

University System of Maryland Hagerstown Policy and Procedures on Sex Discrimination

I. Purpose

University System of Maryland Hagerstown (USMH) and Partner Institutions (as described in Section II) are committed to creating and maintaining an environment where all persons at USMH may learn and work together in an atmosphere free from Sex Discrimination and Retaliation. Sex Discrimination is the exclusion from participation in or being denied the benefits of any Education Program or Activity of an Institution on the basis of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, Pregnancy or Related conditions, and sex-based discrimination relating to Parental Status, Family Status, or marital status. Sex Discrimination and Retaliation are prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 (Title IX and Title VII of the Civil Rights Act of 1964), as well as by the University System of Maryland (USM) and Partner Institutions' policies. USMH and our Partner Institutions prohibit Sex Discrimination and promote prompt reporting, timely, fair, and impartial investigations, and resolution of Complaints.

II. Partner and Coordinating Institutions

USMH partners with USM Institutions to offer bachelor's and graduate coursework. A Partner Institution hosts a particular student, staff, or faculty member, or is associated with any person on site at USMH for purposes of providing an Education Program or Activity (Partner Institution). A Partner Institution is considered the "home institution" for the individual.

USMH, as a regional higher education center within USM, operates in accordance with the system's [Board of Regents Policy VI-1.60-Policy on Sex Discrimination \(the USM Policy\)](#). Each Partner Institution implements their own policies and procedures to address Sex Discrimination. This Policy adopts and incorporates all terms defined in the USM Policy (see Appendix A). Complaints will be investigated under the Policy of and subject to the procedures of the applicable Partner Institution.

USMH employees, or any other person who is unable to identify the appropriate Partner Institution should contact the Title IX Coordinator at FSU, which serves as the coordinating institution for USMH, to report information about conduct which may reasonably constitute Sex Discrimination:

Benjamin T. Brauer
Frostburg State University
Title IX Coordinator
301-687-3035
titleix@frostburg.edu

III. Sex Discrimination

Sex Discrimination means exclusion from participation in or being denied the benefits of any USMH Education Program or Activity on the basis of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, Pregnancy or Related Conditions, Parental or Family Status, and marital status. Sex-Based Harassment, which includes Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, is a form of Sex Discrimination.

USMH prohibits Sex Discrimination and Retaliation against any person who has reported information about Sex Discrimination. Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has reported information, made a Complaint, testified, assisted, participated in or refused to participate in any manner in an investigation, proceeding, or hearing related to Sex Discrimination. Retaliation includes bringing charges against an individual for violations of other institutional policies that do not involve Sex Discrimination but arise out of the same facts or circumstances as a Complaint, for the purpose of interfering with any right or privilege secured by Title IX.

IV. Pregnancy and Related Conditions

“Pregnancy or Related Conditions” means the current, past, or potential presence of any of the following conditions: (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Recovery from pregnancy, childbirth, termination of pregnancy, or lactation; and (3) Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation. USMH prohibits discrimination on the basis of Pregnancy or Related Conditions.

Students or Employees experiencing Pregnancy or Related Conditions may request reasonable accommodations to their educational or work environment as necessary. Any person who wishes to request accommodations should contact the Title IX Coordinator at their Partner Institution (as set forth in Section VI). USMH will work with the Partner Institution to coordinate any accommodations which require their assistance.

V. Reporting

All USMH and Partner Institution employees must notify the Title IX Coordinator at their Partner Institution or provide students or other persons with the contact information of the Partner Institution Title IX Coordinator under the following circumstances:

- A. Pregnancy or Related Conditions** – If a student, or a person who has the legal right to act on behalf of the Student, informs any employee of the Student’s Pregnancy or Related Conditions, the employee must provide that person with the Title IX Coordinator’s contact information and inform them that the Title IX Coordinator can coordinate specific actions to ensure equal access and prevention of discrimination. Employees need not provide the Title IX Coordinator’s contact

information if the employee reasonably believes that the Title IX Coordinator has been notified.

