return to campus housing for the spring 2021 semester, but classes were held virtually until mid-April when the College finally returned to in-person instruction.**

Washington College offered the following **primary prevention and awareness programs** for all incoming students in 2021:

### **Orientation**

All incoming first-year students attended information sessions on the following topics: Title IX, making healthy choices, the Honor Code, consent, diversity awareness, mental health and resiliency, and personal safety. Students were also taught how to express concerns about themselves and others by utilizing the CARE report system. All students also participated in a mandatory alcohol education program.

### **Diversity, Equity and Inclusion - A Room Full of Unicorns: Finding Your Place at Washington College**

We all bring a unique experience to college and all want to be respected for who we are. This session was designed to demonstrate how to create an inclusive and beloved community where everyone can thrive. Presented by Ted Lewis (they/them), breakout sessions with Peer Mentors.

### **Peer SMART presentation**

The Students of Peer SMART and the Peer Mentor Leaders had a frank conversation with the class of 2025 talking about consent--what it is, how to talk about it and how it may read in different situations--and bystander intervention--what that means, what that looks like and how it can change the outcome of a situation.

**Making the Transition:** This popular program featured Peer Mentors in an amusing but thought-provoking dramatic interpretation of the academic and social differences between high school and college.

**The C-Word: Consent:** An interactive, education, entertaining program using a combination of audience interaction, improv exercises, and thoroughly researched information to break down walls and have a frank, difficult, but needed conversation about sex.

### **“EVERFI Coursework”**

Washington College partnered with EVERFI, whose mission is to help students address critical life skills, such as alcohol abuse prevention, sexual assault prevention, diversity and inclusion and mental well-being while at college. All first-year students had to complete the following EVERFI courses: Sexual Assault Prevention, Mental Well-being for Students, Diversity, Equity, and Inclusion, and Alcohol EDU.

This online education covers topics that will help students to:

- Develop critical skills to make thoughtful and healthy choices outside the classroom
- Reflect on their knowledge, attitudes, and experiences related to these issues
- Support their peers and themselves when faced with tough situations

Washington College offered the following **ongoing awareness and prevention programs** for students in 2021:

### **Domestic Violence Awareness**

Alpha Chi sisters hosted an information table in Hodson Hall to raise awareness regarding domestic violence. Students were encouraged to write on pins what love meant to them. Their annual philanthropic event, Casino Night, was held at the end of the week.

### **Diversity, Equity, and Inclusion Week**

The Kappa Sigma brothers held multiple events during this week, all designed to raise awareness about the importance of diversity and inclusivity on campus. They also hosted a talk regarding sexuality that covered the many facets of sexuality, sexual education, sexual orientation, and rape culture.

### **Title IX**

The Title IX Coordinator held informational sessions with coaches, student-athletes, fraternities, sororities, off campus students, and other student groups with regard to consent, bystander intervention, sexual violence and Title IX policies. A Title IX Workshop was also held as part of the Publications Boot Camp.

### **Peer SMART (Sexual Misconduct Advocacy and Response Team)**

There were multiple information sessions to introduce the Peer SMART program. Peer SMART is a diverse group of Washington College students whose primary purpose is to provide resources and a listening ear for students by students. They will help students determine what their options are and empower them to make the choice that is best for them. Peer SMART members are also able to conduct trainings for clubs or organizations around sexual assault, sexual misconduct, consent, and more.

Washington College offered the following **primary prevention and awareness programs** for all new employees in 2021:

### **New Employee Orientation for Faculty and Staff**

Topics covered include general security on campus, Campus Security Authorities, a Title IX overview to include responsible employees and their duties, instructions for reporting crimes, resources available, and other important information.

Washington College offered the following **ongoing prevention and awareness programs** for employees in 2021:

Events focusing on relieving stress, personal empowerment, responding to micro aggressions, diversity, and mental health awareness, just to name a few, were held throughout the year.

Washington College employees are also invited to, and encouraged to attend, all training and programming mentioned above.

Other resources, available to faculty, staff and students, include:

**Public Safety Website:** Find information regarding procedures to follow when different emergency situations arise.

**CARE System:** The CARE system is an on-line case management system that allows members of the Washington College community (faculty, staff, and students) to instantly report concerns about a student's well-being. Reports are reviewed daily by a member of the Dean of Students' Office and bi-monthly, a cross-campus team of professionals review student cases to determine appropriate follow up and support for those students.

**Sexual assault/misconduct advocates:** Sexual assault/misconduct advocates are here for all survivors of sexual misconduct/violence, regardless of gender, sexual orientation, race, ethnicity, religion, etc. and regardless of what kind of assault occurred. Advocates are trained Washington College staff and faculty. The advocate you talk to will be able to help you determine what your options are, and empower you to make the choice that is best for you. They are there to listen, provide support and care, and give you the options that you have in order to move forward in your healing process.

**WAC-squared:** Inspired by leadership in Student Affairs, Counseling Services is offering a new student support program this academic year called WAC-squared, or Washington College Wellness Advocacy Coaching. All Wellness Advocacy Coaches (WACs) have received mental health first aid training and will take part in weekly clinical supervision with Miranda Altman. WACs are caring students who strive to promote general well-being. They are available to listen and support other students, and will have drop-in hours in Hodson Hall where the Student Events Board is located.

**Mantra Health:** Expanded virtual mental health care is now available to all students, in partnership with telemental health provider Mantra Health. Mantra has a directory of licensed masters level therapists available to support students through video and messaging services. Students can select the provider that is right for them by providing details regarding their gender ID, ethnicity, sexual orientation and more. Students can go directly into the portal to request an appointment at their convenience, with no need for a referral from the Washington College Counseling Center.

**JEDI Training:** Justice, Equity, Diversity, and Inclusion (JEDI) Workshops were held during 2021. JEDI workshops covered a variety of topics related to racial and social justice, including Anti-Racism, Identity & Privilege, Racism & Stress, Gender JEDI, and Courageous Conversations. Workshops were developed by students, faculty, and staff from across the WAC community and workshop participants were encouraged to push their own boundaries while confronting complex topics.

**ALICE Training:** ALICE stands for Alert, Lockdown, Inform, Counter and Evacuate. ALICE Training is designed to supplement current "Lock down" or "Secure in Place" procedures used frequently in our public schools and institutions. The College began offering ALICE Training sessions in 2018.

**Campus Safety Presentations:** Public Safety Officers conduct trainings for individual groups that cover general safety on campus, sexual assault prevention, fire safety and a variety of other topics. Available upon request.

**The Elm:** The DPS Report and articles appear weekly in The Elm so that the campus community can be informed of crime trends, safety tips and special programs.

**Crime alerts** (Timely Warnings) are also sent out via email and WAC Alerts (email, text message, phone message).

**Emergency Telephones:** Direct connect emergency phones are strategically placed throughout campus.

**CCTV Cameras:** Washington College is increasing its use of CCTV systems to deter, detect and investigate crime on campus.

**S.A.F.E. (Self Defense Awareness and Familiarization Exchange)**

Two-hour training course designed to introduce women to the option of physical self-defense, offered upon request.

**RAD (Rape Aggression Defense) training**

12-hour women's self-defense class, offered upon request.

## 5.00 EMERGENCY NOTIFICATION

### 5.01 Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Public Safety or his/her designee, constitutes an ongoing, serious, or continuing threat, a campus-wide "timely warning" will be issued. A timely warning will be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. The Director of Public Safety, or his/her designee, will draft a timely warning message, often after consulting with members of the Emergency Operations Group, Student Affairs personnel, the College Communications Office, and others. Anyone with information that they believe constitutes an ongoing or continuing threat to the community should contact the Department of Public Safety at 410-778-7810.

### 5.02 Distribution Procedures

If warranted, a timely warning will be sent out via WAC Alerts by Public Safety personnel.

WAC Alerts works by sending a message to all standard text communication devices: mobile phones (via SMS text messages, voice and voice mail), land phones, e-mail accounts, RSS readers, wireless pagers, wireless PDAs, and web site pages. All Public Safety personnel have been trained to send messages out via WAC Alerts. Follow up information may be sent out through the college email system to students, faculty, and

staff, or through additional WAC Alerts messages. The Department may also disseminate general information through the campus' student newspaper, *The Elm*.

### 5.03 Immediate Notification

Washington College will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. All Public Safety personnel have been trained to activate the WAC Alerts emergency notification system.

Due to the size of the campus, notifications will normally be sent to all recipients.

### 5.04 Emergency Notification Systems

Listed below is a description of several emergency notification systems on campus and processes that are in place:

#### **Emergency Phones**

The campus is equipped with direct connect phones found in strategic locations. To use, just press the RED button – phone will automatically dial Public Safety.

#### **WAC Alerts**

WAC Alerts is the College's self-service, web-based, emergency notification system that sends instant alerts to registered users. The College will use WAC Alerts to send emergency communications to the campus community. WAC Alerts is the College's primary emergency notification system.

WAC Alerts works by sending a message to all standard text communication devices: mobile phones (via SMS text messages, voice and voice mail), land phones, e-mail accounts, RSS readers, test pagers, wireless pagers, wireless PDAs, and web site pages. It is a cross-carrier mobile service, so it does not matter which phone provider you use.

All Washington College students, faculty and staff can self-manage their accounts to register or deactivate the service, update phone numbers, email addresses, etc. Those who register can also include phone numbers or email addresses for parents, spouses or others if they want.

To sign up, go to the Public Safety webpage

([https://www.washcoll.edu/people\\_departments/offices/public-safety/index.php](https://www.washcoll.edu/people_departments/offices/public-safety/index.php)) and click on the WAC Alerts link (<https://washcoll.omnilert.net/>) under Quick Links.

#### **Additional notification methods**

Unless electrical power or electronic communication is unavailable following a major storm or emergency, the Washington College web site will be the official source for

information and regular updates will be posted there. Follow up information may be sent out through the college email system to students, faculty, and staff, or through additional WAC Alerts messages. We may also disseminate general information through the campus' student newspaper, *The Elm*.

Should telephone and electronic communication be interrupted, information fliers will be posted on first floor bulletin boards around campus, in the residence halls, and at entrances to key buildings when and where possible.

When appropriate, the Director of Public Safety will share emergency information with the Chestertown Police Department and the Kent County Office of Emergency Services. Members of the larger community can receive information regarding emergencies on campus through the College's webpage. Depending on the scale of the emergency, community members may also tune into local media outlets (television, radio, Internet) for updates.

During an emergency, follow-up messages may come from one or all of the alert systems depending on the situation.

#### 5.05 Training and Testing

Washington College conducts regular tests of our communications systems (WAC Alerts and Emergency Phones). Working with members of our Emergency Operations Group (EOG) and local emergency services, we also schedule annual emergency/tabletop exercises and other emergency drills so that we can fully assess and evaluate our emergency plans and capabilities.

## 6.00 EVACUATION PROCEDURES

### 6.01 Building/Campus Evacuation

#### **Building evacuation**

All building evacuations will occur when a building alarm (fire alarm) sounds and/or upon notification by the Department of Public Safety (see Emergency Notification Methods, above).

When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same.

**Assist disabled persons in exiting the building!** Remember that elevators are reserved for disabled persons. Do not use the elevators in cases of fire or earthquake.

Once outside, proceed to a clear area that is at least 300 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points.

Do not return to an evacuated building unless told to do so by a Department of Public Safety Officer or emergency personnel.

## **Campus Evacuation**

Evacuation of all or part of the campus grounds will be announced by the Department of Public Safety (see Emergency Notification Methods, above).

All persons (students, faculty, staff and visitors) are to immediately vacate the area of campus in question and relocate to another part of the campus grounds as directed.

Do not return to an evacuated area unless told to do so by a Department of Public Safety Officer or emergency personnel.

Broader emergency evacuation information will be disseminated in accordance with guidance provided by Kent County Emergency Services.

## **7.00 EMERGENCY RESPONSE**

### **7.01 What to Do in an Emergency**

#### **Call for Help**

Call 911 from campus phones for any situation that requires an immediate response from police, fire or medical authorities to preserve life or property. If calling from a cell phone, give your location as Washington College, in Chestertown in Kent County. (Many cell phone 911 calls go to a call center not located nearby.)

#### **Report Everything**

Any emergency or incident should also be reported to Public Safety at 410-778-7810. The Washington College Department of Public Safety works with local police and fire agencies to respond to all emergency situations on campus including fire, accident/illness, crime, hazardous spills/gas leaks, and bomb threats.

#### **Check the Website**

Unless electrical power or electronic communication is unavailable following a major storm or emergency, the Washington College web site will be the official source for information and regular updates will be posted there. The College will also use WAC Alerts to send emergency communications to the campus community.

#### **Check Your Building**

Should telephone and electronic communication be interrupted, information fliers will be posted on first floor bulletin boards around campus, in the residence halls, and at entrances to key buildings when and where possible. WAC Alerts will still send messages to registered phones, including cell phones and email addresses, despite power failures. All members of the College community are encouraged to register their personal cell phones in the WAC Alerts system.

### **7.02 Personal Safety Tips**

#### **Emergency Phones**

Know the location of emergency phones throughout campus. To use: push the RED emergency button - phone will automatically dial Public Safety.



## **WAC Alerts**

WAC Alerts is the College's self-service, web-based, emergency notification system that sends instant alerts to registered users. The College will use WAC Alerts to send emergency communications to the campus community.

All Washington College students, faculty and staff can self-manage their accounts. To sign up, go to the Public Safety webpage ([https://www.washcoll.edu/people\\_departments/offices/public-safety/index.php](https://www.washcoll.edu/people_departments/offices/public-safety/index.php)) and click on the WAC Alerts link (<https://washcoll.omnilert.net/>) under Quick Links. This is the link to follow if you need to manage an existing account.

## **ICE - In Case of Emergency**

Program your cell phone with an "In Case of Emergency" contact number and name using the acronym ICE. This will help emergency personnel assist you when you need it most.

## **Personal Safety**

- Walk in groups or call Public Safety (410-778-7810) for an escort; do not walk alone after dark.
- Keep identification on your person at all times.
- Park and walk in well-lit areas.
- Know the location of emergency phones.
- Stay Alert! Avoid talking on your cell or using electronic devices when walking alone.
- Secure personal property and avoid displaying valuables.
- Alert someone you know and trust if you plan to leave campus or if your daily schedule will be different from the "norm."
- Report all suspicious activity to Public Safety (410-778-7810).

## **Residence Hall Safety**

- Lock doors at all times, especially when you go to sleep.
- Report lost keys immediately; do not loan your ID card or keys to anyone.
- Secure valuables and medications at all times.
- Know the location of fire alarms and extinguishers, and be familiar with exits and evacuation procedures.
- Escort your guests at all times and do not let strangers into residence halls.
- Report all suspicious activity to your RA or Public Safety (410-778-7810).
- If you live off-campus, know your neighbors, leave on outside lights, keep your front and back doors locked and close your curtains.

## **Web Safety**

- Review the security setting on a website before using that site.
- Avoid posting personal information on any website; do not post social security number, phone number, address, or screen name.
- Secure your laptop and computer when not in use so that other people will not have access to your information.
- Do not add people you do not know to your IM or contact lists.

- Inform Public Safety (410-778-7810) IMMEDIATELY if you receive threatening or suspicious email, or have concerns about suspicious activity on any of your familiar websites.

### **Fire and Smoke**

Members of the college community should become familiar with at least two evacuation routes from each building in which they study, work or reside, as well as the location of fire alarm stations, emergency exits, and fire extinguishers in the area. In the event that a building needs to be evacuated for any reason, a fire alarm will be activated. **YOU MUST LEAVE THE BUILDING WHEN THE ALARM SOUNDS.**

#### **If You Discover Smoke or Fire**

- If you have been trained and it is safe to do so, attempt to extinguish the fire with a portable fire extinguisher only if fire is small. If you have not been trained, you must evacuate the area.
- Do not let the fire get between you and your exit from the building.
- As you evacuate fire area, close all doors behind you.
- Activate the nearest fire alarm pull station. Warn people in the vicinity. Although an alarm will alert Public Safety automatically for most major campus facilities, that is not the case for a small number of buildings. Please call Public Safety at 410-778-7810 or local authorities at 911 to let them know the alarm has been activated and the nature of the emergency.
- Evacuate the building via the nearest safe exit.
- Elevators are not to be used as a means of exit during a fire emergency.
- Once outside, stay clear of the building. Do not re-enter the building until authorized by the Fire Department or Public Safety.

#### **On Hearing the Fire Alarm**

- If a fire alarm has been activated, make your way to the nearest exit and leave the building.
- Faculty and staff are asked to ensure that all students are out of the classrooms and laboratories before leaving. If time permits, close windows and shut off any gas and other utilities. Close doors upon leaving the room.
- Continue to move out of the building in an orderly manner even if the alarm stops sounding. Never return for personal items left behind.

Once outside, stay clear of the building. Do not re-enter the building until authorized by the Fire Department or Public Safety.

### **Medical Emergency**

Call Public Safety at 410-778-7810, or dial 911.

If you suspect a head or spinal injury **DO NOT MOVE** the victim unless there is an immediately life-threatening emergency.

### **Alcohol Intoxication/Poisoning**

Alcohol poisoning can be fatal. Do not allow someone who has drunk too much to “sleep it off.” Stay beside the person and call Public Safety at 410-778-7810 or dial 911 immediately if the person:

- cannot be roused
- is incoherent and is vomiting
- breathes shallowly
- has cold, clammy skin
- looks bluish or pale
- has taken other drugs with alcohol
- has a head injury

### **Injuries**

- After calling Public Safety at 410-778-7810, or dialing 911, you may provide first aid if you are trained, it is safe to do so, and the victim consents.
- Do not attempt to move an injured person unless it is absolutely necessary to prevent further injury.
- Calmly assure the injured person that help is on the way.
- Assist emergency personnel in locating the victim and investigating the incident.
- Prepare for medical emergencies by taking first aid and CPR training classes.

### **Emotional/Psychological Warning Signs**

If you have contact with any individual who displays the following behaviors, report your concerns to Public Safety, Student Affairs staff, Counseling or Health Services, or other college officials in a timely manner:

- Threatens harm or talks about killing self or students, faculty or staff.
- Constantly starts or participates in fights.
- Loses temper and self-control easily.
- Possesses or draws artwork that depicts graphic images of death or violence.
- Assaults others constantly which may include immediate family members.
- Possesses weapons (firearms or edged weapons) or has a preoccupation with them.
- Becomes frustrated easily and converts frustration into uncontrollable physical violence.

### **Active Assailant**

These recommended procedures cannot cover every possible situation that might occur. Nevertheless, they serve as an awareness and training tool likely to reduce the number of injuries or death if followed as soon as a situation develops.

When a hostile person(s) is actively causing deadly harm or the imminent threat of deadly harm within a building, we recommend the following procedures be followed:

### **If you are somewhere safe, contact 911 with the following information:**

- Location of the active assailant
- Number of assailants, if more than one
- Physical description of assailant/s
- Number and type of weapons held by the assailant/s
- Number of potential victims at the location

### **Run:**

If you see the assailant at a distance, running away should be your first plan, when possible. Run in a zigzag or other unpredictable pattern. Use trees, vehicles or any other object to block you from view as you run.

