

Support Services and Reporting Option for Gender/Sex Based Harassment and Discrimination

McDaniel College is committed to maintaining a safe and secure campus environment where all individuals who participate in institutional programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. These acts whether committed by a stranger or by an acquaintance, threaten the personal safety, educational experience, and the wellbeing of members of the McDaniel College community. The college prohibits sexual violence, including sexual assault, dating violence, domestic violence and stalking; such behavior violates college policy and may also violate the law.

If the college becomes aware of incidents of gender- based discrimination, gender-based harassment, sexual harassment, sexual violence, and relationship violence or stalking, the college will take immediate action to eliminate the discrimination, harassment, or violence, prevent its recurrence, and address its effects.

The following information is meant to help a community member determine how the College might assist and support a person as a result of an incident of sexual violence and/or gender- based discrimination and harassment.

YOUR Options

McDaniel encourages you to report what you have experienced to the college. Reporting allows the college to support and provide helpful resources to assist you with what has occurred. McDaniel encourages you to report what you have experienced to law enforcement and to participate in the college's internal grievance process, but you are not obliged to do so. Later in this guide, you will see more information about how to report to the college and/or to law enforcement, and about how the College will review the reports it receives.

The resources, support and interim measures described in this guide are available to you even if you decide not to participate in the college or law enforcement processes.

In some cases, if you make an initial report but then decide not to participate further, the college may still need to review and investigate the information provided and may also be obligated to share the report with law enforcement for possible handling through the criminal justice system. Even in such cases, though, you do not have to participate in the college or law enforcement processes if you do not wish to do so.

The information that you share with the college is your choice. However, you are encouraged to share it so that the college may support you as you move forward from the experience.

Reporting to the college

Anyone who believes that they have experienced an incident of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking, may report the incident to any of the following:

- Elizabeth Towle, Title IX Coordinator (410-857-2205); etowle@mcdaniel.edu

- Department of Campus Safety (410-857-2202)
- Any member of the Division of Student Affairs (410-857-2244)
- Any member of the Human Resources Department (410-857-2229)
- Any Dean, Provost, Associate Provost, or Associate Dean
- Any Vice President or Associate Vice President

Please note that if a person makes a report to a responsible person, federal law requires that the information be reported to the Title IX Coordinator (410-857-2205). Reports include the name of the individual who experienced an incident, the residence hall assignment of that individual (if applicable), and the date, time, and location of the incident.

The report allows the college (typically the Title IX Coordinator) to speak with the complaining party about:

1. supportive services and
2. to determine if the party wishes to initiate the investigation and formal resolution procedure by filing a formal complaint or if a formal complaint should be signed by the Title IX Coordinator based on the factors discussed later on in this brochure.

If a formal complaint is filed, the investigation and formal resolution procedure is described in the McDaniel College Policy Against Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence. The investigation report is used as evidence in the procedure. The college will simultaneously inform all parties of:

- the procedures and deadlines associated with any investigation/formal resolution proceeding; the outcome of the proceeding;
- the procedures and deadlines for appealing the outcome, if applicable, (4) any change to the outcome of the investigation/formal resolution process before the decision becomes final, and the outcome decision(s) becoming final.
- McDaniel's investigation and formal resolution process does not permit the complainant and respondent to interact or communicate directly or indirectly with each other at any time.

Filing a Protective/Peace Order

An individual can file a Protective/Peace Order with the District Court. More information can be found at <https://www.courts.state.md.us/legalhelp/domesticviolence>.

Formal Investigative Procedures:

Investigations performed as part of the investigation and formal resolution process under the Policy Against Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence are investigated by a trained investigator who is appointed by the Title IX Coordinator. The college will undertake an investigation regardless of the sex, gender identity and/or sexual orientation of the complainant or respondent. Both you and the accused individual(s) will be notified of the

investigation, and each of you will have the same rights during the process, including, but not limited to, the right to:

1. Be accompanied by an advisor (who may be a licensed attorney) and support person of your choice at any meeting, including any investigatory interview, and
2. Suggest additional witnesses to be interviewed during the investigation. The investigator will separately meet with you, the accused individual(s), and other potential witnesses to gather information. When the fact-gathering portion of the investigation is complete, the investigator will prepare and submit a report to the Title IX Coordinator that includes all the gathered information. As detailed in the Policy Against Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence, both parties will have an opportunity to view and respond to the evidence prior to the report becoming final.