B. Sex Discrimination – When an employee becomes aware of information about conduct that reasonably may constitute Sex Discrimination or Retaliation, they are required to take the following action based on their designation:

1. **Confidential Employees**¹ are (1) employees whose communications are privileged or confidential under Federal or State law; (2) employees whose communications are specifically designated as confidential for the purpose of providing services related to potential Sex Discrimination; or (3) employees who are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex Discrimination—but the employee’s confidential status is only with respect to information received while conducting the study. Confidential Employees must inform any person who communicates information about conduct that may reasonably constitute Sex Discrimination that they are Confidential Employees, circumstances in which they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination, how to contact the Title IX Coordinator and how to initiate a Complaint, and that the Title IX Coordinator may be able to offer and coordinate Supportive Measures as well as initiate an informal resolution process or investigation under the procedures.
2. **Employees with Authority**, who are employees, other than Confidential Employees, who have authority to institute corrective measures or who are responsible for administrative leadership, teaching, or advising, must notify the Title IX Coordinator when they obtain information about conduct that may reasonably constitute Sex Discrimination.
3. **All Employees**, who are not Confidential Employees or Employees with Authority shall either (1) notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex Discrimination or (2) provide the contact information of the Title IX Coordinator and information about how to make a Complaint to any person who provides the employee with information about conduct that may reasonably constitute Sex Discrimination.

Individuals may also contact the Partner Institution Title IX Coordinator without first reporting to USMH employee. The Partner Institution Title IX Coordinator’s responsibilities include, but are not limited to: (1) receiving reports and information; (2) providing resources or

¹ The names of all Confidential Employees are listed in Appendix B.

Supportive Measures; (3) initiating the interacting process for any requested accommodation under this Policy. Reports made to USMH Employees will be referred to the appropriate Partner Institution Title IX Coordinator. Contact information for each Title IX Coordinator by Partner Institution is below:

Institution	Contact	Website
Bowie State University	Alanna Dennis, Esq., M.S., J.D. Equity Compliance Office/Title IX Coordinator 301-860-3442 titleixcoordinator@bowiestate.edu	Title IX Bowie State
Frostburg State University	Benjamin T. Brauer Title IX Coordinator 301-687-3035 titleix@frostburg.edu	Office of Gender Equity (frostburg.edu)
Salisbury University	Humberto Aristizabal Associate Vice President of Institutional Equity/Title IX Coordinator 410-548-3508 equity@salisbury.edu	Sex Discrimination (Sexual Misconduct) Salisbury University
Towson University	Anthony Davis Interim Civil Rights Investigator/Title IX and Civil Rights Investigator 410-704-0203 titleix@towson.edu	Gender Discrimination & Title IX Towson University
University of Baltimore	Tiwana Barnes Title IX Coordinator and Director of DEI 410-837-5020 tbarnes@ubalt.edu	Sexual Harassment and Other Sexual Misconduct - University of Baltimore (ubalt.edu)
University of Maryland Eastern Shore	Jason A. Casares Campus Compliance Officer 410-651-6135 titleix@umes.edu	Title IX and Sexual Misconduct Office of Institutional Equity and Compliance (umes.edu)
University of Maryland Global Campus	Steven Alfred Title IX Coordinator 301-887-7295 titleixcoordinator@umgc.edu	Sexual Misconduct (Title IX) Policy UMGC

VI. Training

All USMH employees and students, including Partner Institution employees working at USMH, will be trained to identify and reduce the occurrence of Sex Discrimination pursuant to the policy of the applicable Partner Institution.

USMH employees and Partner Institution employees working at USMH will be trained regarding the obligation to address Sex Discrimination. All employees shall be trained upon hire, upon change of position, and annually thereafter. Employees will be trained pursuant to the policy at their Partner Institution.

APPENDIX A – Definitions

- A. Complainant** is an individual who is alleged to have been subjected to Sex Discrimination who is a student or employee or who was participating or attempting to participate in the Education Program or Activity at the time of the alleged Sex Discrimination, whether or not that individual initiated the Complaint.²
- B. Complaint** means an oral or written request to the Institution that objectively can be understood as a request to investigate and make a determination about alleged Sex Discrimination.
- C. Confidential Employees** are (1) employees whose communications are privileged³ or confidential under Federal or State law; (2) employees whose communications are specifically designated as confidential for the purpose of providing services related to potential Sex Discrimination; or (3) employees who are conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee’s confidential status is only with respect to information received while conducting the study.⁴
- D. Education Program or Activity** of an Institution includes all operations of the Institution in the United States, including, but not limited to, all conduct⁵ over which an Institution exercises disciplinary authority and all conduct that occurs in any building owned or controlled by a student organization that is officially recognized by an Institution. An Institution must address a sex-based hostile environment under its Education Program or Activity even when some conduct alleged to be contributing to the hostile environment occurred outside the Institution’s Education Program or Activity or outside the United States.
- E. Employees with Authority** are employees, other than Confidential Employees, who have authority to institute corrective measures or who are responsible for administrative leadership, teaching, or advising.

