2023 ANNUAL SECURITY AND FIRE SAFETY REPORT

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Message from the Director of the Department of Public Safety

Mount St. Mary’s University Department of Public Safety (DPS) is making available the 2022 Annual Security and Fire Safety Report to current and prospective students, employees, and all interested members of the university community. This report contains information on campus security policies and procedures at Mount St. Mary’s University, as well as certain crime statistics reported to DPS and local law enforcement agencies.

Ensuring the safety and well-being of students, faculty, staff, alumni, and visitors is the department’s leading priority. The Department of Public Safety is committed to providing the highest level of professional Public Safety services while protecting and serving the university community. This vision will be realized by maintaining a unified organization staffed with dedicated, well-trained, and well-equipped personnel who demonstrate a high degree of character and values. In concert with both our internal and external partners we will work to identify Public Safety needs and respond accordingly through appropriate planning, mitigation, response, and recovery efforts.

The information provided in this report is designed to be a resource and to advise the campus community, prospective students and prospective employees of the current programs, policies, and procedures related to crime awareness and reporting at the Mount. This report also includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings, property owned or controlled by the university, and on public property within or immediately adjacent to and accessible from the campus. The Annual Fire Safety requirements mandated by the Clery Act are also included in this year’s report.

This report is being provided in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Jeanne Clery Act is a federal law that requires colleges and universities across the United States to disclose timely and annual information about campus crime statistics and safety and security policies. We encourage all members of the Mount St. Mary’s University community to use this report as a guide and to take an active role in maximizing your personal safety both on and off campus.

This publication can be accessed online at the web-link: https://inside.msmary.edu/public-safety/index.html#annual-security-report. Hard copies of this report are available at the Department of Public Safety headquarters, located at the intersection of Old Emmitsburg Road and Annandale Road, Emmitsburg, Maryland. You can request a copy by mail or by contacting DPS at (301)447-5357.

Ron Hibbard, Director
Department of Public Safety
Introduction

Mission: As a Catholic university, Mount St. Mary’s University graduates ethical leaders who are inspired by a passion for learning and lead lives of significance in service to God and others.

About MSMU: Mount St. Mary's is a private, coed university (nonprofit) that was established in 1808 and currently enrolls over 2,500 total students. The main campus is situated on 1400 acres in a picturesque rural mountain setting located at 16300 Old Emmitsburg Road, Emmitsburg, Maryland. The Frederick campus is located at 5350 Spectrum Drive in Frederick, Maryland.

The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (also known as the Clery Act) requires colleges and universities to comply with the following three broad categories:

1. **Cler Act crime statistics and security-related policy requirements that must be met by every institution.** These requirements include collecting, classifying, and counting crime reports and statistics; issuing campus alerts which include “Timely Warnings” and “Emergency Notifications;” provide educational programs and campaigns that promote the awareness of dating violence, domestic violence, sexual assault, and stalking; have procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, and stalking; publish an Annual Security Report; and submit crime statistics to the US Department of Education.

2. **If your institution maintains a campus police or security department, you must keep a daily crime log of alleged criminal incidents that is open to public inspection.**

3. **If your institution has any on-campus student housing facilities, you must disclose missing student notification procedures, and disclose fire safety information related to those facilities.**

Campus Security Authorities

A Campus Security Authority (CSA) is a term used in the Clery Act to describe someone who has significant responsibility for student and campus activities. The regulations that govern the Clery Act define a CSA as:

1. A campus police department or a campus security department of an institution.

2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police or security department, such as an individual who is responsible for monitoring entrance into institutional property.
3. Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report offenses.

4. 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.

Pastoral and professional counselors on campus are not considered to be CSAs when they are acting in the role of pastoral or professional counselors and are not required to report Clery reportable offenses. Professional counselors at the university are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis to a CSA or the Department of Public Safety.

Pastoral Counselor: An employee that is recognized by a particular religious order or denomination as someone who provides confidential counseling and who functions within the scope of that recognition as a pastoral counselor.

Professional Counselor: An employee whose official responsibilities include providing mental health counseling to members of the institution’s community and who also functions within the scope of their license or certification.