If you hear gunshots and are outside, go in the opposite direction from where you heard the gunshots. Call 911 as soon as you are far enough away.

### **Hide or lockdown:**

If you cannot get away safely, find a place to hide. Lock and barricade entry points into rooms using chairs, tables, desks, or any other available items. Close blinds, silence cell phones and turn off the lights. Get out of the assailant's view and stay very quiet.

If you are barricaded in a room with other people, firmly order everyone to spread out as widely as possible and get down on the floor behind furniture or any other cover. People have a natural tendency to just huddle together in a crisis, but in a shooting situation, this just makes you one big, stationary target. Spreading out and getting down low makes everyone a more difficult target.

### **Counter or fight:**

Your last resort when you are in immediate danger is to defend yourself. You can either physically confront a violent assailant (fight) or counter. If you choose to fight, commit to your actions and act aggressively to stop the assailant. Countering focuses on actions that create noise, movement, distance and distraction with the intent of reducing the shooter's ability to shoot accurately. You can distract (or counter) an active assailant by throwing chairs, books or other available objects at the assailant. Creating a dynamic environment decreases the shooter's chance of hitting a target and can provide the precious seconds needed in order to evacuate.

**Wait for help to arrive.** Before you open the door to someone that says "police" or "paramedics" be aware that it could be the shooter trying to get you to open the door. Ask them questions and make sure that they are actually police or someone trying to help you.

Once the police arrive, *obey all commands*. This may involve being handcuffed or made to put your hands in the air. This is done for safety reasons and once the police evaluate circumstances, they will give you further directions to follow. Remind yourself that they are doing what they are doing in order to neutralize every possible threat and save your life. Be as helpful as possible to the authorities. Tell them everything you know.

If you have had ALICE Training, remember the steps you learned in training: **Alert, Lockdown, Inform, Counter, Evacuate.**

### **Severe Imminent Weather**

Preparations before a major storm:

- Have flashlights and fresh batteries ready. Remember no candles are permitted in the residence halls.
- Obtain a battery-operated radio. Tune to a local TV/radio station or check on-line for the latest information on the storm's progress.
- Collect some bottled water and non-perishable food.

- Make sure your cell phones, laptop computers and other electronic devices are fully charged.
- If you live in an off-campus residence, bring any patio furniture and other outdoor accessories inside so that they do not blow into glass doors and windows.

#### During a storm

- Stay in your residence hall. Do not go outside. Downed electrical lines, flying debris, and flash flooding can be life threatening.
- Keep away from windows, glass doors and skylights. Breaking glass can cause severe injuries.
- Keep your blinds and/or curtains drawn and your windows tightly shut.
- Follow directions from your RAs and College employees.
- Use your flashlights - DO NOT USE OPEN FLAMES such as candles or kerosene lamps.
- If an injury of a life-threatening nature should occur, call 911 immediately.

#### If a tornado watch is announced

- Remain calm and stay inside.
- A “watch” indicates that conditions are favorable for the formation of a tornado in the area and a “warning” indicates that a tornado is imminent or has touched down in the area. If a tornado watch is announced for Kent or Queen Anne’s County, pay careful attention to radio, TV or Internet reports in case it is upgraded to a warning. If the power is out, listen to your battery-operated radios and heed the advice of your RAs.

#### If a tornado warning is announced

- A “warning” indicates that spotters have actually sighted a tornado or indicated on radar and is occurring or imminent in the warning area.
- If inside during a tornado warning
  - Seek immediate shelter.
  - Go to a basement or lowest level of the building.
  - If there is no basement, go to an interior hallway away from exterior windows.
  - Close all doors to rooms with exterior windows.
  - Stay away from all windows and other glassed areas.
  - Use arms to protect head and neck.
  - Avoid auditoriums and gymnasiums or other structures with wide, free-span roofs.

#### If outdoors during a tornado warning

- If possible, get inside a building.
- If shelter is not available, lie in a ditch or low-lying area.
- Use arms to protect head and neck.

#### In case of a power outage on campus

- For a short-term disruption there is typically no need to do anything more than remain where you are unless doing so presents a safety hazard.

- Do not light candles, use flashlights only.

If the power outage is expected to be of extended duration you will be notified of where to go by either posted flyers on bulletin boards and first floor entryways of major campus buildings or by text message.

Protect your computer and other electronics

- Unplug all expensive electronics, computers, and peripherals to protect them from damage due to power surges.
- Move your electronic equipment and computers to a protected location in your room or office away from a window and cover them with plastic. Lower window blinds to deter possible broken glass.

## 8.00 CAMPUS FACILITIES ACCESS AND SECURITY

### 8.01 Public Safety Patrols

The Department of Public Safety has Patrol Officers on duty on the campus 24 hours a day. The Officers patrol the campus buildings and grounds. Patrol Officers are required to patrol hallways and common areas of buildings during their shifts. The Officers are required to make checks of the mechanical rooms and special areas in each building. This is done for your protection and for fire safety reasons.

### 8.02 Maintenance of Campus Facilities

Department of Public Safety Officers patrol the common areas of suites and residence halls, as well as other campus buildings and grounds. Officers are responsible for monitoring locking devices, fire alarm systems, and other security devices. Officers report all malfunctions of security devices or systems for quick repair. Problems with security telephones or with lighting on campus are reported to the Department of Buildings and Grounds and to the Office of Information Technology. Buildings and Grounds also makes routine inspections to ensure that lighting and other equipment is functioning properly, and to ensure that landscaping is maintained in a manner that minimizes hazardous conditions. Residence halls are locked 24 hours a day, 7 days a week.

### 8.03 Other Campus Facilities

When College is in session, most campus buildings are open to the public between 8:00 a.m. and 6:00 p.m. and for special events and programs. With few exceptions, student ID access to facilities continues to 10:00 p.m. daily. Student employees monitor most areas open for student use during evening hours. During official College breaks, building remain locked but accessible via ID Card during business hours.

### 8.04 Campus Escorts

Public Safety Officers will conduct escorts for students with minor injuries or personal safety concerns when they have no other means of transportation available to them. Please note there may be delays depending on the number of officers working or events occurring on campus. Students can call Public Safety at 410-778-7810 to request an escort. Students can also contact Safe Ride at 410-810-7433 when they are operating.

## 9.00 BYSTANDER INTERVENTION AND RISK REDUCTION

### 9.01 Bystander Intervention

In the simplest terms, if you see something say something!

Situational Awareness:

- Noticing what's going on
- Interpreting a situation as a problem
- Assuming personal responsibility
- Knowing how to intervene
- Taking action (intervening).

Above are the key steps in supporting your friends, teammates or someone you may not even know who may be involved in a situation that puts them or others at risk. By taking an action (maybe just getting others involved) you can make a difference in stopping a potential situation from spiraling out of control.

### 9.02 Risk Reduction

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)):

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
5. Make sure your cell phone is with you and charged and that you have identification on you.
6. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
7. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
8. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
9. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the US).
10. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
11. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

12. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
13. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the US). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
14. If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  1. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  2. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  3. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  4. Lie. If you don't want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
15. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
16. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## 10.00 WASHINGTON COLLEGE POLICY ON SEXUAL HARASSMENT AND DISCRIMINATION

### I. Policy Statement

Washington College complies with Title IX of the Educational Amendments of 1972 as well as the Title IX regulations released by the Department of Education on August 14, 2020. This policy prohibits all forms of sexual and gender-based harassment and discrimination. This policy also covers sexual misconduct that does not fall within the scope of the new federal regulations. This policy is effective December 15, 2021.

### II. Scope of the Policy and Jurisdictional Statement

This policy applies to all students; student organizations; College employees and contractors, including staff, faculty, and administrators; and all other persons that participate in Washington College's educational programs and activities, including third-party visitors on campus. This policy prohibits the conduct set forth in Section VI regardless of the



Complainant and Respondent's relationship status and whether the Complainant and Respondent are members of the same or opposite sex or gender.

Washington College may investigate any alleged violation of this Policy that occurs in the context of a College program, or activity (including academic, educational, extracurricular, study abroad and internships, and other College programs), or that otherwise affects the working, living, or learning environments, regardless of whether that conduct occurred on or off campus. Regardless of where the conduct occurred, the College will review complaints to determine whether the conduct occurred in the context of its employment or educational program or activity or has continuing effects on campus or in an off campus sponsored program or activity, or whether the College otherwise has a substantial interest in the allegations. A substantial interest includes:

Any action that constitutes a criminal offense as defined by law (This includes, but is not limited to, single or repeat violations of any local, state, or federal law);

Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace or causes social disorder; or

Any situation that is detrimental to the educational interests or mission of the College.

All actions by a student that involve the use of the College's computing and network resources from a remote location, including but not limited to accessing email accounts, will be deemed to have occurred on campus. If the Respondent is unknown or is not otherwise subject to sanctions imposed by the College, the Title IX Coordinator will offer the Complainant supportive measures, remedies, and resources, such as, identifying appropriate campus and local resources and support options or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Although the College may not, in certain instances, be in a position to conduct an investigation, it may provide appropriate resources or support to impacted individuals and where appropriate, the broader Washington College community.

### III. Definitions

**Confidential Resources:** Confidential Resources are certain employees that are required by law to protect confidentiality when acting in the course of their professional duties. Under most circumstances, Confidential Resources will not share information with other individuals without the express consent of the reporting party. An exception may be made if there is an imminent risk of danger to the reporting party or another individual.

**Complainant:** When used in this policy, "Complainant" is the person who is alleged to have experienced Prohibited Conduct.

**Formal Complaint:** A Formal Complaint is a document signed by the Complainant or the Title IX Coordinator alleging a violation of this Policy against a Respondent and requesting that the College initiate an informal or Formal Resolution of the Formal Complaint pursuant to this

Policy and its procedures. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail as described in this section. For matters involving Title IX Prohibited Conduct, the Complainant must be participating or attempting to participate in the College's educational program or activities at the time of the filing of the Formal Complaint.

**Mandated Reporter:** Mandated Reporters are required to report allegations regarding conduct prohibited by this policy to the Title IX Coordinator. All employees of the Washington College are mandated reporters except student employees. Resident Assistants are the only student employees who are considered mandated reporters.

**Party or Parties:** Refers to the Complainant and the Respondent, collectively.

**Prohibited Conduct:** Conduct prohibited by this Policy, as defined in Section VI.

**Respondent:** When used in this policy, "Respondent" is the person who is alleged to have engaged in Prohibited Conduct.

#### IV. Statement Regarding Privacy and Confidentiality

Washington College is committed to protecting the privacy of all individuals who are involved in a report of Prohibited Conduct. To the fullest extent practicable, consistent with fair and full investigation procedures, information related to a report of Prohibited Conduct will be shared only with those who "need to know" (i) to assist in the investigation or resolution of the report, or (ii) to allow the College to comply with other requirements under this Policy or state or federal law. Individuals who are involved in the review, investigation, or resolution of reports or Formal Complaints are trained to safeguard private information.

Complainants, Respondents, and any witnesses involved in a resolution process under this policy are strongly encouraged to exercise discretion in sharing information learned in such process in order to protect the privacy of the individuals involved, to safeguard the integrity of the process, and to avoid the appearance of retaliation. Complainants and Respondents are not restricted from discussing the allegations set forth in a Formal Complaint.

The College prohibits parties from distributing documents obtained in the course of their participation in matters under this Policy's accompanying procedures, including, but not limited to, the Formal Complaint, interview summaries or transcripts, and the evidence file and investigative report, other than for the purpose of consulting with an advisor; incidental to seeking support and advice from family, clergy, health professionals, and others playing a similar role; or as part of a civil, criminal, or administrative legal proceeding.

As appropriate, in a given case, a College official, such as the Title IX Coordinator, may issue an order restricting the parties from disclosing specific information. Additionally, sharing private information in a manner that harms another individual may constitute retaliation prohibited under this Policy.

The College will provide other participants, such as witnesses, investigators, and hearing and appeal panel members, with instructions about respecting and safeguarding private information. Such persons are obliged to comply with the College's rules regarding privacy.

Students and employees who wish to obtain confidential assistance without making a report to the school may do so by contacting the Confidential Resources listed in Appendix D. These resources will not share any personally identifiable information with other College employees without express permission unless doing so is necessary to address a serious and ongoing threat to the campus community.

When the College receives a report or Formal Complaint of Prohibited Conduct, but the Complainant requests that their identity remain confidential or that the College not take action to address the conduct reported, the College must balance this request against its responsibility to provide a safe and non-discriminatory environment for all members of the campus community. The College will take all reasonable steps to investigate and respond to the report consistent with the Complainant's request, but its ability to do so may be limited. If the College determines that it cannot maintain Complainant's request for confidentiality, the College will inform the Complainant as soon as practicable and will take immediate and necessary action to protect and assist the Complainant. The Complainant will not be required to participate in any proceedings initiated by the College. However, if Complainant declines to participate in an investigation or adjudication under this Policy and its Procedures, the College's ability to meaningfully respond to a report of Prohibited Conduct may be limited.

#### IV. Title IX Coordinator

Washington College has designated the Title IX Coordinator, with the assistance of designated staff, to coordinate the College's compliance with Title IX and related provisions of the Clery Act (as amended by VAWA) and Maryland State Law. The Title IX Coordinator oversees compliance with all aspects of this Policy, including oversight of the College's response to all reports of Prohibited Conduct.

When used in this Policy, the term Title IX Coordinator may include an appropriate designee. The Title IX Coordinator's contact information is:

Gregory K. Krikorian  
300 Washington Ave., Chestertown, MD 21620  
410-778-7752 or 717-344-1371  
gkrikorian2@washcoll.edu or [wctix@washcoll.edu](mailto:wctix@washcoll.edu)

If you have any questions about this Policy, you may contact the College's Title IX Coordinator. The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and related complaint resolution procedures. The Title IX Coordinator may delegate responsibilities under this policy to designated College staff or external professionals, who will have appropriate training or experience. Individuals tasked with aspects of implementation of this Policy and its Procedures are vetted and trained to ensure that in overseeing the institutional response to reports of Prohibited Conduct or the provision of supportive measures they do not act with bias for or against any party in a specific case, or for or against Complainants or Respondents, generally.

## VI. Prohibited Conduct

The conduct prohibited by this Policy (“Prohibited Conduct”) is set out below. The College will respond to all reports of Prohibited Conduct pursuant to the applicable Procedures set out in this Policy.

Conduct that does not meet the definitions below or that is not otherwise prohibited by this Policy may violate other College policies or may be considered inappropriate or unacceptable within the College community. In appropriate cases, the Title IX Coordinator may refer such conduct elsewhere within the College for resolution.

### 1. Title IX Sexual Harassment

Title IX Sexual Harassment is conduct on the basis of sex, occurring within the United States, that constitutes one or more of the following:

- a. Quid Pro Quo Sexual Harassment: an employee of Washington College, conditions the provision of an aid, benefit, or service of the College, on an individual’s participation in unwelcome sexual conduct; or
- b. Hostile Environment Sexual Harassment: unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to the College’s education program or activity.<sup>1</sup>
- c. Sexual Assault: Any sexual act directed against another individual, without the consent of that individual, including instances in which the individual is incapable of giving consent
  - a. Non-Consensual Sexual Penetration (Rape, Sodomy)
    - a. Penetration, no matter how slight, of the vagina or anus of an individual with any body part or object, or oral penetration by a sex organ of another individual, without the consent of the individual or against the individual’s will, or
    - b. not forcibly or against the individual’s will in instances in which the individual is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - b. Non-Consensual Sexual Contact (Fondling)
    - a. The touching of the private body parts of another individual (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, without the consent of the individual or against the individual’s will, or
    - b. not forcibly or against the individual’s will in instances in which the individual is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- c. Incest: Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Maryland law.

- d. Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent. The age of consent in Maryland is 16 years old.
  
- d. Dating Violence: Violence, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with an individual. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

1 Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

- e. Domestic Violence: Violence, committed by a current or former spouse or intimate partner of an individual, by a person with whom the individual shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner, or by a person similarly situated to a spouse of the individual under the domestic or family violence laws of Maryland, or by any other person against an adult or youth individual who is protected from that person's acts under the domestic or family violence laws of Maryland.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- f. Stalking: Engaging in a course of conduct, directed at a specific person, that would cause a reasonable person to fear for that person's safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:
  - a. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
  - c. iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

#### Additional Requirements

Conduct must also meet the following additional requirements to fall within the definition of Title IX Sexual Harassment:

- It must occur within the United States; and

- It must occur within the scope of the College’s educational program or activities;
- It must occur on or after August 14, 2020

Prohibited Conduct occurs within the scope of Washington College’s education programs or activities when:

- It occurs on campus;
- It occurs on a property or in any facility owned and controlled by the College;
- It occurs as part of the College’s operations;
- The College exercised substantial control over the Respondent;
- It occurs in a building owned or controlled by a student organization that is officially recognized by the College.

As described in Section X(4)(b) of this Policy, if conduct alleged in a Formal Complaint does not meet the definition of Title IX Sexual Harassment, the College must dismiss the Formal Complaint (or the allegations of Title IX Sexual Harassment in the Formal Complaint) for purposes of compliance with Title IX. If the conduct would still, as alleged, constitute Non-Title IX Prohibited Conduct under this Policy, the College may continue to address the allegations pursuant to the Procedures in this Policy set forth in Appendix B or C.

## 2. Non-Title IX Prohibited Conduct

In addition to the conduct set forth above as Title IX Sexual Harassment, the following conduct is also prohibited under this Policy:

- a. Non-Title IX Sexual Harassment: Non-Title IX Sexual Harassment includes conduct that meets the definition of Title IX Sexual Harassment but does not occur within the United States or within Washington College’s educational program or activities (e.g., sexual harassment occurs on a school trip outside of the United States).