Reporting to Law Enforcement

The college encourages full reporting of incidents as well as the full use of all available campus and off-campus resources. The college also recognizes that someone who experienced gender-based discrimination, gender-based harassment, sexual violence, relationship violence and/or stalking has the right, in most circumstances, to decide whether to report the incident to college authorities and/or law enforcement and to decide what campus or community resources to use. The college cooperates with all investigative agencies. The college will do its best to comply with the wishes of someone who reports that they have experienced sexual violence.

Whom do I talk with about reporting an incident to a local law enforcement agency?

- The Wellness Center (410-857-2243) Counseling staff members are available for students and will provide information, discuss the process, and help assess which resource would be best for you. This is a confidential resource.
- The Department of Campus Safety (410-857-2202) can provide information on the process and link you to external agencies. It is important to note that this initial contact will result in a referral to the college's Title IX Coordinator.
- Rape Crisis Intervention Service of Carroll County (410-857-7322) is a valuable confidential off campus resource to discuss the process involved in making a report. Rape Crisis Staff will provide support throughout the total process of reporting an incident to a local law enforcement agency.
- An individual can report directly to the Westminster Police Department (410-848-4646), Maryland State Police (410-386-3000), Carroll County Sheriff's Office (410-386- 2900) or go to Carroll Hospital Center (410-848-3000).
Carroll Hospital Center procedures require that all incidents be reported to the Westminster Police, unless an individual wishes to have a SAFE Exam anonymously as "Jane/John Doe".
- An individual can file a Protective/Peace Order with the District Court for Carroll County to prevent contact with the person alleged to have engaged in a crime. The Department of Campus Safety staff is available to assist in the process of filing a Protective/Peace Order.

Supportive Services

Whether you choose to report the incident or not, you are encouraged to meet with the Title IX Coordinator, the Dean of Students, or Associate Vice President for Administration to discuss protective measures you may want to consider, which may include the following:

- Obtaining a Protective/Peace Order, or similar lawful orders issued by criminal or civil courts. These orders would be honored both on and off campus, and the Department of Campus Safety could assist with making any necessary accommodations to apply for an order.
- Creating a plan to limit or prevent contact between you and the other person, including a no contact order if they are a member of the campus community. This may include making changes to class, work situations, transportation, or housing arrangements for you or the other party, regardless of whether the crime is reported to campus officials or local law enforcement.
- Taking steps to increase your sense of safety and security while you continue with your classes, work and other activities. Depending upon the circumstances of the case, the college may consider other interim measures. If the accused individual(s) is a student and if the circumstances warrant it, the college may decide that an interim suspension is necessary.
- Coordinating academic support through the Academic Affairs Office, counseling services at the Wellness Center or even requesting a leave of absence through the Academic Affairs Office and Financial Aid Office. (Note that a Leave of Absence may impact a student's eligibility to receive financial aid, to receive counseling services in the Wellness Center, to remain in the United States under a student visa, and/or to participate in intercollegiate athletics. Consult a member of the Academic Affairs Office and Financial Aid Office staff for additional information.)

Confidentiality

McDaniel college strives to respect the personal nature of incidents that may occur. If an individual who experiences an incident of sexual violence, gender discrimination or harassment, requests confidentiality, that no investigation into a particular incident be conducted or any disciplinary action taken, McDaniel college will evaluate the request against its responsibility to provide a safe, non-discriminatory environment for all students, faculty and staff, including the individual who reported the incident.

Although rare, there are times when McDaniel may not be able to honor the individual's request. Further, if McDaniel honors the request for confidentiality, McDaniel's ability to appropriately investigate the incident and pursue disciplinary action against the respondent(s), if warranted, may be limited.

McDaniel has designated the Title IX Coordinator or their designees to evaluate requests for confidentiality, as appropriate to the circumstances. In considering an individual's request for confidentiality, those individuals may consult with other college personnel as appropriate.

The evaluation of requests will be at the discretion of the Title IX Coordinator or their designee to weigh all factors. The Title IX Coordinator or designee(s) may consider any of the following factors to determine whether a request for confidentiality can be granted:

1. Evidence, if any, of the increased risk that the respondent may continue to commit acts of sexual or gender-based misconduct, such as:

- Whether there have been other reports or complaints of sexual misconduct or gender-based misconduct about the same Respondent;
 - Whether the Respondent has a history of arrests or records indicating an history of engaging in sexual or gender-based misconduct; or
 - Whether the Respondent threatened further misconduct against the Reporter or others.
2. Whether the reported offense(s) constituting sexual or gender-based misconduct as allegedly committed by multiple perpetrators;
 3. The employment status of the Respondent;
 4. If the Complainant was a student at the time the alleged events occurred, whether or not the
 5. Respondent is a faculty or staff member or volunteer;
 6. Whether the alleged act was perpetrated with a weapon;
 7. Whether the victim is a minor (i.e., under Maryland's age of legal consent);
 8. Whether the college possesses other means to obtain relevant evidence of the alleged act of sexual or gender-based misconduct (e.g., security cameras or personnel, physical evidence);
 9. Whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
 10. The respective ages of the parties;
 11. Whether there is any other evidence suggesting predatory behavior by the Respondent(s); and/or
 12. Any other fact determined relevant by the Title IX Coordinator or Designee to the matter at hand.