Preparing the Annual Security and Fire Safety Report

The Director of the Department of Public Safety is responsible for compiling the statistical information and policy disclosures for the Annual Security and Fire Safety Report in compliance with the requirements of the Clery Act. In preparing our annual disclosure of crime statistics, the Department of Public Safety collects information reported directly to DPS and also formally requests information about crimes and disciplinary referrals from Campus Security Authorities, including representatives from the Residence Life Office, Judicial Affairs, Athletics, etc. In addition, DPS collects statistics from these local law enforcement agencies with jurisdiction for areas where Mount St. Mary’s University property is located or areas frequented by students:

- Frederick County Sheriff’s Office
- Maryland State Police

Local police departments are not required to provide statistics; however, documentation is required to show a good faith effort was made. All statistics are reviewed by Public Safety staff members for accuracy and then forwarded to the Director for final review and approval. Once approved, statistics are submitted electronically to the U.S. Department of Education.

By October 1 of each year, the Department of Public Safety sends an email notification to the Mount St. Mary’s University community of the report’s availability. This email contains a brief description of the information contained in the report as well as a direct web link to the report. It
is important to note that the *Annual Security and Fire Safety Report* incorporates the university’s Fire Safety reporting requirements into this one document. A link to the *Annual Security and Fire Safety Report* is included in the Department of Public Safety’s email notification as well.

**Reporting Crimes and Other Emergencies**

Campus community members – students, faculty, staff, and guests – should report all complaints of criminal activity, emergencies, or other related incidents occurring within the University’s Clery geography in an accurate, prompt, and timely manner to the Mount St. Mary’s Department of Public Safety. The University’s Clery geography includes: on campus property including campus residence halls, buildings, and/or facilities; designated non campus properties and facilities, public property adjacent to and immediately accessible from on campus property, and leased, rented, or otherwise controlled buildings, spaces, and or facilities.

The Department of Public Safety has been designated by Mount St. Mary’s University as the official office for campus crime reporting for Mount St. Mary’s University Main Campus, Frederick Campus, and the Campus at the Daughter’s of Charity Facility. DPS strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures Public Safety is able to evaluate, consider and send timely warning reports, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure. Mount St. Mary’s University further encourages accurate and prompt reporting to DPS and/or the local police when the victim of a crime elects to, or is unable to, make such a report. This publication focuses on DPS because it has primary responsibility for patrolling the Mount St. Mary’s University campus and it has been designated as the institution’s primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to Frederick County Sheriff’s Department.

To report a crime or emergency, members of the campus community should contact one of the following entities:

- Call the Department of Public Safety at 301-447-5911 or the on campus extension x5911.
- Report in person to the Department of Public Safety located at 16300 Old Emmitsburg Road
- Crimes or emergency situations can be reported to the Frederick County Sheriff’s Office or local emergency services by calling 911
- Sex Offenses and other incidents of sexual, relationship, or gender based harassment and violence can also be reported to the University’s Title IX Coordinator, by calling 301-401-6455 or on campus extension x6455, in person at the McGowan Student Center, Office 221.
- Contact the Office of Human Resources by calling 301-447-5372 or on campus extension x5372, or in person at the Human Resources office located in Bradley Hall, Suite 220.
- Contact the Dean of Students by calling 301-447-5789 or on campus extension x5789, or in person in the McGowan Student, Office 220.
• Contact the Director of Residence Life by calling 301-447-5274 or on campus extension x5274, or in person at the Office of Residence Life located in the McGowan Student Center, Office 228.

• Emergency Phones located throughout campus and the Mount SOS App can also be used to contact Public Safety to report a crime or emergency.

• Complete the online “Public Safety Report Form” at:
  https://form.jotform.com/81914173707156  (This form should only be used for non-emergency or non-urgent reporting)

**Response to Reports:** Public Safety staff are available at all times to answer campus community calls. Public Safety procedures require an immediate response to emergency calls. Public Safety responds to all reports of crimes and/or emergencies that occur on campus, adjacent to campus within its public property reporting area, or within a campus-controlled, -owned, -operated, and/or -recognized facility, building, residence hall, or area. Incidents occurring in these areas are documented and processed for further investigation and review by the Director of Residence Life and/or the Frederick County Sheriff’s Office, depending upon the nature of the crime or emergency and the involvement of FCSO. Additional information obtained in the investigation will also be forwarded to the relevant agency.