Non-Title IX Sexual Harassment also includes conduct that does not meet the definition of Title IX Sexual Harassment but otherwise constitutes an unwelcome sexual advance, a request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise when the conditions outlined in (i) or (ii) below are present; or unwelcome conduct based on sex, gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, non-verbal, graphic, physical, or otherwise when the conditions outlined in (i) or (ii) below are present;

- (i) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any College program or activity or is used as the basis of College decisions affecting the individual; or
- (ii) Such conduct creates a hostile environment. A “hostile environment” exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College’s education or employment programs or activities. Conduct must be deemed severe, persistent, or pervasive

from both a subjective and objective perspective. In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature, and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct arose in the context of the discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance or College programs or activities; and
- Whether the conduct is protected by academic freedom or freedom of speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

- b. Non-Title IX Sexual Assault: Non-Title IX Sexual Assault includes conduct that meets the definition of Title IX Sexual Assault but does not occur within the United States or within the College's educational program or activities.
- c. Non-Title IX Dating Violence: Non-Title IX Dating Violence includes conduct that meets the definition of Title IX Dating Violence but does not occur within the United States or within the College's educational program or activities.
- d. Non-Title IX Domestic Violence: Non-Title IX Domestic Violence includes conduct that meets the definition of Title IX Domestic Violence but does not occur within the United States or within the College's educational program or activities.
- e. Non-Title IX Stalking: Non-Title IX Stalking includes conduct that meets the definition of Title IX Stalking but does not occur within the United States or within the College's educational program or activities.
- f. Sexual Exploitation: Sexual Exploitation is intentionally engaging in any of the following:
  - i. Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
  - ii. Making, sharing, posting, streaming or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded;
  - iii. Exposing one's genitals to another person without the consent of that person;
  - iv. Exposing another person to a sexually transmitted infection without the knowledge and consent of the person exposed; and
  - v. Causing another person to become incapacitated with the intent of making that person vulnerable to nonconsensual sexual assault or sexual exploitation

- g. Aiding or Facilitating: Knowingly and intentionally aiding or facilitating any act of sexual misconduct, before or after the fact, is a violation of this policy.
- h. Retaliation: Retaliation is adverse action taken against an individual with the purpose of interfering with an individual's rights under these procedures, including for making a good faith report of prohibited conduct, for participating in an investigation, proceeding, or hearing, or for refusing to participate in an investigation, proceeding, or hearing under these procedures. Retaliation may include intimidation, threats, coercion, discrimination, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Respondent, the Complainant, or any other individual or group of individuals. Retaliation does not include good faith actions pursued in response to a report of prohibited conduct.
- i. False or Bad Faith Allegations: An individual found to have knowingly made a false complaint or report, or to have knowingly given false information during a process under this Policy, may be subject to disciplinary action, up to and including termination of employment or dismissal from the College's academic programs.

### 3. Affirmative Consent, Coercion, Force, and Incapacitation

Affirmative Consent: Sexual contact must be consensual at all times, and sexual contact is considered consensual only after affirmative consent has been given. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. A complaint is NOT considered to have been made in bad faith simply because it is not corroborated or because a finding of responsibility cannot be reached under policy.

The following are principles that apply to the above definition of affirmative consent:

- Consent to any sexual act or prior consensual sexual activity does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs or alcohol.
- Consent may be withdrawn at any time.
- When affirmative consent is withdrawn or can no longer be given, sexual activity must stop.
- A person is incapable of affirmative consent when they are:
  - Less than seventeen years of age;
  - Mentally disabled (a person is mentally disabled when their normal cognitive, emotional, or behavioral functioning renders them incapable of appraising their conduct); or incapacitated.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.



Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats and intimidation (implied threats) that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is intimidation or conduct that would compel an individual to do something against their will by:

- a. expressed or implied threats of physical, emotional, property, or reputational harm, or
- b. pressure that would cause a reasonable person to fear such harm. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

Incapacitation: A person cannot consent if they are unable to understand what is happening or disorientated, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

- a. Incapacitation negates consent. An individual cannot give consent when mentally or physically incapacitated, when the incapacity is known or based on the circumstances should reasonably have been known to be incapacitated.
- b. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
- c. Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.
- d. This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

## VII. Campus and Community Resources

### I. Overview of Resources and Disclosures

Washington College is committed to treating all individuals with dignity, care, and respect. Both Complainants and Respondents have equal access to support and counseling services through the College. All parties are encouraged to utilize on-campus or off-campus resources for assistance. For a comprehensive list of resources, see Appendix D of this policy.<sup>33</sup>

Any individual who has been the victim of a crime is encouraged to get to a safe place and to call 911 or to contact local law enforcement, immediately.

Washington College recognizes that not every individual will choose to report conduct prohibited by this Policy to the College or to law enforcement. Accordingly, Confidential Resources are available to all students and employees. Confidential Resources can provide critical support and information and can assist individuals in evaluating whether to make a report to the College or to law enforcement. Confidential Resources are listed in Appendix D.

As set forth in Appendix D, the staff at Health and Counseling Services are Washington College's designated Confidential Resources. Confidential Resources are certain employees that are required by law to protect confidentiality when acting in the course of their professional duties. Under most circumstances, Confidential Resources will not share information with other individuals without the express consent of the reporting party. An exception may be made if there is an imminent risk of danger to the reporting party or another individual or where required by law, such as in the case of reporting abuse of a minor or vulnerable adult.

All other employees of the College are mandated reporters and have an obligation to share any reports of conduct prohibited by this Policy with the Title IX Coordinator.

## 2. Medical Care After a Sexual Assault

Any person who experiences sexual assault or violence is encouraged to immediately seek medical assistance. Seeking medical care does not result in a report to law enforcement or to the College. In the aftermath of sexual assault or violence, medical providers can facilitate or provide the following:

- o Treatment of any injury or physical trauma
- o HIV and STI testing
- o Pregnancy testing
- o Advice on health care concerns related to the incident
- o Collection and preservation of evidence as a part of a sexual assault forensic exam for potential use in criminal prosecution.
- o Transportation will be provided to an area hospital equipped with SAFE kits.

On-Campus Resources include:  
Health Services (410-778-7261)

Off-Campus Resources include:  
University of Maryland Shore Medical Center at Chestertown (410-778-3300)  
University of Maryland Shore Medical Center at Easton (410-822-1000)

For more information about sexual assault forensic examinations, visit RAINN's webpage, call RAINN's 24-hour National Sexual Assault Hotline: (800) 656-HOPE, or chat online at [online.rainn.org](http://online.rainn.org).

## VIII. Making a Report Under This Policy

## 1. Reporting Guidelines

All members of the Washington College community are encouraged to report information about any form of conduct potentially prohibited by this Policy involving a student or an employee. The College will respond to all reports of Prohibited Conduct, including contacting the Complainant to discuss the availability of supportive measures, resources for support, and options for resolution.

At the time a report of Prohibited Conduct is made, a Complainant does not have to decide whether to pursue resolution of the report through any particular resolution process. Choosing to make a report and deciding how to proceed can be a process that unfolds over time. Although the College may need to take action as a result of a particular report, the College will endeavor to respect a Complainant's wishes in making the decision that is best for them and will provide support to assist each individual in making that decision. Because the conduct prohibited by this Policy often involves behaviors or interactions that are not witnessed by third parties, reports cannot always be substantiated by additional direct evidence. Lack of corroborating direct evidence should not discourage a person from reporting an experience of Prohibited Conduct.

Individuals may make a report of Prohibited Conduct by filling out a CARE Report, by emailing the Title IX Coordinator ([wctix@washcoll.edu](mailto:wctix@washcoll.edu)) or by contacting the following College employees:

Assistant Title IX Coordinators  
Kate Laking, Associate Director, Human Resources  
Cromwell Hall  
[klaking2@washcoll.edu](mailto:klaking2@washcoll.edu), 410-778-7799

Pam Hoffmann, Director of Public Safety  
Cullen Hall (Wicomico wing, lower level)  
[phoffmann2@washcoll.edu](mailto:phoffmann2@washcoll.edu), 410-778-7810

Kari Hughes, Head Women's Rowing Coach  
Johnson Fitness Center  
[khughes5@washcoll.edu](mailto:khughes5@washcoll.edu), 410-778-7226

Karen Manna, Assistant Professor of Foreign Languages  
Goldstein Hall  
[kmanna2@washcoll.edu](mailto:kmanna2@washcoll.edu), 410-810-7493

### a. Mandated Reporters

All College employees are Mandated Reporters, except student employees. Resident Assistants are the only student employees who are Mandated Reporters. When Mandated Reporters become aware of an alleged incident of sexual harassment (which includes sexual assault, dating violence, domestic violence, and stalking) or other conduct prohibited by this Policy, that involves a student as either the Complainant or Respondent, they are always obligated to report the information they have to the Title IX Coordinator. Mandated Reporters should be prepared to report the name, date, time,

location, and description of the incident (if known). They are otherwise required to maintain an individual's privacy to the greatest extent possible.

When the Title IX Coordinator receives a report of Prohibited Conduct, they will contact the Complainant, if known, or another individual reporting the Prohibited Conduct to offer resources and supportive measures. The individual will also be advised of the option to pursue a Formal Complaint, if such an option is available, and any other available reporting options and resources.

A Mandated Reporter who receives a report, should not, under any circumstances, attempt to resolve the report without first reporting it to the Title IX Coordinator. Such failure to report may subject the individual to disciplinary sanctions.

b. Time Frame for Reporting

There is no time limitation on reporting or filing a Formal Complaint of Prohibited Conduct to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on reports and Formal Complaints significantly impacted by the passage of time (including, but not limited to, acts that have been impacted by the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures or remedies, or engage in informal or formal action, as appropriate.

When a Formal Complaint is filed after a significant delay the College will apply the Policy in place at the time of the alleged Prohibited Conduct and the Procedures in place at the time the report was made.

c. Anonymous Reporting

Individuals may submit reports of Prohibited Conduct anonymously. An individual may make a report without disclosing their name, identifying the Respondent, or requesting action. Depending on the level of information included about the conduct or the individuals involved, anonymous reporting may reduce the College's ability to respond or take appropriate action. Moreover, the College will generally not be able to take disciplinary action against an individual based solely on an anonymous report. A form that can be used for anonymous reporting can be found here: [https://www.washcoll.edu/people\\_departments/offices/public-safety/anonymoustips.php](https://www.washcoll.edu/people_departments/offices/public-safety/anonymoustips.php)

d. Public Awareness and Advocacy Events

Public awareness or advocacy events at which community members disclose incidents of Prohibited Conduct do not initiate the College's Title IX obligations, including its obligation to investigate reports of Prohibited Conduct. Such events may, however, inform the need for campus-wide educational and prevention efforts, and the College may implement broad community initiatives in response to such events where appropriate.

## 2. Response to Reports of Prohibited Conduct

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator will provide Complainant with an explanation of their rights under this Policy, the process for filing a Formal Complaint, and an overview of their options for resolution of the Formal Complaint and the Procedures associated with each resolution process. The Complainant will also be informed of the range of possible outcomes of the resolution process, including potential remedial actions and possible disciplinary actions that may be taken against the Respondent upon a finding of a violation of this Policy. The Complainant will also be advised of their right to request that the College refrain from initiating a resolution process and their right to file a report with Washington College Public Safety and state and local law enforcement.

The Complainant will be informed of the availability of supportive measures regardless of whether Complainant files a Formal Complaint. The Title IX Coordinator will consider the Complainant's requests for supportive measures in accordance with Section, IX of this Policy.

## 3. Advisors

The Complainant and Respondent have the right to have an advisor of their choosing present with them at all stages under this Policy and its Procedures. The advisor may be any person, including an attorney. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the investigation or resolution of a report under this Policy. While the advisor may provide support and advice to the parties at any meeting or proceeding, the College may establish restrictions regarding the extent to which the advisor may participate in the proceedings. Advisors may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt, or interfere with meetings or proceedings, with the exception that a party's advisor participating in a hearing under Appendix A will ask questions of the other party and witnesses.

An advisor should plan to make themselves reasonably available, and the College will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability.

If an advisor fails to comply with the Procedures set forth herein or established rules of decorum, the College reserves the right to exclude the advisor from further participation in the process. The Title IX Coordinator is responsible for interpreting and applying this provision.

In sexual misconduct cases involving students only, the Complainant and the Respondent may have no more than two people (i.e., a personal supporter, an attorney, a trained advocate, or an advocate supervised by an attorney) at any hearing, meeting, or interview during the investigation and hearing process. Support persons should not also be witnesses to the matter. The support person, advisor, and attorney are permitted to be present and to provide private advice and counsel to the student only, but is not permitted to participate in hearings, meetings, or interviews directly (for instance, the advisor is not permitted to address the investigators or hearing panelists). Disruptive

supporters, attorneys, or advisors may be removed and prohibited from further participation in the investigation and hearing process. Student Complainants and Respondents may access attorneys paid for by the Maryland Higher Education Commission (MHEC) or who agree to participate on a pro bono (without charge) basis. Information regarding accessing counsel through MHEC can be found on the MHEC website. Students may knowingly and voluntarily choose not to have counsel.

#### 4. Amnesty for Drug and Alcohol Use

The health and safety of every student and employee at Washington College is of utmost importance. The College recognizes that students or employees who have been drinking or using drugs (whether such use is voluntary or involuntary) in violation of other College policies may be hesitant to report incidents due to fear of potential consequences for their own conduct. The College strongly encourages individuals to report such Prohibited Conduct. A Complainant, bystander, or other individual who in good faith reports Prohibited Conduct under this Policy to a College official or law enforcement shall be covered under the College's Medical Amnesty Policy as outlined in the Student Handbook.

#### 5. Coordination with Law Enforcement

Washington College strongly encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence, and dating and domestic violence, and stalking that may also be crimes under Maryland law. The College will assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue criminal action to the extent permitted by law.

Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings. The College may not delay conducting its own investigation unless specifically requested by the law enforcement to do so.

In the event of such a specific request, the College will defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten days absent extenuating circumstances. The College will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of supportive measures to assure safety and well-being. The College will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

### IX. Supportive Measures

Washington College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, or

retaliation. Supportive measures are non-disciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, or deter harassment, discrimination, or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice of a report or a Formal Complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a Formal Complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant and Respondent to ensure that their wishes are taken into account with respect to the supportive measures that are offered. The College will maintain the privacy of the supportive measures, provided that privacy does not impair its ability to provide the supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

Supportive measures may include, but are not limited to:

- Referral to counseling, medical, or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties<sup>2</sup>
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

#### Review of Supportive Measures

Upon request, a Complainant or Respondent will be afforded a reasonable and prompt review of any supportive measure that directly affects them and will be permitted to submit evidence in support of any changes requested.

#### Emergency Removal

If after undertaking an individualized safety and risk analysis, the Title IX Coordinator, in consultation with the Vice President for Student Affairs or designee determines that the Respondent poses an immediate threat to the physical health or safety of any

student or other individual in the College community, the College may remove the Respondent on an emergency basis. The length and nature of the removal will depend on the facts of the case. The College will notify the Respondent of the emergency removal. Both the Complainant and the Respondent will have an opportunity to challenge the decision and its terms, including by submitting evidence, immediately following the removal to the Vice President for Student Affairs or designee.

#### Administrative Leave

The College may place a non-student employee Respondent on administrative leave, consistent with the Employee Information Guide, during the pendency of a Formal Resolution process conducted pursuant to this Policy and its procedures.

## X. Resolution Process

### 1. Options for Report Resolution

Reports of Prohibited Conduct are generally resolved either through a support-based resolution of a report of Prohibited Conduct, an informal resolution of a Formal Complaint, or a Formal Resolution of a Formal Complaint.

2 When a no contact order has been issued as a supportive measure or sanction in response to a complaint of a pattern or repeated actions on the part of the Respondent (such as, for example, a complaint of stalking or repeated sexual harassment), violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

### 2. Initial Inquiry

When the Title IX Coordinator receives any report of Prohibited Conduct, the Title IX Coordinator will initiate an inquiry into the allegations. Information learned during the initial inquiry will inform the Title IX Coordinator's determination regarding the provision of supportive measures to the parties and appropriate resolution processes.

### 3. Support-based Resolution

A Support-based Resolution of a report of Prohibited Conduct occurs when the report does not result in the filing of a Formal Complaint. Support-based resolutions will include the offering and provision of supportive measures intended to restore equal access to the College's educational programs and activities and to preserve a safe and non-discriminatory environment for living, working, and learning.

### 4. Formal Complaints

A Formal Complaint is a document signed by the Complainant or the Title IX Coordinator alleging a violation of this Policy against a Respondent and requesting that the College initiate an informal or Formal Resolution of the Formal Complaint pursuant to this Policy and its Procedures. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. For matters involving Title IX Prohibited Conduct, the Complainant must be participating or attempting to participate in the College's educational program or activities at the time of the filing of the Formal Complaint.



If the Complainant chooses not to file a Formal Complaint, the Title IX Coordinator has discretion to file a Formal Complaint. Where the Title IX Coordinator determines that the College cannot honor the Complainant's request that no Formal Complaint be pursued under this Policy, the Title IX Coordinator will promptly initiate the resolution process by making a signed, written Formal Complaint on behalf of the College. In determining whether to file a Formal Complaint, the Title IX Coordinator will consider the following:

- Whether the Respondent has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct by the Respondent from previously noted behavior;
- The increased risk that the Respondent will commit additional acts of violence;
- Whether the Respondent used a weapon or force;
- Whether the Complainant is a minor;
- Whether the College possesses other means to obtain evidence such as security footage; and
- Whether available information reveals a pattern of perpetration at a given location or by a particular group.

If the Title IX Coordinator decides to file a Formal Complaint, The Title IX Coordinator will notify the Complainant of the College's intention to proceed with a Formal Complaint and will take immediate action as necessary to protect and assist the Complainant. The Title IX Coordinator will make reasonable efforts to protect the privacy of the Complainant. However, typically, the Complainant's identity would have to be disclosed as part of the College's investigation. The Complainant is not required to participate in any proceedings that follow. However, if the Complainant declines to participate in an investigation or the adjudicative process under this Policy and its Procedures, the College's ability to investigate meaningfully and respond to a report of prohibited conduct may be limited.

1. Consolidation of Formal Complaints

The Title IX Coordinator has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident might be relevant to the others. Consolidation might involve multiple Complainants and a single Respondent, multiple Respondents, or conduct that is temporally or logically connected. In the event that the allegations under this Policy involve allegations of a violation of a separate policy, the College will have the right, within its sole discretion, to consolidate those other allegations within one investigation or hearing under this Policy and its accompanying Procedures.

2. Dismissal of Formal Complaints

After the filing of the Formal Complaint, or during the initial inquiry, investigation, or resolution process, it may become apparent that conduct alleged in a Formal Complaint does not meet the definition of Title IX Sexual Harassment as defined in section VI(1) of this Policy. In that case, in accordance with Title IX, the Title IX Coordinator must

dismiss the Formal Complaint (or the allegations of Title IX Sexual Harassment, therein). If the conduct would still, as alleged, constitute Non-Title IX Prohibited Conduct as defined in section VI(2) of this Policy, the College will continue to address the allegations pursuant to this Policy and the resolution procedures set forth in Appendices B or C. If the conduct, as alleged, does not constitute a violation of this Policy, the Formal Complaint will be dismissed in its entirety. If the conduct, as alleged, violates another College policy, the Title IX Coordinator must transfer the matter, and all information related to it, to the appropriate College office for assessment and potential further action.

The Title IX Coordinator may dismiss a Formal Complaint and close a case where:

- there is no jurisdiction under these procedures;
- the facts set forth in the Formal Complaint do not constitute prohibited conduct under these procedures;
- the Complainant fails or refuses to cooperate with the investigation such that the investigator is unable to investigate despite reasonable measures, including where the Complainant cannot be located, the Complainant fails or refuses to be available for interviews or meetings, or the Complainant fails to provide necessary information;
- the Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations therein, prior to resolution;
- the Respondent is no longer enrolled in, or employed by, the College; or
- specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. The parties may appeal the dismissal of the Formal Complaint on any of the bases and pursuant to the procedures set forth in Section XII Appeals, below.