The presence of one or more of these factors may prompt an investigation and adjudication under McDaniel's policies and, if appropriate, result in disciplinary action. In the event McDaniel decides to initiate a formal investigation, the Title IX Coordinator shall prepare and sign a Formal Complaint on behalf of the college. However, the Title IX Coordinator shall not be a party to the proceeding, and the Complainant will not be required to participate in any proceedings.

Timing and Preservation of Evidence

If an incident occurs, you are encouraged to do the following:

- Go to a safe place. Call someone you trust for support. Remember that being assaulted is not your fault.
- Seek medical attention immediately to provide options for the prevention of sexually transmitted infections, internal injuries, and the possibility of pregnancy. A medical examination, performed by a specially trained nurse, is available at Carroll Hospital Center (410-848-3000)

- Transportation to Carroll Hospital Center can be arranged by the Department of Campus Safety (410-857-2202 or Ext. 2202), or by calling the ambulance at 911.
- Have evidence collected as soon as possible. Evidence collection is necessary for the investigation of the crime. Even if you do not think you would like to pursue a criminal case now, you can have evidence collected so you can decide later whether filing a report with police is right for you.
- Do NOT shower, bath, brush your teeth, and if at all possible, avoid using the restroom prior to having a medical exam. This can allow important evidence to be collected. Place all clothing worn at the time of the incident in a paper, not plastic, bag to preserve any evidence present on the items. Do not apply medication to any injuries unless absolutely necessary.
- Victims/survivors of sexual assault, domestic violence, stalking, dating violence, gender discrimination and harassment are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that may be useful to College investigators and/or police.

Support Services Available On or Off Campus

- Confidential Campus Resources for Full Time Students: McDaniel College Wellness Center (located in Winslow Center): 410-857-2243.
- Confidential Resource for Employees: Employee Assistance Program (EAP) Business Health Services (BHS): 1-800-327-2251 (24 hours/day, 7 days/week).

Additional Campus Resources (non-confidential):

- Title IX Coordinator: Elizabeth Towle, 410-857-2205, etowle@mcdaniel.edu
- The Office of Student Affairs: 410-857-2244, Located on the top level of Decker College Center.
- Department of Campus Safety: 410-857-2202 Located at 152 Pennsylvania Avenue.

Confidential Off Campus Resources

- Rape Crisis Intervention Service of Carroll County 224 N Center St Westminster Office: 410-857-0900, 24 hr. hotline: 410-857-7322 All services are provided free of charge. We serve any victim of sexual violence age 12 and older, and secondary victims.
- Rape Crisis provides a 24 hr. hotline 410-857-7322. Walk-in crisis intervention (Monday-Friday) Individual and group therapy, hospital, court, school, detention center, and police accompaniments, information and referrals.
- Carroll Hospital Center: 410-848-3000 (Please note that Carroll Hospital Center procedures require that all incidents of sexual assault be reported to the Westminster Police, unless an individual wishes to have a SAFE Exam anonymously as "Jane/John Doe")
- National Sexual Assault Hotline: 1-800-656-HOPE; this is a free and confidential hotline for incidents occurring outside of Maryland available 24 hours/day, 7 days/week.

- Maryland Coalition Against Sexual Assault (MCASA) www.mcasa.org. (The website provides a detailed list of rape crisis centers located in Maryland.)
- Love Is Respect: 1-866-331-9474 www.loveisrespect.org. This is a free and confidential hotline available 24 hours/day, 7 days/week.
- National Domestic Violence Hotline: 1-800-799-7233, 1-800-787-3224 (TTY). This is a free and confidential hotline available 24 hours/day, 7 days/week. • An attorney may also be available to assist you at no cost through the [Maryland Higher Education Commission](http://www.maryland.gov). Please contact MHEC at TitleIXproceedings.mhec@maryland.gov for further assistance.

The McDaniel College Policy Against Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence may be found in its entirety at: <https://www.mcdaniel.edu/media/3552>