To obtain information or request any Public Safety services, community members should call 301-447-5357 or campus extension x5357.

Located throughout campus are well marked “emergency phones” that can be used to obtain emergency assistance. When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call. If a member of the community finds any of these phones inoperative or vandalized, they should call Public Safety so that the phone can be repaired or replaced as quickly as possible.

If a sexual assault or rape should occur on campus, staff on the scene, including DPS, will offer the victim a wide variety of resources and services. This publication contains information about on and off campus resources and services and is made available to the Mount community.

Crimes should be reported to Public Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime that was reported only to Mount St. Mary’s University Counseling Services would not be known to Public Safety, a campus security authority (CSA), or other college reporting entity. This report would then not be included in annual statistics to evaluated for a timely warning notification.

**Voluntary, Confidential Reporting:**

Mount St. Mary’s University allows victims and witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report. If crimes aren’t reported to the University, the institution has a limited ability to respond and to help prevent other members of
the community from also being victimized. We encourage campus community members to report crimes accurately and promptly and to participate in and support crime prevention efforts. Individuals wishing to make such a report are instructed to go to the Public Safety Report Form at https://form.jotform.com/81914173707156 or they can go to the Department of Public Safety and inform the responding officer of their wish to make a voluntary confidential report.

Anonymous

If the victim of a crime does not want to pursue action within the Mount St. Mary's student conduct system or the criminal justice system, the victim may still want to make an anonymous report. The purpose of an anonymous report is to comply with the victim’s wish to keep the matter confidential, while taking steps to ensure the future safety of the Mount community. With this information, the Mount can keep an accurate record of the number of incidents involving students or an assailant, and alert the university community to potentially hazardous conditions. Reports filed in this manner are counted and disclosed in the Annual Security Report crime statistics for the institution. Information on a crime that occurred on or off campus involving a member of the Mount community can be submitted anonymously on-line to the Department of Public Safety. Individuals wishing to make such a report are instructed to go to the Public Safety Report Form at https://form.jotform.com/81914173707156.

Confidential Reporting

Students may make confidential reports to Pastoral Counselors and/or Professional Counselor. Pastoral and Professional Counselors working in their professional capacity and function do not make identifiable reports of incidents to Public Safety unless a student specifically requests them to do so. However, the University encourages counsellors, if and when they deem it appropriate, to inform students they can report incidents of crime to Public Safety, which can be done directly or anonymously.

The Department of Public Safety

The mission of the Mount St. Mary’s University Department of Public Safety is to cooperate with the university community in providing a safe and secure environment where teaching and learning are encouraged and advanced. In furtherance of that mission, the Department of Public Safety is a customer-service oriented, safety-centered organization committed to the protection of the members of the university community, their property, and the property of the university through the sound application of problem-solving, education, and emergency preparedness and response.

The Department of Public Safety is responsible for providing law enforcement, fire, EMS, security, and emergency management related functions on the Mount St. Mary’s University campuses. The members of the department act as the university’s first responders to
emergencies and calls for service and are the only university department open twenty-four hours a day, seven days a week.

The department consists of a director, a deputy director, three (3) lieutenants who are shift supervisors, ten (10) full-time officers who also serve as dispatchers, one (1) full-time dispatcher, and additional administrative and on-call support staff.

Mount St. Mary’s University Department of Public Safety officers are not sworn law enforcement officers with arrest powers but do have the authority to enforce the university’s Student Code of Conduct and document the violations of the code and the laws of the State of Maryland to the Office of Residence Life for judicial review. The officers’ jurisdiction is strictly limited to university owned property. Before being employed as a Public Safety officer, applicants must pass a criminal background check and a personal background investigation. All officers receive emergency medical training in addition to year-round training in areas related to campus safety.