## 5. Notice of Allegations

At the issuance of a Formal Complaint, the Title IX Coordinator will notify the Complainant and the Respondent, in writing, of the filing of the Formal Complaint and commencement of resolution process pursuant to this Policy and its Procedures and will provide both parties with a copy of the Formal Complaint. Such notice will:

- identify the Complainant and the Respondent;
- specify the alleged prohibited conduct and its date, time, and location, to the extent known;
- specify the basis for jurisdiction over the Formal Complaint;
- specify the factual allegations pertaining to the prohibited conduct;
- specify any sanctions that may be imposed, including the College's transcript notation policy;
- specify which procedures will be used to resolve the Formal Complaint

- identify the investigator(s) or the facilitator of informal resolution;
- include information about the parties' respective rights and obligations under this Policy and the applicable procedures;
- inform the parties of their right to have an advisor of choice at all stages of the resolution process, who may accompany the respective parties to meetings and proceedings;
- inform the parties of the range of available resources, including mental health and academic support resources;
- explain the prohibition against retaliation; and
- instruct the parties to preserve any potentially relevant evidence, whatever its form.

If, at any point prior to the resolution of the Formal Complaint, the Title IX Coordinator determines that there are additional allegations of Prohibited Conduct not included in the original notice that should be investigated, the Title IX Coordinator must provide the parties with an amended notice of additional allegations.

## 6. Informal Resolution

At any time after a Formal Complaint has been filed and before a hearing commences, the parties may seek to resolve a report of prohibited conduct through Informal Resolution, an administrative process. Participation in Informal Resolution is entirely voluntary; the Title IX Coordinator will neither pressure nor compel either party to participate in the process or to agree to any specific terms. In every case, the Title IX Coordinator has discretion to determine whether the matter is appropriate for Informal Resolution and to determine the appropriate terms.

Before the Title IX Coordinator approves the Informal Resolution process or the terms of any Informal Resolution, the Title IX Coordinator will determine that they have sufficient information about the matter to make these decisions. The parties are strongly encouraged, although not required, to consult with their advisors during the Informal Resolution process.

If the process is terminated for any reason, the matter will be re-evaluated for resolution pursuant to the Formal Complaint resolution process under this Policy and its Procedures. For this reason, the investigator will not participate in Informal Resolution. The Title IX Coordinator will oversee the Informal Resolution process and have access to all College records in the matter, including any records or reports prepared during an investigation.

The Title IX Coordinator will consult separately with both parties and recommend to the parties the terms of a potential Informal Resolution agreement. Such terms may include, but are not limited to, any sanctions or remedies that could be imposed as a result of a finding following a hearing under these proceedings.

Both parties must agree to the terms before an Informal Resolution agreement becomes effective. At any time before a written agreement is effective, the Complainant or the

Respondent may withdraw from the Informal Resolution process, and the Title IX Coordinator may also, at their discretion, terminate the process.

If both parties are satisfied with the Title IX Coordinator's recommendation, the matter will be resolved with a written agreement. The Title IX Coordinator will provide each party, separately, with a copy of the proposed agreement for the party to review, sign, and return. If both parties return the signed written agreement to the Title IX Coordinator the terms of the agreement will become effective, and the Title IX Coordinator will promptly notify both parties in writing that the agreement is final. Once the agreement is effective, the parties may not appeal the agreement and the Complainant may not seek to refile the Formal Complaint absent new allegations of misconduct. The parties are expected to honor and comply with the terms of the Informal Resolution. Noncompliance may be subject to proceedings under the other College policies.

If the process is terminated and the matter is resolved pursuant to the Formal Resolution process, neither the Title IX Coordinator nor the parties will disclose to the Investigator, Decision-maker, or Appellate reviewers either the fact that the parties had participated in the Informal Resolution process or any information learned during the process.

While the parties are exploring Informal Resolution, any pending investigation will pause, and the time spent pursuing resolution in this way will not count toward the investigation time limit.

Informal Resolution typically takes two forms: (1) Restorative Agreements, or (2) Negotiated Agreements. Other forms of informal resolution may be available in the discretion of the Title IX Coordinator, in agreement with both parties. Informal resolution is NOT available to resolve complaints alleging sexual assault or sexual coercion. ‘

a. Restorative Agreement

The purpose of a Restorative Agreement is for the parties to identify and agree on a set of remedies. Upon successful completion of those remedies, the Formal Complaint will be resolved and may not be refiled. Such remedies may include:

- Impact Letter;
- Apology Letter;
- Directed Study;
- Reflection Paper; or
- Other forms of restorative actions

b. Negotiated Agreement

As a necessary precondition of a Negotiated Resolution, the Respondent must accept responsibility for all or part of the alleged prohibited conduct. The parties will then have an opportunity to negotiate with the Title IX Coordinator what they believe the appropriate sanction should be. In support of their

position, parties are encouraged to submit impact/mitigation information they believe the Title IX Coordinator should consider in evaluating any sanction.

The Title IX Coordinator has the discretion to propose other terms for the resolution that may be appropriate to address the prohibited conduct for which the Respondent has accepted responsibility.

If the Respondent agrees to a Negotiated Agreement under Informal Resolution that provides for a suspension, withdrawal, or dismissal (i.e., expulsion) from the College, there will be a transcript notation consistent with the College's policy.

## 7. Formal Resolutions

The Formal Resolution process is guided by provisions of this section of this Policy and by the Procedures accompanying this Policy. The applicable procedure is determined by the type of prohibited conduct alleged (Title IX Sexual Harassment or Non-Title IX Prohibited Conduct) and the identity of the Respondent. Upon receipt of a report or a Formal Complaint, the Title IX Coordinator will determine which procedure applies.

The Formal Resolution process is overseen by the Title IX Coordinator and will be conducted in a prompt and equitable manner, pursuant to the time frames set forth in Section XIII. Throughout the Formal Resolution process, all responsible personnel will maintain a commitment to impartiality.

### a. Evidentiary Standard and Burden of Proof

The Respondent is presumed not responsible. A Respondent will be found responsible for violating this Policy only when such a finding is supported by the Preponderance of the Evidence. Washington College, not the parties, has the burden of proof and the burden of gathering evidence sufficient to reach a finding of responsibility.

### b. Investigation and Adjudication Procedures

Appendix A outlines the procedures for the resolution of reports of Title IX Sexual Harassment in violation of this Policy.

Appendix B outlines the procedures for the resolution of reports of Non-Title IX Sexual Misconduct committed by students in violation of this Policy.

Appendix C outlines the procedures for the resolution of reports of Non-Title IX Sexual Misconduct committed by employees in violation of this Policy.

## XI. Sanctions

Remedial actions include (but are not limited to):

- College warning (except in cases of sexual assault/violence)
- Restrictions limiting access or participation in activities

- Suspension/expulsion
- Probation
- Termination of employment
- Protection from retaliation
- Counseling for the Reporting Party
- Other steps to address the impact of harassment or discrimination on the Reporting Party, any witnesses, and the College community

## XII. Appeals

Both the Complainant and the Respondent may appeal the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein or, the determination of responsibility following a hearing or, on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- Sanction or remedies imposed are not commensurate with finding made.

A party may commence an appeal by submitting a written statement to the Title IX Coordinator within ten (10) business days of issuance of the final determination of responsibility or the dismissal of the Formal Complaint. The appeal statement must set forth:

- the determination(s) being appealed,
- the specific ground(s) for the appeal, and
- the facts supporting the grounds.

The appeal statement will be limited to 3,500 words. Failure to submit an appeal within the ten (10) business days or any approved extension constitutes waiver of the right to appeal.

A copy of the appeal statement will be provided to the other party, who, within ten (10) business days may submit a written response to the Title IX Coordinator. The response should address both the specific ground(s) for appeal set forth in the appealing party's statement and the specific facts asserted by the appealing party. The response will be limited to 3,500 words.

The Title IX Coordinator will submit the appeal and response, if any to the appellate panel, which will be comprised of three individuals appointed by the Title IX Coordinator. The panel members/reviewer will not be the Title IX Coordinator, the investigator, or a Decision-maker. The Appeal Panel will establish a reasonable schedule for issuing a written decision, typically no later than thirty (30) business days after receipt of the non-appealing party's submission or the time for submission has expired.

The Appeal Panel may affirm the decision or sustain any of the above-specified grounds for appeal, in which case the Appeal Panel may:

- reverse a decision or finding;
- change a sanction or remedy;
- remand a decision to the Title IX Coordinator;

- remand a case to the original Decision Maker(s) for clarification or reconsideration consistent with the Appeal Panel’s decision, if doing so would assist with a timely, practicable, and efficient resolution of the case;
- remand a case for a new hearing to either the original Decision Maker(s) or a newly composed Decision Maker(s); or
- remand a case for a new or additional investigation, followed by an adjudication consistent with these procedures, to either the original investigator or to a new investigator.

If the Appeal Panel reverses a finding of not responsible, the Appeal Panel must also determine the sanctions and remedies to be included in their written decision. If the Impact/Mitigation Statements have not previously been distributed, they would be distributed to both parties only upon a finding of responsibility, and, in that instance, when the Title IX Coordinator distributes the Appeal Panel’s written decision to the parties.

If the Appeal Panel calls for the admission of new evidence, if possible, it will remand the case to the Decisionmaker from which it originated for a new hearing or review. Upon remand from the Appeal Panel, as necessary and possible, a Decision-maker may remand a case to the investigator from which it originated for further investigation.

The decision of the Appeal Panel will be final and binding on all parties.

### XIII. Time Frames

Washington College seeks to resolve all reports of Prohibited Conduct pursuant to the following time frames

- Informal Resolution: The informal resolution process is typically completed within 30–60 calendar days.
- Formal Resolution: The formal resolution process is typically completed within 90–120 calendar days.

The Title IX Coordinator may extend the time frames for good cause. Good cause for extension may include the unavailability of the parties or their advisors, concurrent law enforcement investigation, the complexity of the allegations, or other extenuating circumstances. Any extension, and the reason(s) therefore, will be shared with the parties, in writing.

### XIV. Training

The Title IX Coordinator, Investigators, Decision-makers, Appellate Reviewers, and Facilitators of Informal Resolutions, shall, at a minimum, receive all training and education required pursuant to Title IX, the Violence Against Women Act, and Maryland State Law.

### XV. Record Keeping

Washington College will maintain the following records:

- Records of reports of Prohibited Conduct under this Policy and any actions taken in response to the reports, including the issuance of supportive measures and educational efforts;

- Records related to each Formal Resolution process;
- Records related to each Informal Resolution process;
- Materials used to train and educate the Title IX Coordinator, Investigators, Decision-makers, Appellate Reviewers, and Facilitators of Informal Resolutions.

This information will be used by the Title IX Coordinator to monitor patterns and areas of concern. In general records will be kept for seven (7) years after the date the reported incident is resolved. Certain records may be retained longer in the College's sole discretion, including for active employees.

## 10.01 Appendix A: Procedures for the Formal Resolution of Formal Complaints of Title IX Sexual Harassment

### I. Scope of These Procedures

The procedures set forth below will guide the investigation and adjudication of Formal Complaints of Title IX Sexual Harassment, as defined in Section VI(1).

### II. Initiation of the Investigation

An investigation under these procedures will be initiated at the Title IX Coordinator's direction after the filing of a Formal Complaint and the issuance of a Notice of Allegations to the parties.

### III. The Investigation

#### 1. Overview of the Investigation

The investigation is a neutral fact-gathering process. During the investigation, the parties will have an equal opportunity to be heard, to submit evidence, to identify witnesses who have relevant information, including fact and expert witnesses, and to submit questions that they believe should be directed by the investigator to each other or to any witness. The investigators will also seek to obtain relevant evidence identified during the investigation, including relevant evidence that has not been offered by either party. The College may continue an investigation without the participation of any party.

#### 2. The Investigator

Investigations will be conducted by one or more appropriately trained individuals appointed by the Title IX Coordinator. The Investigator(s) will be impartial and will conduct a prompt, thorough, and fair investigation. The Investigator(s) may be a College employee or an external party.

#### 3. Evidence Collection

##### a. Testimonial Evidence Collection: Investigative Interview

Testimony is evidence. Thus, throughout the investigation, the Investigator(s) will endeavor to interview the parties and other individuals (witnesses) who have information that is relevant or directly related to the allegations in the Formal



Complaint, including fact and expert witnesses. The Investigator(s) will provide to everyone whose participation in an investigative interview is invited or expected written notice of the date, time, and location of the interview, and the parties will be given a sufficient time to prepare to participate.

If a party declines to participate in investigative interviews deemed necessary by the investigator, the party will forfeit the opportunity at the hearing to provide testimony at the hearing. If a witness declines to participate in an investigative interview, they will not be permitted to provide testimony at the hearing.

Investigative interviews may be conducted in person, or via telephone or video conference. Investigative interviews will be recorded. Following the investigative interview, the Investigator(s) will prepare a full written summary of the interview (“Interview Summary”). This summary will be shared with the interviewee and the interviewee will be provided three (3) business days to submit, in writing to the investigator, any corrections to, or comments about, or proposed changes to, the interview summary that the interviewee believes is necessary to ensure the accuracy of the interview summary. Submissions made by the interviewee will be attached to the original summary. The deadline for submitting a response may be extended for good cause, upon request to the Investigator(s). If no response is received from the interviewee, the summary prepared will be presumed accurate.

b. Non-Testimonial Evidence Collection

During the investigative interviews, the Investigator(s) will gather other available evidence and information that is directly related to the allegations in the Formal Complaint, including, without limitation, electronic and other records of communications between the parties or witnesses (via voicemail, text message, audio messages, email, or social media sites), photographs and videos, medical records (subject to required consent), and records generated by public safety or law enforcement.

c. Evidence Collection Logs

The Investigator(s) will maintain a log of all testimonial and non-testimonial evidence obtained and the source of such evidence. The Investigator(s) will also maintain a log of all testimonial and nontestimonial evidence offered or sought, but not obtained, and the reason such evidence was not obtained. These logs will be made a part of the evidence file.

4. Review of the Draft Investigative Report and Draft Evidence File

a. The Draft Evidence File

At the conclusion of the investigation, the Investigators will compile all of the evidence that is directly related to the allegations in the Formal Complaint, including the summaries of the statements the parties and witness, evidence that is both inculpatory and exculpatory, and evidence upon which the investigator does not intend to rely. This compilation of evidence will be referred to as the “Draft Evidence File.”

The Draft Evidence File will be intentionally organized to support comprehension and will be divided into at least two sections. One section will include evidence obtained that the Investigator(s) deems relevant to the allegations in the Formal Complaint. The other section(s) will include evidence that the Investigator(s) do not deem relevant, but that is otherwise directly related to the allegations in the Formal Complaint.

b. The Draft Investigative Report

The Investigator(s) will also prepare a “Draft Investigative Report” that fairly summarizes the relevant evidence. The Draft Investigative Report will not include any findings.

c. Review and Opportunity to Respond

Upon completion, the Investigator(s) will share the Draft Evidence File and Draft Investigative Report with the parties and their advisors electronically, or by hard copy. The parties will then be afforded ten (10) business days to review the Draft Evidence File and Draft Investigative Report and to submit an optional written response, which may include responses to the evidence and requests that the Investigator(s) accept, seek, or obtain additional evidence or conduct follow up inquiries of the other party(ies) or witnesses. The parties' responses may also include challenges to the Investigator's assessment of relevance. Any responses submitted by the parties will be shared with the other party and made a part of the Final Evidence File.

d. Additional Evidence Collection

The Investigator(s) will consider the written responses of the parties, if any, and will determine in their sole discretion, whether further investigative steps are required. If additional investigative steps are taken that result in collection of additional evidence, such additional evidence will be included in the Draft Investigative File and incorporated, as appropriate, into the Draft Investigative Report. The new evidence and any changes to the Draft Investigative Report and will be shared with the parties and their advisors electronically, or by hard copy. The parties will be provided with a final opportunity to respond, in writing. The Investigator will determine the length of this review period. Any additional responses submitted will be shared with the other party and made a part of the Final Evidence File.

e. Prohibition of Evidence Not Offered During the Investigation

In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator(s) during the investigation or during this designated response and review period will not be considered in the determination of responsibility for a violation of the Policy and will not be considered during the hearing process.

5. Final Investigative Report and Final Evidence File

At the conclusion of the fact gathering process and the review periods, as described in this Procedure, the Investigator(s) will prepare a Final Investigative File and Investigative Report.

a. The Final Investigative File

The Final Investigative File will include all of the evidence that is directly related to the allegations in the Formal Complaint, including the summaries of the statements the parties and witness, evidence that is both inculpatory and exculpatory, and evidence upon which the College does not intend to rely. The Final Investigative File will also include any responses submitted by the parties during the evidence review period and a timeline of all procedural steps taken by the College from the time of the filing of the Formal Complaint to the conclusion of the investigation.

The Final Evidence File will be intentionally organized to support comprehension and will be divided into at least two sections. One section will include evidence obtained that the Investigator(s) deems relevant to the allegations in the Formal Complaint. The other section(s) will include evidence that the Investigator(s) do not deem relevant, but that is otherwise directly related to the allegations in the Formal Complaint. The final section will include the procedural timeline.

b. The Final Investigative Report

The Final Investigative Report will be prepared by the Investigator(s) and will fairly summarize all of the relevant evidence obtained during the investigation. Relevance Determinations are generally guided by the principles set forth below in Section V of this Procedure.

c. Submission of the Final Investigative Report and Evidence File to the Parties

The Final Investigative Report and Evidence File will be simultaneously provided to the parties and their advisors in electronic format or hard copy, at least ten (10) business days prior to a hearing. The parties will have ten (10) business days to submit a written response to the Final Investigative Report and Evidence File.

The Final Investigative Report and Evidence File, and any written responses submitted by the parties will be provided to the Decision Maker(s).

IV. The Hearing

1. Overview

Upon conclusion of the investigation, a hearing will be held to determine whether the Respondent is responsible for the alleged policy violations in the Formal Complaint. As set forth in Section X of this Policy, the Respondent is presumed not responsible. A Respondent will be found responsible for violating this Policy only when such a finding is supported by the Preponderance of the Evidence. The hearing is a private proceeding. The only people present will be the parties, their advisors, the Decision-maker(s), witnesses (when testifying), and any staff necessary for conducting the hearing.

2. Hearing Participants

a. Decision-makers

The College will designate the Decision-maker for the moderation of the hearing and determination of finding and sanction. This may take the form of a single decision-maker or a three-member panel at the Title IX Coordinator's discretion.

With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator. The Decision-maker(s) may not be the Title IX Coordinator, a facilitator of informal resolution, or the investigator. Upon receipt of the notice of the Decision-Maker or three-member panel, Parties will have three (3) business days to object to the appointment of a Decision-maker, on the basis of demonstrated bias or conflict of interest.

b. The Parties

The Parties are permitted to participate in the entirety of hearing, portions thereof, or they can decline to participate in the hearing entirely, and the Decision-maker(s) will not draw an adverse inference against a party based solely on their decision not to participate in all or some of the hearing proceedings.