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

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

⁴ Each Institution’s Notice of Nondiscrimination (as defined in Section II.D) and policy shall conspicuously publish the names of all Confidential Employees, except any employee whose confidential status is only with respect to their conducting an institutional review board-approved human subjects research study designed to gather information about Sex Discrimination.

⁵ Such conduct may occur in-person or through the use of technology such as e-mail, texts, social media applications, etc.

- F. Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- G. Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Maryland.
- H. Parental Status** means the current, potential, or past status of an individual who is, with respect to any person under the age of 18 or over the age of 18 but incapable of self-care because of a disability: (1) a biological, step, adoptive, or foster parent; (2) a legal custodian or guardian; (3) in loco parentis; or (4) actively seeking legal custody, guardianship, visitation, or adoption .
- I. Pregnancy or Related Conditions** means the current, past, or potential presence of any of the following conditions:
1. Pregnancy, childbirth, termination of pregnancy, or lactation
 2. Recovery from pregnancy, childbirth, termination of pregnancy, or lactation
 3. Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation.
- J. Relevant** means related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are Relevant when they seek evidence which may aid a decisionmaker in determining whether the alleged sex discrimination occurred. Evidence is Relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- K. Respondent** means an individual alleged to be the perpetrator of conduct that could constitute Sex Discrimination.
- L. Retaliation** means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has reported information, made a Complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Sex Discrimination. Retaliation includes bringing charges against an individual for violations of other institutional policies that do not

involve Sex Discrimination but arise out of the same facts or circumstances as a Complaint, for the purpose of interfering with any right or privilege secured by Title IX.

M. Sexual Assault means an offense classified as a sex offense in the uniform crime reporting system of the Federal Bureau of Investigation. Sex offenses are sexual acts directed against another person and include:

1. **Non-Consensual Sexual Penetration**— Penetration, no matter how slight, of the genital or anal opening of the body of another person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
2. **Fondling**—The touching of the private body 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 their age or because of their temporary or permanent mental or physical incapacity.
3. **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent.⁶

N. Sex-Based Harassment means Sex Discrimination prohibited by Title IX that satisfies one or more of the following:

1. **Quid pro quo harassment**— An employee, agent, or other person authorized by the Institution to provide an aid, benefit, or service under the Institution's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
2. **Hostile Environment Harassment**— Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Institution's Education Program or Activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant's ability to access the Institution's Education Program or Activity;
 - b. The type, frequency, and duration of the conduct;

⁶ See Md. Code Ann., Crim. Law §§ 3-301 through 3-307.

- c. The parties' ages, roles within the Institution's Education Program or Activity, previous interactions, and other factors about each party that may be Relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in the Institution's Education Program or Activity.

3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

- O. Sex-Based Harassment prohibited by Md. Code Ann., State Gov't § 20-601⁷** means unwelcome and offensive conduct, which need not be severe or pervasive, when the conduct is based on sex, sexual orientation, or gender identity or consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature; and
- 1. Submission to the conduct is made either explicitly or implicitly a term or condition of the employment of an individual;
 - 2. Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or
 - 3. Based on the totality of the circumstances, the conduct creates a working environment that a reasonable person would perceive to be abusive or hostile.
- P. Sex Discrimination** means exclusion from participation in or being denied the benefits of any Education Program or Activity of an Institution on the basis of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, and Pregnancy or Related Conditions. Sex-Based Harassment is a form of Sex Discrimination.
- Q. Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.
- R. Student** means a person who has gained admission to an Institution.
- S. Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
- 1. Restore or preserve that party's access to the Institution's Education Program or Activity, including measures that are designed to protect the safety of the parties or the Institution's educational environment; or
 - 2. Provide support during the Institution's grievance procedures.

⁷ This definition applies only to sex-based harassment of employees that does not constitute Sex-Based Harassment prohibited by Title IX. *See* Md. Code Ann., State Gov't §§ 20-601 through 20-611.

Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact applied to one or more parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, training and education programs related to Sex-Based Harassment, and other similar measures.

APPENDIX B – Confidential Employees

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