The Department of Public Safety maintains a cooperative relationship with the Frederick County Sheriff’s Office and the Maryland State Police. This cooperation includes participation in training programs, special events coordination, assistance with imminent or active threats to the community, investigation of serious crimes, and patrolling areas and responding to incidents involving criminal activity both on and off campus. Designated members of the agency also meet with Frederick County Sheriff’s Office monthly, or more often as needed, to discuss campus crimes and other police intelligence matters. Lastly, the United States Secret Service and the Federal Bureau of Investigation work with university Public Safety whenever a domestic, national or international dignitary visits the university.

**Timely Warning Policy**

In compliance with the Clery Act Timely Warning Requirements and to help inform the campus community of incidents that may pose a serious or ongoing threat, a Timely Warning Notification will be issued for a Clery Act-reportable crime that meet the criteria for notification outlined below.

For the purposes of this section, a “Clery Act-reportable crime” is a Clery Act crime that occurred in Clery Act Geography, and was reported to the Mount St. Mary’s University Public Safety Department.

In the event that a Clery Act crime has occurred on campus, on non-campus property, or public property running through or immediately adjacent to the campus, a “Timely Warning Notification” will be issued when it is determined by the President, Vice President, Director of the Department of Public Safety (DPS), or the Deputy Director of Public Safety that the incident may pose a serious or ongoing threat to the members of the Mount St. Mary’s University community.
Timely Warning Notifications are issued for Clery Act reportable crimes that occur in the institution’s Clery Geography and are considered on a case-by-case basis. Those factors include the nature of the crime and the continuing danger or on-going threat to the campus community. For example, whether the perpetrator has been apprehended or the threat has been otherwise mitigated would be included in the notification. Timely Warning Notifications will be issued by Public Safety via a campus wide email, the Mount Alert System, in person, printed publication or in another format deemed to be most effective for the circumstances as soon as pertinent information is received and it is determined that the reported incident may pose a serious or ongoing threat to the Mount St. Mary’s University community.

Emergency Response, Evacuation Procedures, and Emergency Mass Notification System (EMNS)

Mount St. Mary’s University recognizes the need to prepare for and to respond to emergency incidents that pose a threat to the health and safety of the university community. Upon confirmation that a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees is occurring on campus, Mount St. Mary’s University will provide immediate notification of the emergency or dangerous situation to the campus community.

When Public Safety Officers become aware of an incident or situation that may cause the institution to issue an immediate emergency notification, the Officer will confirm the emergency through information gathering, response, observation, investigation, or collaboration with emergency officials. They will then immediately notify the Director or Deputy Director of Public Safety who will quickly evaluate the situation and determine if an alert should be issued by activating the Emergency Mass Notification System (EMNS). The Director and Deputy Director have the ability and the authority to issue an alert without delay and without further consultation with any other University official.

The Director or Deputy Director or Public Safety will develop the content of the notification and determine the segments of the campus community to be notified. They will then initiate the appropriate notification system(s). When determining whether to segment the message the Director of Deputy Director of Public Safety will consider the time of year and what population of the campus community is likely to be on campus, the potential impact of the imminent threat, and the location of the emergency among other things. Public Safety will continue to monitor the threat and determine if additional segments of the campus community also need to be notified as the incident goes on.

This process shall proceed as outlined unless issuing the notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Campus Community or selected segment will receive the notification simultaneously.
The Director or Deputy Director of Public Safety will determine the content of the message based on the incident occurring and what information will best alert the campus community or selected segment to what is occurring and how they should proceed. They will provide appropriate guidance and information that will best help the campus community keep themselves safe. The university has implemented the Mount Alert mass notification system that provides telephone, e-mail, and text notification to the university community during an emergency. That system is tested at least twice every semester. Testing of the university’s emergency notification system(s) may be announced or unannounced. This system will be activated by the Director or Deputy Director of Public Safety.

The University may use the following means as part of the EMNS although not all of these methods are always employed. The method used will depend on the type of emergency:

- Phone Call
- Text Message
- Email Message
- Campus Siren
- Public Safety on University Website and Social Media Pages
- Flyers Posted around Campus
- Direct In Person Notification
- Public Media

The institution 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.