In accordance with Section III(3)(a) of these procedures, if a party declined to participate in investigative interviews deemed necessary by the investigator, the party will not be permitted the opportunity to provide testimony at the hearing.

Nonetheless, if a party who has so declined to participate in investigative interviews later seeks to participate in a hearing, upon a finding that there was a compelling reason for the nonparticipation, the Hearing Chair, upon the Chair's discretion, may permit the party to participate. If the Hearing Chair permits the party to participate in the hearing, the Hearing Chair will first reschedule or adjourn the hearing for the investigator to interview the party and, as necessary, conduct any follow-up investigation and supplement and revise the evidence file and the investigative report.

c. Advisors

The parties have the right to have an advisor of their choice present at the hearing in accordance with Section X(2) of this Policy. If a party does not have an advisor of choice, the Title IX Coordinator will appoint an advisor to that party for the sole purpose of conducting cross examination of other party and witnesses. A party's advisor of choice or an advisor appointed by the Title IX Coordinator may participate in the hearing for the sole purpose of conducting cross examination in the absence of their advisee.

As set forth in Section X(2) of this Policy, Advisors may not speak on behalf of the parties or otherwise participate in, or in any manner delay or disrupt the hearing. If an advisor fails to comply with the procedures set forth herein or the established rules of decorum, the College reserves the right to exclude the advisor from further participation in the process. The Title IX Coordinator is responsible for interpreting and applying this provision.

d. Witnesses

The Decision-maker(s) will determine, in their sole discretion, which witnesses will be invited to provide testimony at the hearing. Witnesses who are invited to participate in the hearing will be permitted to attend the hearing only when providing testimony.

In accordance with Section III(3)(a) of these procedures, a witness who declined to participate in an investigative interview will not be permitted to provide testimony at the hearing.

However, if a witness who has so declined to participate in investigative interviews later seeks to participate in a hearing, upon a finding that there was a compelling reason for the nonparticipation, the Decision-maker(s), upon their discretion, may permit the party to participate. If the Decisionmaker(s) permits the party to participate in the hearing, the Decision-maker(s) will first reschedule or adjourn the hearing for the investigator to interview the party and, as necessary, conduct any follow-up investigation and supplement and revise the evidence file and the investigative report.

e. Hearing Facilitators

The orderly administration of hearings will be supported by Hearing Facilitators, who are individuals either internal or external to the College and appointed by the Title IX Coordinator.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role.

3. Notice of Hearing

The Title IX Coordinator will notify the parties in writing of the date, time, and location/format of the hearing. The notice will include the charges at issue; a brief summary of the alleged prohibited conduct; and the applicable procedures under this Policy. All efforts will be made to provide the Notice of Hearing no later than five (5) days prior to the hearing and to schedule the hearing as soon as practicable.

Either party may request to have a hearing rescheduled. The request may be granted at the discretion of the Title IX Coordinator. Absent extenuating circumstances, requests to reschedule must be submitted at least three (3) days prior to the hearing. A request to reschedule a hearing must be supported by a compelling reason. Given the number of individuals involved in a hearing, and the attendant difficulty of scheduling and rescheduling them in a timely manner, it may not be possible to accommodate all scheduling requests. The Title IX Coordinator may also reschedule a hearing, without a request by the parties, when there is reasonable cause to do so.

4. Hearing Format

The hearing will be live and will provide the parties an opportunity to address the Decision-maker(s) in person. Participants may be physically present in the same geographic location, or at the College's discretion, some or all of the hearing may be conducted remotely, using virtual platforms (i.e., video conferencing). Upon request to the Title IX Coordinator, a party may participate in the hearing remotely. Such requests for remote participation should be made at least two (2) days in advance of the scheduled hearing.

## 5. Pre-Hearing Conferences

At least three (3) days prior to the hearing, the Title IX Coordinator and the Decision-maker(s) will meet with the parties and their advisors, separately, for the purposes of conducting a pre-hearing conference. At the pre-hearing conference, the Decision-maker(s) will review these procedures, the Rules of Decorum, and the proposed hearing schedule and the parties will be permitted to ask questions. The Decision-maker(s) will not discuss matters of evidence or evidentiary issues with the parties during the pre-hearing conference.

## 6. Impact Mitigation Statements

The parties will be permitted, but not required, to prepare a written Impact/Mitigation Statement relevant to any sanctions. The parties may submit the statement up until the start of a hearing. The statements are distributed to the Decision-maker(s) and the parties only if the Decision-maker(s) finds the Respondent responsible. The Title IX Coordinator will provide the Impact/Mitigation Statements to the parties with a copy of the Decision Maker(s)'s written decision.

## 7. Hearing Procedures

Typically, the format of the hearing will be as follows:

### a. Opening Instructions

The hearing will begin with opening instructions by the Hearing Chair. The parties will be afforded the opportunity to ask questions about the format of the hearing and these procedures at the conclusion of the Chair's opening instructions.

### b. Testimony

The Decision-maker(s) will determine the order of testimony. The Decision-maker(s) will question the party or witness first, followed by cross examination of a party by the other party's advisor. In the case of witness testimony, the Decision-maker(s) will question the witness first, followed by cross examination of the witness, first by Complainant's advisor and next, by the Respondent's advisor.

During cross examination, the party's advisor will be permitted to ask the opposing parties and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Before a Complainant, Respondent, or witness responds to a question by a party's advisor, the Decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The Decision-maker(s) retain authority to ask questions at any time during testimony, including during cross examination by the advisors.

### c. Closing Remarks by the Hearing Chair

At the conclusion of testimony, the Hearing Chair will conclude the proceedings with brief closing remarks.

## 8. Determination Regarding Responsibility and Notice of Outcome

The Decision-maker(s) will determine whether Respondent is responsible of the alleged violation(s) of the Policy by a majority vote based upon a preponderance of the evidence standard. The Decisionmaker(s) retains discretion regarding the weight or credibility to assign the evidence. If the Decisionmaker(s) make a finding of responsibility, the Decision-maker(s) will determine the appropriate sanctions and remedies.

In matters where a finding of responsibility is made, the Decision-maker(s) will consider the Impact/Mitigation statements of the parties prior to determining sanction.

The Decision-maker(s) will issue a written determination of findings that will include the procedural steps taken during the investigation, the specific prohibited conduct for which the Respondent was found responsible and not responsible with identification of the allegations potentially constituting Title IX sexual harassment, the findings of fact and the rationale for the Decision Maker(s)'s determinations regarding both responsibility and sanctions, whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant, sanctions and remedies if the Respondent is found responsible, and, instructions and time limits for appeals.

The decision may incorporate and reference any portions of the proceedings, including the evidence file and investigative report, as the Decision-maker(s) deems appropriate. Both the Complainant and the Respondent will be simultaneously provided with a notice of outcome and the Decision-maker(s) written determination.

## 9. Hearing Record

An audio recording will be made of all hearings, but not of deliberations. The parties may listen to the audio recording of the hearing. Access will be facilitated in a manner deemed appropriate by the Title IX Coordinator.

Individuals appearing before the Decision-maker(s), whether as a party or witness, are prohibited from recording any portion of the hearing. The Decision-maker(s) members are also prohibited from recording any portion of the hearing.

The Decision-maker(s) has access to the hearing record. The hearing record will include: the audio recording and written transcript of the hearing, the Decision-maker(s)'s final determination, the final evidence file and investigative report, and if there is a determination of responsibility, the parties' Impact/Mitigation Statements, and information concerning the Respondent's prior misconduct.

## V. Evidentiary Considerations

### 1. Relevance

Determinations regarding relevance of any proffered evidence will be subject to the following requirements:

#### a. Prior Sexual History of Complainant

Evidence and questions about the Complainants sexual predisposition or prior sexual behavior are considered irrelevant unless such questions and evidence

about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

b. Prior or Subsequent Conduct

Prior or subsequent conduct of a Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of conduct prohibited by this policy by a Respondent, either before or after the incident in question, regardless of whether there has been a finding of a Policy violation, may be deemed relevant to a determination of responsibility.

c. Mental Health Condition, Treatment or Diagnosis

Generally, during both the investigation and any hearing to determine responsibility, evidence of the party's mental health diagnosis or treatment is irrelevant and will not be permitted without the party's consent.

d. Privilege

The investigator(s) and Decision-maker(s) will not allow or rely upon, or otherwise permit questions or evidence that is protected by a legally recognized privilege, unless the person holding such privilege has waived the privilege.

## 2. Newly Offered Evidence

If, after the issuance of the final evidence file and investigative report and prior to the issuance of the Decision-maker(s) decision, including at the hearing, a party or the investigator seek to present a witness or introduce evidence not offered prior to the hearing and not disclosed to the investigator, the Decision-maker(s) may grant admission of the evidence such request upon a showing that the witness or evidence is relevant, material, newly discovered, and could not have been discovered during the investigation with due diligence.

Where Decision-maker(s) permit a party to introduce a newly discovered witness or evidence, the Decision-maker(s) will reschedule or adjourn the hearing for the investigator to investigate the newly discovered witness or evidence and, if appropriate to amend the final evidence file and investigative report.

## 10.02 Appendix B: Procedures for the Formal Resolution of Formal Complaints of Non-Title IX Prohibited Conduct by Students

### I. Scope of These Procedures

The procedures set forth below will guide the investigation and adjudication of Formal Complaints of Non-Title IX Prohibited Conduct, as defined in Section VI(2) of the Policy, where the Respondent is a student.



## II. Initiation of the Investigation

An investigation under these procedures will be initiated at the Title IX Coordinator's direction after the filing of a Formal Complaint and the issuance of a Notice of Allegations to the parties.

## III. The Investigation

### 1. Overview of the Investigation

The investigation is a neutral fact-gathering process. During the investigation, the parties will have an equal opportunity to be heard, to submit evidence, to identify witnesses who have relevant information, including fact and expert witnesses, and to submit questions that they believe should be directed by the investigator to each other or to any witness. The investigators will also seek to obtain relevant evidence identified during the investigation, including relevant evidence that has not been offered by either party. The College may continue an investigation without the participation of any party.

### 2. The Investigator

Investigations will be conducted by one or more appropriately trained individuals appointed by the Title IX Coordinator. The Investigator(s) will be impartial and will conduct a prompt, thorough, and fair investigation. The Investigator(s) may be a College employee or an external party.

### 3. Evidence Collection

#### a. Testimonial Evidence Collection: Investigative Interviews

Testimony is evidence. Thus, throughout the investigation, the Investigator(s) will endeavor to interview the parties and other individuals (witnesses) who have information that is relevant or directly related to the allegations in the Formal Complaint, including fact and expert witnesses. The Investigator(s) will provide to everyone whose participation in an investigative interview is invited or expected written notice of the date, time, and location of the interview, and the parties will be given a sufficient time to prepare to participate.

If a party declines to participate in investigative interviews deemed necessary by the investigator, the party will forfeit the opportunity at the hearing to provide testimony at the hearing. If a witness declines to participate in an investigative interview, they will not be permitted to provide testimony at the hearing.

Investigative interviews may be conducted in person, or via telephone or video conference. Investigative interviews will be recorded. Following the investigative interview, the Investigator(s) will prepare a full written summary of the interview ("Interview Summary"). This summary will be shared with the interviewee and the interviewee will be provided three (3) business days to submit, in writing to the investigator, any corrections to, or comments about, or proposed changes to, the interview summary that the interviewee believes is

necessary to ensure the accuracy of the interview summary. Submissions made by the interviewee will be attached to the original summary. The deadline for submitting a response may be extended for good cause, upon request to the Investigator(s). If no response is received from the interviewee, the summary prepared will be presumed accurate.

b. Non-Testimonial Evidence Collection

During the investigative interviews, the Investigator(s) will gather other available evidence and information that is directly related to the allegations in the Formal Complaint, including, without limitation, electronic and other records of communications between the parties or witnesses (via voicemail, text message, audio messages, email, or social media sites), photographs and videos, medical records (subject to required consent), and records generated by public safety or law enforcement.

c. Evidence Collection Logs

The Investigator(s) will maintain a log of all testimonial and non-testimonial evidence obtained and the source of such evidence. The Investigator(s) will also maintain a log of all testimonial and nontestimonial evidence offered or sought, but not obtained, and the reason such evidence was not obtained. These logs will be made a part of the evidence file.

4. Review of the Draft Investigative Report and Draft Evidence File

a. The Draft Evidence File

At the conclusion of the investigation, the Investigators will compile all of the evidence that is directly related to the allegations in the Formal Complaint, including the summaries of the statements the parties and witness, evidence that is both inculpatory and exculpatory, and evidence upon which the investigator does not intend to rely. This compilation of evidence will be referred to as the “Draft Evidence File.”

The Draft Evidence File will be intentionally organized to support comprehension and will be divided into at least two sections. One section will include evidence obtained that the Investigator(s) deems relevant to the allegations in the Formal Complaint. The other section(s) will include evidence that the Investigator(s) do not deem relevant, but that is otherwise directly related to the allegations in the Formal Complaint.

b. The Draft Investigative Report

The Investigator(s) will also prepare a “Draft Investigative Report” that fairly summarizes the relevant evidence. The Draft Investigative Report will not include any findings.

c. Review and Opportunity to Respond

Upon completion, the Investigator(s) will share the Draft Evidence File and Draft Investigative Report with the parties and their advisors electronically, or by hard copy. The parties will then be afforded ten (10) business days to review the Draft Evidence File and Draft Investigative Report and to submit an optional written response, which may include responses to the evidence and requests that the Investigator(s) accept, seek, or obtain additional evidence or conduct follow up inquiries of the other party(ies) or witnesses. The parties' responses may also include challenges to the Investigator's assessment of relevance. Any responses submitted by the parties will be shared with the other party and made a part of the Final Evidence File.

d. Additional Evidence Collection

The Investigator(s) will consider the written responses of the parties, if any, and will determine in their sole discretion, whether further investigative steps are required. If additional investigative steps are taken that result in collection of additional evidence, such additional evidence will be included in the Draft Investigative File and incorporated, as appropriate, into the Draft Investigative Report. The new evidence and any changes to the Draft Investigative Report and will be shared with the parties and their advisors electronically, or by hard copy. The parties will be provided with a final opportunity to respond, in writing. The Investigator will determine the length of this review period.

Any additional responses submitted will be shared with the other party and made a part of the Final Evidence File.

e. Prohibition of Evidence Not Offered During the Investigation

In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator(s) during the investigation or during this designated response and review period will not be considered in the determination of responsibility for a violation of the Policy, and will not be considered during the hearing process.

5. Final Investigative Report and Final Evidence File

At the conclusion of the fact gathering process and the review periods, as described in this Procedure, the Investigator(s) will prepare a Final Investigative File and Investigative Report.

a. The Final Investigative File

The Final Investigative File will include all of the evidence that is directly related to the allegations in the Formal Complaint, including the summaries of the statements the parties and witness, evidence that is both inculpatory and exculpatory, and evidence upon which the College does not intend to rely. The Final Investigative File will also include any responses submitted by the parties

during the evidence review period and a timeline of all procedural steps taken by the College from the time of the filing of the Formal Complaint to the conclusion of the investigation.

- b. The Final Evidence File will be intentionally organized to support comprehension and will be divided into at least two sections. One section will include evidence obtained that the Investigator(s) deems relevant to the allegations in the Formal Complaint. The other section(s) will include evidence that the Investigator(s) do not deem relevant, but that is otherwise directly related to the allegations in the Formal Complaint. The final section will include the procedural timeline.

#### 6. The Final Investigative Report

The Final Investigative Report will be prepared by the Investigator(s) and will fairly summarize all of the relevant evidence obtained during the investigation. Relevance Determinations are generally guided by the principles set forth below in Section V of this Procedure.

#### 7. Submission of the Final Investigative Report and Evidence File to the Parties

- a. The Final Investigative Report and Evidence File will be simultaneously provided to the parties and their advisors in electronic format or hard copy, at least ten (10) business days prior to a hearing. The parties will have ten (10) business days to submit a written response to the Final Investigative Report and Evidence File.
- b. The Final Investigative Report and Evidence File, and any written responses submitted by the parties will be provided to the Decision Maker(s).

### IV. The Hearing

#### 1. Overview

Upon conclusion of the investigation, a hearing will be held to determine whether the Respondent is responsible for the alleged policy violations in the Formal Complaint. As set forth in Section X of this Policy, the Respondent is presumed not responsible. A Respondent will be found responsible for violating this Policy only when such a finding is supported by the Preponderance of the Evidence.

The hearing is a private proceeding. The only people present will be the parties, their advisors, the Decisionmaker(s), witnesses (when testifying), and any staff necessary for conducting the hearing.

#### 2. Hearing Participants

##### a. Decision-makers

The College will designate the Decision-maker for the moderation of the hearing and determination of finding and sanction. This may take the form of a single decision-maker or a three-member panel at the Title IX Coordinator's

discretion. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator. The Decision-maker(s) may not be the Title IX Coordinator, a facilitator of informal resolution, or the investigator.

Upon receipt of the notice of the Decision-Maker or three-member panel, Parties will have three (3) business days to object to the appointment of a Decision-maker, on the basis of demonstrated bias or conflict of interest.

b. The Parties

The Parties are permitted to participate in the entirety of hearing, portions thereof, or they can decline to participate in the hearing entirely, and the Decision-maker(s) will not draw an adverse inference against a party based solely on their decision not to participate in all or some of the hearing proceedings.

In accordance with Section III(3)(a) of these procedures, if a party declined to participate in investigative interviews deemed necessary by the investigator, the party will not be permitted the opportunity to provide testimony at the hearing. Nonetheless, if a party who has so declined to participate in investigative interviews later seeks to participate in a hearing, upon a finding that there was a compelling reason for the nonparticipation, the Hearing Chair, upon the Chair's discretion, may permit the party to participate. If the Hearing Chair permits the party to participate in the hearing, the Hearing Chair will first reschedule or adjourn the hearing for the investigator to interview the party and, as necessary, conduct any follow-up investigation and supplement and revise the evidence file and the investigative report.

c. Advisors

The parties have the right to have an advisor of their choice present at the hearing in accordance with Section X(2) of this Policy. If a party does not have an advisor of choice, the Title IX Coordinator will appoint an advisor to that party for the sole purpose of conducting cross examination of other party and witnesses. A party's advisor of choice or an advisor appointed by the Title IX Coordinator may participate in the hearing for the sole purpose of conducting cross examination in the absence of their advisee.

As set forth in Section X(2) of this Policy, Advisors may not speak on behalf of the parties or otherwise participate in, or in any manner delay or disrupt the hearing. If an advisor fails to comply with the procedures set forth herein or the established rules of decorum, the College reserves the right to exclude the advisor from further participation in the process. The Title IX Coordinator is responsible for interpreting and applying this provision.

d. Witnesses

The Decision-maker(s) will determine, in their sole discretion, which witnesses will be invited to provide testimony at the hearing. Witnesses who are invited to participate in the hearing will be permitted to attend the hearing only when providing testimony.