Public Safety in conference with the President’s office and the Office of University Marketing & Communications will determine if information needs to be shared with a portion of the larger community including parents and the public. If it is determined this is necessary information may be shared via the website or email.

The Department of Public Safety shall ensure that it publicizes the university’s emergency response and evacuation procedures in conjunction with at least one test of the system on an annual basis. Such tests shall be documented by the Department of Public Safety indicating the type of exercise, date, time, and whether or not it was an announced or unannounced test of the system. The Campus Siren is tested monthly by the Frederick County Division of Communications on the first Saturday of every month.

The Mount Campus Community is notified of the University’s emergency response, evacuation procedures, and EMNS annually during training and written notification. This includes the distribution of information about how to respond in an emergency when the EMNS has been activated. This information is included in orientation, student leader training, and new employee orientation. Emergency procedure posters are posted.
throughout campus in residence halls, classrooms, academic and administrative buildings. The information on these posters can be seen in the emergency procedures section of the Annual Security and Fire Safety Report.

If a situation arises on campus that could jeopardize the community’s health and safety, members of the President’s cabinet and Public Safety officials are summoned as part of the university’s crisis response procedures to meet and prepare an appropriate response. The University President, as chief executive, has the authority to direct and coordinate emergency operations and may delegate this authority to another university official.

**Emergency Response Tests and Exercises**

In accordance with university emergency preparedness efforts, Mount St. Mary’s University will use its emergency procedures and plans for testing emergency notification, response, and evacuation. Public Safety will perform periodic table-top exercise in order to practice the implementation of the campus’ emergency operations plan and supplement emergency policies and procedures and to assess and evaluation emergency plan capabilities. Campus departments are encouraged to plan individual exercises regularly to train staff on their own emergency operations and Public Safety can help facilitate these exercises. At a minimum, one table-top exercise per academic year will occur with the President’s Cabinet and Public Safety Officials. The University will conduct after-action reviews of all emergency management exercises.

**Mount Alert**

To access Mount Alert go to: [msmary.omnilert.net](http://msmary.omnilert.net)

**Step 1:** To sign in use [Login Via Single Sign-On](http://msmary.omnilert.net) from your network device. (If you are using Chrome and receive an error message, please try another browser).

**Step 2:** Once you are logged in to your personal information page you can add up to three phones, emails, or SMS (text) contact methods by using the [Add New](http://msmary.omnilert.net) feature and following the on-screen instructions. Vital emergency messages will be sent to ALL your designated telephone numbers, text numbers and e-mail addresses. Note, if parents would like to receive alerts thought the Mount Alert system students must add their parents phone number to the student’s Omnilert account as one of their three contact methods.

**Step 3:** After updating Mount Alert, always make sure that you review and, if necessary, update your contact information in Workday to make sure it is correct. Remember, it is important to check and update your Mount Alert contact information regularly. You should check your contact information at least at the beginning of each new semester.

- Test voice and text messages will be sent periodically to ensure that the Mount Alert system is working properly.
• If you enter an SMS (text) number you are responsible for any text messaging charges from your wireless service provider. Mount St. Mary’s University is not responsible for any charges your service provider may charge for standard text message fees.
• No advertisements or spam will be sent to you.
• Your information will never be shared with or sold to third parties.

You can direct questions about the Mount Alert messaging system to Public Safety at 301-447-5357.

Emergency Procedures

Shelter in Place
Shelter-in-place during a weather or other emergency:

▪ Find a sturdy building and go inside. Stay away from windows, glass, and objects that could fall on you.
▪ For additional information contact 301-447-5357.

Suspicious Person / Object
Suspicious person:

▪ Do not confront the person.
▪ Do not let anyone into a locked building or office.
▪ Do not block the person’s access to an exit.
▪ Call 301-447-5911. Provide as much information about the individual as possible, including direction of travel.

Suspicious package or object:

▪ Do not investigate the object.
▪ Call 301-447-5911. Notify your instructor or supervisor.
▪ Be prepared to evacuate if necessary.