In accordance with Section III(3)(a) of these procedures, a witness who declined to participate in an investigative interview will not be permitted to provide testimony at the hearing.

However, if a witness who has so declined to participate in investigative interviews later seeks to participate in a hearing, upon a finding that there was a compelling reason for the nonparticipation, the Decision-maker(s), upon their discretion, may permit the party to participate. If the Decisionmaker(s) permits the party to participate in the hearing, the Decision-maker(s) will first reschedule or adjourn the hearing for the investigator to interview the party and, as necessary, conduct any follow-up investigation and supplement and revise the evidence file and the investigative report.

e. Hearing Facilitators

The orderly administration of hearings will be supported by Hearing Facilitators, who are individuals either internal or external to the College and appointed by the Title IX Coordinator.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role.

### 3. Notice of Hearing

The Title IX Coordinator will notify the parties in writing of the date, time, and location/format of the hearing. The notice will include the charges at issue; a brief summary of the alleged prohibited conduct; and the applicable procedures under this Policy. All efforts will be made to provide the Notice of Hearing no later than five (5) days prior to the hearing and to schedule the hearing as soon as practicable.

Either party may request to have a hearing rescheduled. The request may be granted at the discretion of the Title IX Coordinator. Absent extenuating circumstances, requests to reschedule must be submitted at least three (3) business days prior to the hearing. A request to reschedule a hearing must be supported by a compelling reason. Given the number of individuals involved in a hearing, and the attendant difficulty of scheduling and rescheduling them in a timely manner, it may not be possible to accommodate all scheduling requests. The Title IX Coordinator may also reschedule a hearing, without a request by the parties, when there is reasonable cause to do so.

### 4. Hearing Format

The hearing will be live and will provide the parties an opportunity to address the Decision-maker(s) in person. Participants may be physically present in the same geographic location, or at the College's discretion, some or all of the hearing may be conducted remotely, using virtual platforms (i.e., video conferencing). Upon request to the

Title IX Coordinator, a party may participate in the hearing remotely. Such requests for remote participation should be made at least two (2) days in advance of the scheduled hearing.

#### 5. Pre-Hearing Conferences

At least three (3) days prior to the hearing, the Title IX Coordinator and the Decision-maker(s) will meet with the parties and their advisors, separately, for the purposes of conducting a pre-hearing conference. At the pre-hearing conference, the Decision-maker(s) will review these procedures, the Rules of Decorum, and the proposed hearing schedule and the parties will be permitted to ask questions.

The Decision-maker(s) will not discuss matters of evidentiary issues with the parties during the pre-hearing conference.

#### 6. Impact Mitigation Statements

The parties will be permitted, but not required, to prepare a written Impact/Mitigation Statement relevant to any sanctions. The parties may submit the statement up until the start of a hearing. The statements distributed to the Decision-maker(s) and the parties only if the Decision-maker(s) finds the Respondent responsible. The Title IX Coordinator will provide the Impact/Mitigation Statements to the parties with a copy of the Decision Maker(s)'s written decision.

#### 7. Hearing Procedures

Typically, the format of the hearing will be as follows:

##### a. Opening Instructions

The hearing will begin with opening instructions by the Hearing Chair. The parties will be afforded the opportunity to ask questions about the format of the hearing and these procedures at the conclusion of the Chair's opening instructions.

##### b. Testimony

The Decision-maker(s) will determine the order of testimony. The Decision-maker(s) will question the party or witness first, followed by cross examination of a party by the other party's advisor. In the case of witness testimony, the Decision-maker(s) will question the witness first, followed by cross examination of the witness, first by Complainant's advisor and next, by the Respondent's advisor.

During cross examination, the party's advisor will be permitted to ask the opposing parties and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Before a Complainant, Respondent, or witness responds to a question by a party's advisor, the Decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The Decision-maker(s) retains authority to ask questions at any time during testimony, including during cross examination by the advisors.

##### c. Closing Remarks by the Hearing Chair

At the conclusion of testimony, the Hearing Chair will conclude the proceedings with brief closing remarks.

#### 8. Determination Regarding Responsibility and Notice of Outcome

The Decision-maker(s) will determine whether Respondent is responsible of the alleged violation(s) of the Policy by a majority vote based upon a preponderance of the evidence standard. The Decision-maker(s) retains discretion regarding the weight or credibility to assign the evidence. If the Decision-maker(s) makes a finding of responsibility, the Decision-maker(s) will determine the appropriate sanctions and remedies.

In matters where a finding of responsibility is made, the Decision-maker(s) will consider the Impact/Mitigation statements of the parties prior to determining sanction.

The Decision-maker(s) will issue a written determination of findings that will include the procedural steps taken during the investigation, the specific prohibited conduct for which the Respondent was found responsible and not responsible with identification of the allegations potentially constituting Title IX sexual harassment, the findings of fact and the rationale for the Decision Maker(s)'s determinations regarding both responsibility and sanctions, whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant, sanctions and remedies if the Respondent is found responsible, and, instructions and time limits for appeals.

The decision may incorporate and reference any portions of the proceedings, including the evidence file and investigative report, as the Decision-maker(s) deems appropriate. Both the Complainant and the Respondent will be simultaneously provided with a notice of outcome and the Decision-maker(s) written determination.

#### 9. Hearing Record

An audio recording will be made of all hearings, but not of deliberations. The parties may listen to the audio recording of the hearing. Access will be facilitated in a manner deemed appropriate by the Title IX Coordinator.

Individuals appearing before the Decision-maker(s), whether as a party or witness, are prohibited from recording any portion of the hearing. The Decision-maker(s) members are also prohibited from recording any portion of the hearing.

The Decision-maker(s) has access to the hearing record. The hearing record will include: the audio recording and written transcript of the hearing, the Decision-maker(s)'s final determination, the final evidence file and investigative report, and if there is a determination of responsibility, the parties' Impact/Mitigation Statements, and information concerning the Respondent's prior misconduct.

### V. Evidentiary Considerations

#### 1. Relevance



Determinations regarding relevance of any proffered evidence will be subject to the following requirements:

- a. **Prior Sexual History of Complainant**  
Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior are considered irrelevant unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- b. **Prior or Subsequent Conduct**  
Prior or subsequent conduct of a Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of conduct prohibited by this policy by a Respondent, either before or after the incident in question, regardless of whether there has been a finding of a Policy violation, may be deemed relevant to a determination of responsibility.
- c. **Mental Health Condition, Treatment or Diagnosis**  
Generally, during both the investigation and any hearing to determine responsibility, evidence of the party's mental health diagnosis or treatment is irrelevant and will not be permitted without the party's consent.
- d. **Privilege**  
The investigator(s) and Decision-maker(s) will not allow or rely upon, or otherwise permit questions or evidence that is protected by a legally recognized privilege, unless the person holding such privilege has waived the privilege.

## 2. Newly Offered Evidence

If, after the issuance of the final evidence file and investigative report and prior to the issuance of the Decision-maker(s) decision, including at the hearing, a party or the investigator seek to present a witness or introduce evidence not offered prior to the hearing and not disclosed to the investigator, the Decision-maker(s) may grant admission of the evidence such request upon a showing that the witness or evidence is relevant, material, newly discovered, and could not have been discovered during the investigation with due diligence.

Where Decision-maker(s) permits a party to introduce a newly discovered witness or evidence, the Decision-maker(s) will reschedule or adjourn the hearing for the investigator to investigate the newly discovered witness or evidence and, if appropriate to amend the final evidence file and investigative report.

### 10.03 Appendix C: Procedures for the Formal Resolution of Formal Complaints of Non-Title IX Prohibited Conduct by Employees

- In a situation where the complainant and respondent are employees or contractors, all appropriate employment guidelines will be followed for investigation and resolution.

- In a situation where the complaint is a student and respondent is an employee, all appropriate employment guidelines will be followed for resolution.
- In a situation where the respondent is a student and the complainant is faculty, staff or a contractor, all appropriate guidelines & polices detailed in the Title IX policy in the Student Handbook will be followed.

## 10.04 Appendix D: Resources for Support

### Resources for Victims of Sexual Assault

There are many services established to assist individuals who have been sexually assaulted. The following may be contacted to provide assistance or for any questions:

- Washington College Health Services, ext. 7261 (confidential resource)
- Washington College Counseling Services, ext. 7261 (confidential resource)
- For All Seasons Sexual Assault Crisis Center, 1-800-310-7273 (a 24-hour confidential service that provides counseling, advocacy, and support to survivors)
- Title IX Coordinator, ext. 7752
- Office of Public Safety, ext. 7810

A member of Public Safety is available 24 hours a day, seven days a week to transport the Complainant to either hospital listed below if requested. Volunteers from the For All Seasons Sexual Assault Crisis Center are also available to provide counseling and assistance throughout this process.

Two area hospitals have sexual assault response programs in place, including Department of State Police Sexual Assault Evidence Collection Kits. Forensic Nurse Examiners are available 24 hours a day, seven days a week to provide confidential medical examination and STI and pregnancy prophylactics. The programs work in conjunction with For All Seasons, Inc. to provide advocacy support to victims.

- University of Maryland Shore Medical Center at Chestertown, located adjacent to Washington College: 410-778-3300
- University of Maryland Shore Medical Center at Easton: 410-822-1000

Trained Title IX Advocates are available to support both a complainant and respondent through all aspects of the Title IX process. These individuals receive training annually to assist students in dealing with the Title IX process.

### **Sexual Assault Campus Climate Survey**

Beginning in 2016, in compliance with Maryland House Bill 571, Washington College conducts a sexual assault campus climate survey every two years. Survey data will be utilized to inform our response, prevention and education efforts.

## 11.00 DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

### 11.01 Definitions

The following definitions were taken from the Violence Against Women Act of 1994. Domestic violence is defined as: a felony or misdemeanor crime of violence 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 cohabitated 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 the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating violence is defined as: 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 a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.
- For the purpose of this definition:
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.

Sexual Assault is defined as: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Stalking is defined as: 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.
- For the purpose of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identifies to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## 11.02 Maryland State Law Sexual Assault Definitions

Maryland Annotated Code, Criminal Law, Sections 3-303 through 3-312

Rape in the first degree:

Defined as vaginal intercourse with another by force or threat of force, without the consent of the other or engage in a sexual act with another by force or threat of force, without the consent of the other, and defendant:

- Employ/display a dangerous weapon, or a physical object the victim reasonably believes is a dangerous weapon;
- Suffocate, strangle, disfigure or inflict serious physical injury on the victim or another in the course of committing the crime;
- Threaten or place the victim in fear that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury or kidnapping;
- Commit the crime while aided and abetted by another; or
- Commit the crime in connection with a burglary in the 1st, 2nd, or 3rd degree.

Rape in the second degree:

Defined as vaginal intercourse or a sexual act with another:

- By force, or the threat of force, without the consent of the other;
- If the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a substantially cognitively impaired individual, etc.; or
- If the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.

Sexual Offense in the Third Degree:

A person may not engage in sexual contact with another without the consent of the other; and:

- Employ or display a dangerous weapon, or a physical object the victim reasonably believes is a dangerous weapon;
- Suffocate, strangle, disfigure or inflict serious physical injury on the victim or another in the course of committing the crime;

- Threaten, or place the victim in fear that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or
- Commit the crime while aided and abetted by another;
- (2) Engage in sexual contact with another if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual;
- (3) Engage in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim;
- (4) Engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; or
- (5) Engage in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.

#### Sexual Offense in the Fourth Degree:

A person may not engage in:

- Sexual contact with another without the consent of the other;
- Sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 4 years older than the victim; or
- Vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 4 years older than the victim.
- A person in a position of authority may not engage in a sexual act or sexual contact with a minor who, at the time of the sexual act or sexual contact, is a student enrolled at a school where the person in position of authority is employed.
- A person in a position of authority may not engage in vaginal intercourse with a minor who, at the time of the vaginal intercourse, is a student enrolled at a school where the person in position of authority is employed.

#### Attempted Rape in the First Degree:

Defined as attempting to commit rape in the first degree.

#### Attempted Rape in the Second Degree:

Defined as attempting to commit rape in the second degree.

#### 11.03 Definitions:

“Sexual Act” means cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Emission of semen is not required. Penetration, however slight, is evidence of anal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person’s body if the penetration can be reasonably construed as being for the purposes of sexual arousal or gratification or for abuse of either party and if the penetration is not for accepted medical purposes.

“Sexual contact” means the intentional touching of any part of the victim’s or actor’s anal or genital areas or other intimate parts for the purposes of sexual arousal or gratification or

for abuse of either party and includes the penetration, however slight, by any part of a person's body, other than the penis, mouth, or tongue, into the genital or anal opening of another person's body if that penetration can be reasonably construed as being for the purposes of sexual arousal or gratification or for abuse of either party. It does not include acts commonly expressive of familial or friendly affection, or acts for accepted medical purposes.

“Vaginal intercourse” has its ordinary meaning of genital copulation. Penetration, however slight, is evidence of vaginal intercourse. Emission of semen is not required.

Consent: Maryland does not define consent as it relates to sexual activity. Please refer to Washington College's Policy on Sexual Harassment and Discrimination for the definition of affirmative consent.

#### 11.04 Assistance for Victims: Rights and Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking, and will provide each victim with a written explanation of their rights and options.

#### 11.05 Maryland Crime Victims' Rights

Under the Maryland Constitution and under State laws and guidelines, victims of crime must be:

- Treated with dignity, respect, and sensitivity
- Informed of their rights
- Notified of crisis intervention and counseling services
- Notified of domestic violence programs and support groups
- Notified of criminal injuries compensation and other social services available
- Informed on how to apply for services
- Told of protection available to them and how to obtain protection
- Informed by the police or the State's Attorney of the arrest of a suspect and closing of the case
- Notified of court hearings and offender custody status
- Permitted to be present and heard at criminal justice proceedings
- Permitted to seek restitution from their offender(s)

If you are a victim of crime in Maryland, and need more information about your rights visit, [Victim Services - Governor's Office of Crime Control and Prevention for Maryland](#)

Washington College complies with Maryland law in recognizing peace and protective orders issued in Maryland or protective orders from other states. Individuals should provide a copy of the order to the Department of Public Safety and to the Title IX Coordinator. A reporting party may then meet with Public Safety to develop a safety action plan, which is a plan for Public Safety and the victim to reduce risk of harm while on campus or when coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom locations or allowing a student to complete assignments from home, etc. Washington College cannot

apply for a peace or protective order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services but may request a member of the Public Safety Department accompany them to obtain the order. A petition for protection from domestic violence may be filed in any District Court or Circuit Court in Maryland. If the clerk's office is open, you must file with the clerk. If the clerk's office is closed, file with a District Court Commissioner. To locate a court, look at [www.courts.state.md.us](http://www.courts.state.md.us) or the government pages of your phone book. Some courthouses have on-site programs to assist victims with safety plans and filing for protection. Washington College may issue an institutional no-contact order if deemed appropriate or at the request of the victim or responding party to a student or employee. Upon the victim's request and to the extent of the victim's cooperation and consent, College offices will work cooperatively to assist the victim with their health, physical safety, work and academic status, pending the outcome of a formal College investigation of the complaint. For example, if reasonably available, a reporting party may be offered changes to academic, living, working or transportation situations regardless of whether the victim chooses to report the crime to Public Safety or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student park in a different location, assisting the student with an escort, etc. To the extent possible, Washington College will also provide assistance with and/or information about obtaining resources and services such as counseling, health services, visa and immigration assistance, and assistance in notifying appropriate local law enforcement.

Washington College is committed to ensuring the safety of our community. Anyone who feels they are a victim of the above-listed crimes on campus should immediately notify Public Safety. If the crime occurs off campus, immediately notify the police department in the location where the crime occurred. A delay in reporting may cause the situation to escalate.

#### 11.06 VINE

“Victim Information and Notification Everyday” (VINE) is a free, anonymous, automated telephone service that provides victims of crime with two important services: information and notification. VINE will provide you with vital court case, custody, parole and probation information for an offender currently involved in the criminal justice system in Maryland.

Toll Free – call 1-866-634-8463

Website – [www.vinelink.com](http://www.vinelink.com)

#### 11.07 Protective or Peace Order

Victims of domestic or dating violence who would like to file a complaint for a Protective or Peace Order can contact the Department of Public Safety at 410-778-7810 and we will assist you with the process. Washington College may also issue no-contact orders.

Personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know. The institution will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Washington College does not publish the name of crime victims nor house identifiable information regarding victims in the College's Daily Crime Log. Victims may request that directory information on file be removed from public sources by emailing the Registrar's Office at [registrar@washcoll.edu](mailto:registrar@washcoll.edu).

#### 11.08 Change in Victim's Academic and Living Situation

The College will make every effort to make changes in a victim's academic, transportation, work and living situation if requested and reasonably available, regardless of whether a victim has reported an offense to the campus or to local police. Changes in an academic situation be made through the Dean's Office and housing changes should be made by Residential Life. Academic and housing changes may also be requested through the Title IX Coordinator.

#### 11.09 Campus disciplinary actions

Whether or not criminal charges are filed, a person may file a complaint under the [Washington College Policy on Sexual Harassment and Discrimination](#). Please refer to this policy for more detailed information.

### 12.00 SEX OFFENDER REGISTRY

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in the state at which the person is employed, carries on a vocation, volunteers services, or is a student.

To view the sex offender registry for the state of Maryland, you can go to the following website: <http://socem.info/>. Once on this site, you can search the Maryland sex offender registry by name, zip code, or by clicking on a geographic area on a map. The sex offender registry for Kent County is also held at the Kent County Sheriff's Office. They can be contacted at 410-778-2279.

### 13.00 POLICY FOR FIREWORKS, FIREARMS, AMMUNITION, EXPLOSIVES, OR OTHER WEAPONS

The possession, storage, or use of fireworks, firearms, ammunition, explosives, weapon replicas, or other weapons, including any dangerous article or substance with the potential to injure or discomfort a person, including knives with blades of three inches or longer, is prohibited at any time for any purpose at any place on the campus or other property of Washington College. This regulation may be conditionally waived for temporary periods by the President of Washington College for authorized Public Safety Officers or official law enforcement officers in the line of duty, for College-sanctioned public fireworks



displays presented and supervised by qualified groups and individuals, and for College-sanctioned athletic events supervised by the Athletic Department.

This regulation may also be conditionally waived for temporary periods by the Department of Public Safety (which will inform the President of Washington College if such an exception is made) under such conditions as may be prescribed to permit the exhibition and temporary storage on campus of such articles in connection with activities or events approved and sanctioned by the College.

This regulation does not prohibit an individual otherwise subject to its provisions from carrying or possessing Chemical Mace or similar chemical sprays or propellants on campus property provided that such carrying or possession would not constitute a crime under Maryland criminal law.

Any violation of the above policy by a student will be referred to the student conduct process for adjudication.

Additionally, all incidents of possession of suspected illegal weapons will be referred to law enforcement and students possessing illegal weapons will likely face removal from campus as an interim measure, pending formal conduct review.

#### 14.00 MISSING STUDENT PROCEDURES

If a member of the College community has reason to believe that a student who resides in on-campus housing is missing, they should **immediately** contact Public Safety at 410-778-7810. Public Safety will respond to the caller and initiate an investigation. After assessing the missing person information, should Public Safety determine the student appears to be missing, Washington College will notify the Chestertown Police Department, provide them with a report, and notify the student's emergency contact person (if one is provided) no later than 24 hours after the student is determined to be missing. If the missing student is under 18 years of age and is not an emancipated individual, Washington College will notify the student's parent or legal guardian immediately after Public Safety has determined that the student is missing. This policy does not preclude Washington College from initiating internal missing person procedures in less than 24 hours if circumstances warrant faster implementation.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Washington College in the event the student is determined to be missing for more than 24 hours. Only college officials and law enforcement will have access to the confidential contact person information. Students residing in on-campus housing who are over the age of 18 and not emancipated can identify a confidential contact person by completing the housing application that is accessed via the housing portal ([https://washcoll.datacenter.adirondacksolutions.com/washcoll\\_thdss\\_prod/](https://washcoll.datacenter.adirondacksolutions.com/washcoll_thdss_prod/)).

#### 15.00 COLLEGE ALCOHOL AND OTHER DRUGS POLICIES

Washington College has several policies addressing the use of alcohol and other drugs. In addition to federal, state, and local laws, students are required to comply with College policies pertaining to alcohol use on campus

### 15.01 Alcohol Policy

Students are required to abide by all Maryland and Kent County laws and Washington College regulations regarding the use of alcohol. All students and their and guests must comply with all federal, state, provincial and local laws. No person under the legal drinking age of 21 years old may possess, consume, provide or be provided alcoholic beverages.

Students who are 21 years of age or older may possess and consume alcohol on campus in accordance with the following:

- Alcohol may be consumed only within assigned rooms or suites. Open containers of alcohol are prohibited in common spaces, such as hallways and lounges, and in public areas, such as lobbies or outdoors.
- Students who possess alcohol on campus are responsible for its legal and responsible use. This includes taking reasonable precautions to prevent the possession of alcohol by underage students and guests.

The following items will be considered as violations of the alcohol policy for all students regardless of age:

1. Disruptive conduct, due in part or in whole to being under the influence of alcohol.
2. Giving alcohol to underage persons or providing a space for the consumption of alcohol by underage persons.
3. Directing, requiring, or encouraging underage persons to be in a space where alcohol is easily accessible may be considered a violation of this policy.
4. Possession or use of bulk containers and/or objects that would promote binge drinking including, but not limited to: kegs, funnels, drinking games with alcohol, or any other tools that would promote binge drinking.
5. Possessing empty alcohol containers at any time for any reason, including decorative purposes.
6. Simulated drinking games are prohibited regardless of whether or not alcohol is used.
7. Devices that permit purchase, storage, and distribution of alcohol in bulk quantities, or that allow unregulated access to alcohol by any means, are prohibited.
8. Students may not sell or distribute alcohol anywhere on campus. This prohibition includes, but is not limited to, cash bars; events to which admission tickets are sold or for which fees are charged, either by the event or for a period of time (e.g., entertainment charge or annual dues), that entitle the purchaser access to an open bar; and parties at which alcoholic beverages are served and for which contributions or donations to offset the costs of the party are sought.
9. College funds allocated for hall activities and any College-sponsored programming may not be used to purchase alcohol.
10. Students are responsible for the behavior of their guests, including any violation of policy.
11. Students found to be in an intoxicated state on campus may be subject to mandatory medical or psychological intervention as well as appropriate disciplinary action, except as outlined in the Medical Amnesty Policy.

## 15.02 Marijuana Policy

Marijuana is prohibited on campus. Any student who is found to be in possession of or using marijuana will face disciplinary action and possible criminal charges.

### Maryland State Laws Concerning Marijuana

Although the State of Maryland has decriminalized the possession of marijuana in amounts less than 10 grams and has legalized the use of medical marijuana in certain cases, the possession and use of marijuana on Washington College's campus continues to be prohibited by federal law (the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989).

If Washington College fails to comply with federal law, it could become ineligible for federal funding and financial aid programs for its students. Thus, possession and use of marijuana, including medical use, continue to be prohibited at Washington College, including in residence halls, on College property, or at off-campus events sponsored by the College.

## 15.03 Policy for Other Controlled Substances

The possession or use of narcotics and/or other controlled substances without a valid prescription is prohibited. Students are expected to obey federal and state laws regarding the use, sale, and distribution of controlled substances.

### Opioid Use

Washington College recognizes that opioid overdose is a major public health problem. Overdose involves students of all ages, ethnicities, and demographic and economic characteristics, and involves both illicit opioids such as heroin and, increasingly, prescription opioid analgesics such as oxycodone, hydrocodone, fentanyl, and methadone. Therefore, the Health Center and the Department of Public Safety will maintain doses of **naloxone**, a drug to reverse the effects of an opioid related overdose.

Washington College is committed to:

- Keeping naloxone on hand at the Department of Public Safety and the Health Center
- Ensuring that Public Safety Officers and Health Center staff has adequate expertise and equipment to manage the airway of an unconscious patient
- Ensuring that emergency response, including EMS system activation, has been planned and appropriately drilled

To encourage students to report an overdose, anyone who reports possible overdoses in the campus setting will qualify for medical amnesty and may not be subject to the Washington College student code of conduct honor board procedures.

## 15.04 Parent or Guardian Notification

To provide support or assistance to students, the College may choose to notify parents or legal guardians of students under the age of 21 who have violated the alcohol or drugs policies. This decision will be made according to the professional judgment of appropriate staff and will be consistent with the application of privacy laws. The primary goal of

notifying parents or legal guardians is to promote the health and well-being of the community and the individual student.

#### 15.05 Medical Amnesty Policy

The Washington College community strives to provide continued support for all of its members, and as a community advocates for the well-being of one another. When an individual is potentially at risk for harm or in need of medical attention, the well-being of the individual is prioritized over upholding the conduct process and the administering of sanctions. Though individuals may be reluctant to seek help during situations in which they or another student may be in violation of college policy, it is imperative that someone calls for medical assistance if any student is at immediate risk for harm or injury or if there is cause for potential harm or injury. Since such situations are potentially life threatening, the Medical Amnesty Policy reduces or eliminates disciplinary consequences for students who call for medical attention or for the student in need of medical attention. Medical attention is defined by Washington College as being an assessment and/or treatment by a first responder, such as a Resident Assistant, an Area Coordinator, a Public Safety Officer, Paramedics or EMTs, or a Treating Health Care Provider at the hospital.

This policy is part of Washington College's comprehensive approach to reducing harmful consequences caused by the consumption of alcohol or other drugs. The Medical Amnesty Policy represents the College's commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol or substance-related emergency. It is important to realize that occasionally, such problematic behaviors which would necessitate medical amnesty may be associated with mental health concerns. As a community, we need to look out for other members who may need attention and/or assistance in such circumstances, and this policy is designed to protect and support those individuals.

#### **What is Amnesty?**

In situations involving intoxication, alcohol poisoning, or drug-related medical issues, students are encouraged to seek swift medical assistance for themselves and others without fear of penalty. Students requesting and receiving medical assistance in these situations will not typically be subject to the student conduct process. This policy refers to isolated incidents and does not excuse students who repeatedly or flagrantly violate the alcohol or drug policy, nor does it preclude action arising from other violations of the code. Washington College will consider the positive impact of reporting a situation when determining any course of action.

#### **How does the Medical Amnesty Policy work?**

The Medical Amnesty Policy reduces or eliminates disciplinary consequences when a student actively calls for help as follows:

#### **Student in need of medical attention**

If a student actively seeks medical attention (either themselves or through another individual calling for assistance) and completes the mandated follow-up programs and recommendations, the Medical Amnesty Policy offers minimal consequences from conduct actions for the following policy violations for the student in need of medical attention should they occur at the time of the emergency:

## **Underage consumption and/or possession of alcohol and/or illegal substances**

Whenever a student utilizes medical amnesty, they must complete the required educational follow-up at Health Services and with the Director of Wellness and Prevention Education. In cases where there is reasonable worry of problematic behavior, the student may be mandated to complete additional follow-up as noted below in **Prevention, Education, and Intervention Methods**.

### **Student calling on behalf of someone else**

An individual who actively calls for assistance or medical attention on behalf of a person experiencing an alcohol- or other substance-related incident would not be subject to conduct action for the following policy violations should they occur at the time of the emergency:

- Underage consumption and/or possession of alcohol and/or illegal substances
- Provision of alcohol to an underage person

### **Prevention, Education, and Intervention Methods:**

While the Medical Amnesty policy minimizes consequences from conduct actions for the student in need of medical attention, instances of extreme problematic behavior, which are defined as extreme in relation to volume, frequency, and/or intensity of instances, may result in implementation of intervention methods designed with regards for the best interest of the student. Such intervention strategies may include but are not limited to:

- Meeting with the Director of Health Services
- Recommended meetings with the counseling center
- Participation in peer-lead advocacy groups
- Online educational/intervention programs
- Recommended meetings or involvement with out-sourced programs such as Kent Behavioral Health and For All Seasons

### **Additional Details:**

An active call requires an individual to call 911 or a College Official, such as a Public Safety Officer or a Resident Assistant. Medical Amnesty will not be granted where there was no active call for medical assistance. Failure to complete the above requirements of meeting with designated educational follow up officials may result in the case being referred to the student conduct process.

For more information about the Medical Amnesty Policy, contact the Dean of Students/Title IX Coordinator at 410-778-7752.

### **15.06 Smoking Policy**

Due to health risks and fire hazards caused by smoking or the passive inhalation of tobacco and other smoke or vapors, ALL College buildings and vehicles are designated as “smoke-free.” Smoking/Vaping/Juuling is prohibited in College buildings and outdoors within 25 feet of entrances and exits of campus buildings. Smoking is allowed in designated areas located around campus. Violations of this policy will result in a fine

and/or disciplinary action. Smoking includes but is not limited to use of cigarettes, cigars, pipes, e-cigarettes, Juuls, and personal vaporizers or other devices associated with “vaping.”

The act of using any tobacco or inhalation product in any College facility or outdoor area is prohibited, including but not limited to the following products:

- Cigarettes (e.g., cloves, bidis, kreteks)
- Cigars
- Cigarillos
- Hookah-smoked tobacco products
- Marijuana
- Pipes and oral tobacco (e.g., spit, spitless, smokeless, chew, snus, snuff)
- Nasal tobacco
- Electronic cigarettes (e-cigarettes)
- Vapes, Juuls, vaping devices
- Any other product that contains tobacco flavoring or is intended to mimic tobacco products or deliver nicotine for any purpose other than that of cessation by nicotine patches or nicotine gum.

All residence halls, including entryways, are always smoke-free. Students who smoke any substance in their residence hall rooms can expect to be charged for cleaning or replacement of all furnishings, floor tiles, and paint in addition to facing judicial action. Hookahs—single- or multi-stemmed water pipes used for smoking tobacco—are allowed to be used on campus grounds but, in accordance with the Smoking Policy, cannot be used with tobacco or other forbidden substances, nor can they be used inside residence halls or any other campus building. Furthermore, in accordance with the College’s drug laws and policies, hookahs should not be used to smoke marijuana or other illegal drugs.

“Smoking” is defined as the burning of tobacco or any other substance including, but not limited to, marijuana in any type of smoking equipment, cigarettes, e-cigarettes, cigars, or pipes. Vaping is defined as the act of inhaling and exhaling vapor produced by an electronic cigarette or an analogous device.

#### 15.07 Alcohol and Other Drugs Violations and Sanctions

##### What to Expect

The College’s response to alcohol or other drug violations will depend in part upon the severity of the violation. For the purposes of this policy, there are two levels of violations, categorized by frequency and severity:

first violation/low-level violation

second or subsequent violations/serious first violation

Sanctions most likely to result from alcohol and other drug violations at these two levels are listed below. Please note, these are not exhaustive lists and provide only a range of typical sanctions; other sanctions not listed here may be assigned when appropriate. Designated College administrators or the Honor Board will make their decisions based on conversation with the student and a review of the student’s past actions and will consider

what is most likely to affect a positive and lasting change in a student's behavior when assigning sanctions for alcohol or other drug policy violations.

Incident reports documenting behavior in violation of College policy, letters from College administrators, and records from Honor Board or other administrative hearings are maintained in the student's file located in Student Affairs.

### Alcohol Violations

#### First violation/low-level violation

For a first low-level violation, a student may receive a letter of warning that will be kept in the student's file for one year. Should a first low-level violation occur in conjunction with other alcohol or behavior-related concerns, the student may be required to meet with a College administrator to discuss the concerns.

Possible sanctions that may be considered as well:

- Fine
- Official College Warning
- Educational conversation with College administrator documented in a follow-up letter to the student
- Completion of an educational assignment or required attendance at an educational program/event

Typical Notifications:

- Possible - Parent/guardian notification
- Likely - Provost Office notification
- Likely - If a student is a varsity athlete—athletic coach and Athletic Director
- Director of Student Engagement (if a student is a member of a Greek organization)

#### Second or subsequent violation/first serious violation

Second or subsequent violations or serious first violations will be reviewed by a College administrator and the Honor Board to determine appropriate educational and judicial follow-up. The case may be referred to the Honor Board for adjudication. Health Services will be involved for educational follow-up. Sanctions for a second violation or first serious violation may include a minimum one-semester probation and demonstration of successful completion of alcohol education requirements or a similar activity. Students placed on probation and later reported for a possible violation of College policy, especially a moderate or serious violation, will be referred to the Honor Board and may face possible suspension from the College.

Possible sanctions that may be considered:

- Fine
- Probation for a semester or extension of an existing probation
- Completion of an alcohol education program or community service followed by a reflection paper
- Required substance abuse evaluation by a counselor and required completion of any suggested follow-up care
- Change in housing assignment

- Restriction to classes and class-related activities (prohibited from attending social activities, entering the Student Center, residence halls, etc.)
- Suspension from the College for a semester for a moderate to serious violation committed while on probation
- Suspension for two semesters or longer for repeated violations while on probation or for a very serious violation while on probation

#### Typical Notifications:

- Possible - Parent/guardian notification
- Likely - Provost Office notification
- Likely - Athletic coach and Athletic Director notification (If a student is a varsity athlete) • Director of Student Engagement (if a student is a member of a Greek organization)

#### Drug Use and Paraphernalia Violations

##### Marijuana

Marijuana is an illegal substance and is prohibited. Any student who is found to be in possession of or using marijuana will face disciplinary action and possible criminal charges. Water pipes, bongs, hookahs, and other paraphernalia commonly associated with drug use are also prohibited. Although the State of Maryland has decriminalized the possession of marijuana in amounts less than 10 grams and has legalized the use of medical marijuana in certain cases, the possession and use of marijuana on Washington College's campus continues to be prohibited by federal law (the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989). If Washington College fails to comply with federal law, it could become ineligible for federal funding and financial aid programs for its students. Thus, possession and use of marijuana, including medical use, continue to be prohibited at Washington College including in residence halls, on College property, or at off-campus events sponsored by the College.

##### First violation

A first violation may be reviewed by the Honor Board and may result in a minimum of one semester of probation and demonstration of successful completion of a substance abuse education requirement or similar activity as well as a fine.

##### Second or subsequent violation/first serious violation

Second or serious first violations will be reviewed by the Honor Board and may result in more serious sanctions, including suspension for a semester or more, evidence of substance abuse counseling or other appropriate learning and development activity while away, and a two-semester or more period of probation upon return. Students reported for a second or subsequent violation of College policy during the period of probation will be referred to the Honor Board and face possible suspension or, for repeated or serious violations, expulsion from the College. In all cases, students should be aware that violations involving controlled dangerous substances (CDS) may be reported to local authorities who may file charges independently in the local court system.

##### Possible sanctions that may be considered:



- Fines
- Probation for a semester or an extension of existing probation
- Substance abuse education activity or community service followed by a reflection paper
- Change in the housing assignment
- Restriction to classes and class-related activities (prohibited from attending social activities, entering the Student Center, residence halls, etc.)
- Required substance abuse evaluation by a counselor & required completion in any suggested follow-up care
- Suspension from the College for a semester for a moderate to serious violation committed while on probation
- Suspension for two semesters or longer or expulsion for repeated violations while on probation or for a very serious violation while on probation

Typical Notifications:

- Possible - Parent/guardian notification
- Likely - Provost Office notification
- Likely - Athletic coach and Athletic Director notification (if a student is a varsity athlete) • Director of Student Engagement(if a student is a member of a Greek organization)

In addition to the possible sanctions listed above, students should also be aware of other potential consequences of drug-related convictions through the court system.

If a student is convicted of any offense involving the possession or sale of illegal drugs, under the Higher Education Opportunity Act of 2008 (HEOA), the student is ineligible for federal student aid funds.

A drug-related conviction might also affect a student's:

- Eligibility to participate in a study abroad program
- Eligibility for employment
- Ability to acquire certification to work in fields of education, recreation, and with senior citizens
- Ability to acquire professional licensure (counseling, law, health care professions, etc.)

All students should be aware that current federal statutes permit notification of parents/legal guardians of a student's violation of College alcohol policy. Both designated College administrators and the Honor Board may recommend to the Vice President for Student Affairs that parental/legal guardian notification occur. The Vice President for Student Affairs or designee will make a final determination of the appropriateness of notification. The Vice President for Student Affairs or designee may also notify parents/legal guardians without a designated College administrator's or Honor Board's recommendation when the situation warrants notification. Each student should be prepared that parental/legal guardian notification may occur if an underage student is reported for a violation of the College alcohol or other drug policies.

## 15.08 Health Risks and Counseling

### Health Risks

The use of drugs and alcohol has both physical and psychological repercussions. Such substances can interfere with memory, sensation, and perception and impair the brain's ability to synthesize information. Regular users develop tolerance and physical dependence. Psychological dependence occurs when the substance becomes central to the user's life and decision-making. Alcohol consumption may cause a number of marked changes in behavior. Even low doses may significantly impair the judgment and coordination required to drive a car safely. Low to moderate doses of alcohol may increase the incidence of a variety of aggressive acts, including physical attacks. Moderate to high doses of alcohol may cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses may cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol may produce the effects just described. Repeated use of drugs and alcohol can lead to dependence. Sudden cessation of substance intake can produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Substance withdrawal can be life threatening. Long-term consumption of substances, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs, such as the brain and liver. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

### Counseling

In order to promote an environment free of substance abuse, the College supports an active program of community awareness and education and also offers assistance with confidential counseling. Many of these counseling services are provided "in-house" at no charge to the student; other services are provided through direct referrals to outside service agencies and regional support network. A part-time program specialist provides education, counseling, and evaluation services related to drug, alcohol, and other substance. All services are confidential, and information will not be released without written authorization. A copy of the policy related to limits of confidentiality is available at Counseling Services. Students, faculty and staff are encouraged to refer students who appear to be troubled by drug or alcohol use to Counseling Services (ext. 7261). In addition to the College's confidential counseling services, there are several national hotlines and websites available (below) that provide information and referral.

Wellness Advocacy Coaches offer peer to peer support to promote proactive ways to thrive in college and beyond. Students receive direction in accessing resources on campus, as well as general guidance about issues that impact them. The program allows students to tap into an additional layer of mental health support. WAC-Squared operates four nights a week on a drop-in basis.

### Hospital Transports for Intoxication

In the event a student is transported to the hospital for acute alcohol intoxication, based on observable considerations (slurred speech, inability to respond to questioning, loss of coordination/balance, unconsciousness, etc.) parental contact will be coordinated immediately. Upon discharge the student will be required to meet with the Dean of

Students/Title IX Coordinator within 24 hours of return and will be subject to judicial action.

#### 15.09 Resources

##### **On Campus Resources**

Health Services 410-778-7261

Counseling Services 410-778-7261

Mantra Telehealth <https://app.mantrahealth.com/login>

##### **Off-Campus/Community Resources**

Alcoholics Anonymous <http://www.aa.org>

Al-Anon/Alateen <https://al-anon.org/>

Marijuana Anonymous <https://www.marijuana-anonymous.org/>

National Association for Children of Addiction <https://nacoa.org/>

Cocaine Anonymous <https://ca.org/>

Narcotics Anonymous <https://www.na.org/>

National Alcohol Abuse and Drug 24-Hour Helpline: 1-800-252-6465

Cocaine Abuse 24-Hour Hotline: 1-800-262-2463

#### 15.10 Additional information

Please refer to the section titled “Alcohol and Other Drugs: Expectations, Education and Policies” in the Student Handbook for a complete description of policies, sanctions, health risks, and resource information. The link to the Student Handbook is:

[https://www.washcoll.edu/people\\_departments/offices/student-affairs/student-handbook/alcohol-and-other-drugs-expectations-education-and-policies/index.php](https://www.washcoll.edu/people_departments/offices/student-affairs/student-handbook/alcohol-and-other-drugs-expectations-education-and-policies/index.php)

## 16.00 CAMPUS FIRE SAFETY ANNUAL COMPLIANCE REPORT

October 1, 2022

### 16.01 Overview

The Higher Education Opportunity Act (Public Law 110-315) became law in August, 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. The following public disclosure report details all information required by this law as it relates to Washington College.

### 16.02 Fire Log

The Department of Public Safety maintains a written, easily understood fire log that records by the date reported any fire that occurred in an on-campus student housing facility. This log includes the nature, date, time, and general location of each fire. It also provides details regarding any deaths or injuries sustained as a result of a fire, as well as damages incurred. The fire log is available for review during normal business hours (8:30 am to 4:30 pm, Monday through Friday) in the Public Safety Office, located in the lower level of Cullen House.

### 16.03 General Statement of College Owned/Controlled Student Housing

At Washington College, most of our buildings are covered by an integrated automatic sprinkler and fire alarm system. Officers investigate alarms that are received in our Public Safety office, and officers are on duty 24 hours a day, seven days a week. Buildings are equipped with battery-powered backup lighting in the event of a power outage.

All dormitory residents and residence hall staff receive basic fire safety training at the beginning of each semester. Our annual security and fire safety report has a section regarding fire safety, and fire safety tips are also posted on our website. Fire drills are conducted in residence halls at the start of each semester. A certified vendor conducts biannual, complete servicing of all fire protection and detection systems as well as all fire protection devices on campus. In 2022, Public Safety began conducting fire drills in academic buildings on campus. These drills will be held at the start of each semester.

To minimize the potential for fires at Washington College, the following policies are in place:

### 16.04 Fire Safety

Each semester, Public Safety will hold unannounced fire drills (at least one per semester) for all residence hall students. Students are expected to vacate their residence hall when they hear a fire alarm or are directed to do so by appropriate College staff. Failure to do so may be considered a violation of College policy. Tampering with fire extinguishers or smoke detectors is a violation of College policy that may result in suspension. Per state code, students are not permitted to store their bicycles or any personal property inside the building in the stairwells. Bicycles or property left in stairwells may be removed. Bicycle racks are provided outside most residence halls. All furnishings in the residence halls are expected to meet state fire codes for college residence hall furnishings. Personal furniture or mattresses are therefore not allowed. Mattresses for medical accommodation must meet the fire code standards for Maryland state residence halls. Unapproved appliances will be removed and student held responsible with the judicial process.

#### Small Appliances

*A student may bring the following items depending on location.* All electrical appliances must be UL approved. For questions regarding any item not listed, please contact the Residential Life Office.

*All bedrooms:* Refrigerator (not more than 5 cu. Ft.), microwave, game systems, fans, air purifiers, televisions (may not be mounted on walls), microwaves, hair dryers, coffee makers with automatic shut-off.

*Non-bedroom spaces* (confined to common rooms in applicable suites or kitchens in apartments): toasters, small closed-element electric grills or electric kettle, popcorn poppers, slow cookers, rice makers.

*Due to safety considerations, the following items are prohibited from all residence halls:* portable heaters, halogen lamps, hot plates, toaster ovens, propane or charcoal grills, incense, candles and anything with open flame, anything with an exposed heating element,

multi-arm lamps with plastic shades. Any appliance or item not listed specifically but poses a fire hazard or risk to students will be confiscated by staff.

*Smoking:* Due to health risks and fire hazards caused by smoking or the passive inhalation of tobacco and other smoke or vapors, ALL College buildings and vehicles are designated as “smoke-free.”

#### Room Inspections

Periodic room inspections may be made by the State Fire Marshal, the Department of Public Safety, the Buildings and Grounds Department and the Department of Residential Life to ensure the safety of the residence halls.

#### 16.05 Student Housing Reporting and Evacuation Procedures

Members of the college community should become familiar with at least two evacuation routes from each building in which they study, work or reside as well as the location of fire alarm stations, emergency exits, and fire extinguishers in the area. In the event that a building needs to be evacuated for any reason, a fire alarm will be activated. **YOU MUST LEAVE THE BUILDING WHEN THE ALARM SOUNDS.**

#### If You Discover Smoke or Fire

- If you have been trained and it is safe to do so, attempt to extinguish the fire with a portable fire extinguisher only if fire is small. If you have not been trained, you must evacuate the area.
- Keep yourself between the fire and an exit.
- As you vacate fire area, close all doors behind you.
- Activate the nearest fire alarm pull station. Warn people in the vicinity. (Although an alarm will alert Public Safety automatically for most major campus facilities, that is not the case for a small number of buildings. Please call Public Safety at 410-778-7810 or local authorities at 911 from a campus phone to let them know the alarm has been activated and the nature of the emergency.)
- Evacuate the building via the nearest safe exit.
- Elevators are not to be used as a means of exit during a fire emergency.
- Once outside, stay clear of the building. Do not re-enter the building until authorized by the Fire Department or Public Safety.

Any fires that were quickly extinguished or any evidence of recent fires must be reported immediately to a member of the Public Safety Department at 410-778-7810. They will then document the incident as required. Public Safety personnel will assist fire department personnel and the Fire Marshal (as warranted) in the investigation of each fire incident. For purposes of including a fire in the statistics in the annual security and fire safety report, students and employees should contact Public Safety to report that a fire has occurred

The address for all buildings, with the exception of Kent Crossing, is 300 Washington Avenue, Chestertown, MD 21620. The address for Kent Crossing is 101 Morgnec Road, Chestertown, MD 21620.

16.06 Fire Statistics for On-campus Student Housing Facilities

2021 Fire Statistics for On Campus, Residential Facilities

<b>Residential Facility</b>	<b># of fires</b>	<b>Date</b>	<b>Cause</b>	<b># of Injuries</b>	<b># of Deaths</b>	<b>Value of Property Damage</b>
<b>Queen Anne</b>	0					
<b>Caroline</b>	0					
<b>Reid</b>	0					
<b>Minta Martin</b>	0					
<b>East</b>	0					
<b>West</b>	0					
<b>Middle</b>	0					
<b>Cullen</b>	0					
<b>Cecil</b>	0					
<b>Talbot</b>	0					
<b>Dorchester</b>	0					
<b>Harford</b>	0					
<b>Sassafras</b>	0					
<b>Chester</b>	0					
<b>Montgomery</b>	0					
<b>Howard</b>	0					
<b>Carroll</b>	0					
<b>Frederick</b>	0					
<b>Alleghany</b>	0					
<b>Garrett</b>	0					
<b>Anne Arundel</b>	0					
<b>Calvert</b>	0					
<b>St. Mary's</b>	0					
<b>Prince Georges</b>	0					
<b>Charles</b>	0					
<b>Kent</b>	0					
<b>Corsica</b>	0					

2020 Fire Statistics for On Campus, Residential Facilities

<b>Residential Facility</b>	<b># of fires</b>	<b>Date</b>	<b>Cause</b>	<b># of Injuries</b>	<b># of Deaths</b>	<b>Value of Property Damage</b>
<b>Queen Anne</b>	0					
<b>Caroline</b>	0					
<b>Reid</b>	0					
<b>Minta Martin</b>	0					
<b>East</b>	0					
<b>West</b>	0					
<b>Middle</b>	0					
<b>Wicomico</b>	0					
<b>Somerset</b>	0					
<b>Worcester</b>	0					
<b>Cecil</b>	0					
<b>Talbot</b>	0					
<b>Dorchester</b>	0					
<b>Harford</b>	0					
<b>Sassafras</b>	0					
<b>Chester</b>	0					
<b>Montgomery</b>	0					
<b>Howard</b>	0					
<b>Carroll</b>	0					
<b>Frederick</b>	0					
<b>Alleghany</b>	0					
<b>Garrett</b>	0					
<b>Anne Arundel</b>	0					
<b>Calvert</b>	0					
<b>St. Mary's</b>	0					
<b>Prince Georges</b>	0					
<b>Charles</b>	0					
<b>Kent</b>	0					
<b>Kent Crossing</b>	0					
<b>Corsica</b>	0					

2019 Fire Statistics for On Campus, Residential Facilities

<b>Residential Facility</b>	<b># of fires</b>	<b>Date</b>	<b>Cause</b>	<b># of Injuries</b>	<b># of Deaths</b>	<b>Value of Property Damage</b>
<b>Queen Anne</b>	0					
<b>Caroline</b>	0					
<b>Reid</b>	0					
<b>Minta Martin</b>	0					
<b>East</b>	0					
<b>West</b>	0					
<b>Middle</b>	0					
<b>Wicomico</b>	0					
<b>Somerset</b>	0					
<b>Worcester</b>	0					
<b>Cecil</b>	0					
<b>Talbot</b>	0					
<b>Dorchester</b>	0					
<b>Harford</b>	0					
<b>Sassafras</b>	0					
<b>Chester</b>	0					
<b>Montgomery</b>	0					
<b>Howard</b>	0					
<b>Carroll</b>	0					
<b>Frederick</b>	0					
<b>Alleghany</b>	0					
<b>Garrett</b>	0					
<b>Anne Arundel</b>	0					
<b>Calvert</b>	0					
<b>St. Mary's</b>	0					
<b>Prince Georges</b>	0					
<b>Charles</b>	0					
<b>Kent</b>	0					
<b>Kent Crossing</b>	0					
<b>Corsica</b>	0					



16.07 Fire Safety Systems for On Campus Student Housing

Residential Facility	Sprinklers	Fire Extinguishers	Other Extinguishing Devices	Fire Detection Devices	Stand Alone Smoke Alarms	Other Alert Devices	Fire Doors	Fire Walls
Queen Anne	x	x		x	x		x	x
Caroline	x	x		x	x		x	x
Reid	x	x	x-standpipe	x	x		x	x
Minta Martin	x	x	x-standpipe	x	x		x	x
East	x	x	x-standpipe	x	x		x	x
West	x	x	x-standpipe	x	x		x	x
Middle	x	x	x-standpipe	x	x		x	x
Cullen	x	x	x-standpipe	x	x		x	x
Cecil	x	x		x	x		x	x
Talbot	x	x		x	x		x	x
Dorchester	x	x		x	x		x	x
Harford	x	x		x	x		x	x
Sassafras	x	x	x-standpipe	x	x		x	x
Chester	x	x	x-standpipe	x	x		x	x
Montgomery	x	x		x	x		x	x
Howard	x	x		x	x		x	x
Carroll	x	x		x	x		x	x
Frederick	x	x		x	x		x	x
Alleghany	x	x		x	x		x	x
Garrett	x	x		x	x		x	x
Anne Arundel	x	x		x	x		x	x
Calvert	x	x		x	x		x	x
St. Mary's	x	x		x	x		x	x
Prince George	x	x		x	x		x	x
Charles	x	x		x	x		x	x
Kent	x	x		x	x		x	x
Kent Crossing	x-all but 3 buildings	x		x	x		x	x
Corsica	x	x	x-standpipe	x	x		x	x

## 17.00 ANNUAL CRIME STATISTICS

Crime statistic handouts (Student Right to Know and Campus Security Act) are located in the Public Safety Office and may be obtained upon request. During the past 3 calendar years the Washington College community reported to the Department of Public Safety and the Chestertown Police Department the following crimes:

### 17.01 Annual Crime Statistics for past 3 years

Total Crimes Reported For:	<b>On Campus</b> - this category includes all on-campus incidents, including those listed in the category to the right, "In dormitories or other residential facilities."						<b>Non Campus</b>			<b>Public Property</b>		
Offense Type	<b>2019</b>		<b>2020</b>		<b>2021</b>		<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
	On Campus	In dormitories or other residential facilities	On Campus	In dormitories or other residential facilities	On Campus	In dormitories or other residential facilities						
<b>Murder &amp; Non- Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sex Offenses</b>	8 (7 R, 1 F)	8	1 (1 F)	0	3 (2R, 1F)	3	0	0	0	0	0	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	2	2	2	2	0	0	0	0	1	0	0	0
<b>Motor Vehicle Theft</b>	1	0	0	0	6	0	0	0	0	0	0	0
<b>Arson</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Hate Crimes</b>	3	1	1	0	0	0	0	0	0	0	0	0
<b>Domestic Violence</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Dating Violence</b>	3	3	0	0	0	0	0	0	0	0	0	0
<b>Stalking</b>	1	1	0	0	1	0	0	0	0	0	0	0

Sex offenses are categorized as rape (R), fondling (F), statutory rape (SR) and incest (I).

There were no unfounded crimes in 2021.

There were no hate crimes in 2021.

Total Crimes Reported For:	<b>On Campus</b> - this category includes all on-campus incidents, including those listed in the category to the right, "In dormitories or other residential facilities."						<b>Non-Campus Buildings or Property</b>			<b>Public Property</b>		
	2019		2020		2021		2019	2020	2021	2019	2020	2021
Offense Type	On Campus	In dormitories or other residential facilities	On Campus	In dormitories or other residential facilities	On Campus	In dormitories or other residential facilities						
	<b>Liquor law violation arrests</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor law violation referrals</b>	38	35	6	4	54	54	0	0	0	0	0	0
<b>Drug-related arrests</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Drug-related referrals</b>	0	0	0	0	1	1	0	0	0	0	0	0
<b>Illegal Weapons possession arrests</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Illegal Weapons possession referrals</b>	0	0	0	0	0	0	0	0	0	0	0	0

17.02 Annual Crime Statistics for 2021

<b>Annual Crime Statistics for 2021</b>				
	On Campus	Residence Halls	Non-Campus Buildings or Property	Public Property
Murder and Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Sex Offenses (rape, fondling, statutory rape, incest)	3 (2 R, 1 F)	3	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	1	0
Motor Vehicle Theft	6	0	0	0
Arson	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	1	0	0	0
Hate Crime	0	0	0	0
	On Campus	Residence Halls	Non-Campus Buildings	Public Property
<b>Arrests:</b>				
Liquor Law Violations	0	0	0	0
Drug Law Violations	0	0	0	0
Weapons Violations	0	0	0	0
<b>Referrals for disciplinary action (does not include arrests, above):</b>				
Liquor Law Violations	54	54	0	0
Drug Law Violations	1	1	0	0
Illegal Weapons Possession Violations	0	0	0	0

Sex offenses include: rape (R), fondling (F), statutory rape (SR) and incest (I).

**There were no hate crimes and no unfounded crimes in 2021.**

### 17.03 Reporting Locations

On Campus is defined as any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

- Property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

The term Non Campus Building or Property means

- Any building or property owned or controlled by a student organization recognized by the institution; and
- Any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

The term Public Property means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

### 17.04 Crime Definitions

**Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sexual Assault** is defined as: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Robbery: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with the intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (All cases where automobiles are taken by persons not having lawful access, even though the vehicles were later abandoned – including joyriding are classified as motor vehicle theft.)

Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

Weapon law violation: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug abuse violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demoral, methadones); and dangerous non- narcotic drugs (barbiturates, Benzedrine).

Liquor law violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

Hate crimes: Any occurrence of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury that manifests evidence that the victim was intentionally selected because of the perpetrator's bias (bias categories include race, gender, religion, sexual orientation, ethnicity, national origin, disability, and gender identity). The guidelines for reporting hate crimes have recently been expanded to include intimidation, larceny- theft, simple assault and vandalism in cases where there is evidence the victim was intentionally selected because of the perpetrator's bias.

Domestic violence is defined as: a felony or misdemeanor crime of violence 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 cohabitated 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 the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating violence is defined as: 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 a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.
- For the purpose of this definition:
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.

Sexual Assault is defined as: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Stalking is defined as: 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.
- For the purpose of this definition:
  - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - Reasonable person means a reasonable person under similar circumstances and with similar identifies to the victim.
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

#### 17.06 Notice of Non-Discrimination

Washington College does not discriminate against any person on the basis of race, sex, color, national or ethnic origin, age, religion, marital status, veteran status, disability, sexual orientation, gender identity, gender expression, genetic information, or any other characteristic protected by applicable law in its employment, educational programs and activities, admissions policies, and scholarship and loan programs as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and College policies.

Washington College is required to promptly and equitably investigate complaints alleging violations of Title IX and Section 504. All administrators, staff, and employees of the College are reminded that the failure to promptly and equitably investigate alleged sexual harassment or sex discrimination is a violation of Title IX and the failure to promptly and equitably investigate alleged disability harassment or disability discrimination is a violation of Section 504.

The designated coordinator to ensure compliance with Title IX of the Educational Act Amendments of 1972 is:

- Gregory H. Krikorian, Dean of Students and Title IX Coordinator, Casey Academic Center, Washington College, 300 Washington Avenue, Chestertown, Maryland, 21620, (410) 778-7752.

The designated coordinators to ensure compliance with Section 504 of the Rehabilitation Act of 1973 are:



- Gregory H. Krikorian, Dean of Students and Title IX Coordinator, Casey Academic Center, Washington College, 300 Washington Avenue, Chestertown, Maryland, 21620, (410) 778-7752,
- Justine Khadduri, Director of the Office of Academic Skills ([jkhadduri2@washcoll.edu](mailto:jkhadduri2@washcoll.edu)) and
- Kate Laking, Associate Director of Human Resources, (410) 778-7799