Fire / Evacuation
Evacuation routes are posted in hallways— usually near stairwells or exits.

▪ Activate the nearest fire alarm on your way out. If there are no fire alarms knock on doors and yell “fire” as you exit. Call 301-447-5911.
▪ If you hear a fire alarm, you MUST evacuate.
▪ Close doors as you leave.
▪ Know two evacuation routes for your room — look for illuminated EXIT sign.
▪ Do not use elevators.
▪ Assist individuals with disabilities if possible. If a person cannot evacuate, report their location to emergency personnel.
Active Shooter

- Remain calm and quiet.
- DO NOT APPROACH the perpetrator or draw attention to yourself.
- Move immediately to a safe location:
  - If you can exit the building, do so quietly and quickly.
  - If you are in an office area, stay there and secure the door.
  - If you are in a hallway, go into a room and secure the door.
- If hiding in a location, be sure to:
  - Lock all doors.
  - Barricade the doors with heavy furniture.
  - Close and lock windows, shut curtains/blinds.
  - Turn off all lights and silence all electronic devices.
  - Remain silent, and
  - Remain in place until given an all clear by identifiable law enforcement.
- Call 911 (or Public Safety Mount St. Mary’s at 301-447-5911) when safe to do so and inform them of the situation.
- Once you are in a safe place, remain in place until identifiable law enforcement provides further instructions.
- Do not attempt to rescue others unless you have been trained to do so and can do so in a safe manner.
- Do not re-enter the area, and, if possible, help prevent others from entering the area.
- Fight – should be the last resort if confronted with a lifesaving decision.

Warning Sirens and Mount Alerts
If you hear the warning sirens:

- Remain where you are unless it is unsafe to do so.
- Shut all doors and stay away from windows.
- If outside, take shelter in the nearest building.
- If you receive a Mount Alert, follow the directions given.
- For additional information contact 301-447-5357.

Security Considerations Used in the Maintenance of Campus Facilities

Facilities and landscaping are maintained in a manner that minimizes unsafe conditions. Malfunctioning lights and other unsafe physical conditions are reported by the Department of Public Safety to the Physical Plant for correction. Resident Assistants (RA’s) and other members of the Mount community are helpful when they report equipment problems to the Department of Public Safety or to the Physical Plant. The Department of Public Safety conducts a campus security inspection to identify and correct any unsafe conditions on the campus grounds.
All university buildings are the private property of Mount St. Mary’s University and are advertised in publications and posted as such with trespass warnings. These buildings, including administrative and academic, facilities, are open for business at designated times.

The university grants access to its buildings based on need. Students residing on-campus have twenty-four (24) hour access to their own residence hall. Students have access to other campus buildings during normal business hours. Students are often granted special permission to utilize specific areas after hours for special projects. In these cases, the students are either issued keys for the area or are granted entrance to the area by a Public Safety officer. Students have after-hours access to computer labs, science labs, art rooms and galleries, etc. Visitors may have access to residence halls when they are invited guests of building residents. Students are required to register their guests and their guests’ vehicles with Public Safety. Students are responsible for the behavior of their guests and are required to accompany their guest at all times while the guest is on campus.

The exterior doors to the residence halls are secured twenty-four (24) hours a day. The exterior door access of each residence hall is limited to only those students residing in that specific hall. Interior floor doors are secured by student Resident Assistants (RA) at midnight during the week and 2 a.m. on weekends, and opened by Public Safety at 6 a.m.

Resident Assistants conduct safety and security patrols through the halls until midnight on weekdays and 2 a.m. on weekends. Public Safety officers patrol the halls when Resident Assistants are off duty. Public Safety officers will patrol the halls any time a potential problem exists in any of the halls.

Residents are responsible for ensuring that their windows and room doors are secured. All residents are issued access cards to their residence hall and keys to their individual room. Work orders for safety problems are submitted to the Physical Plant for repair.

Public Safety officers and Resident Assistants receive training on checking for and reporting fire and safety hazards and malfunctioning security devices. Work orders are submitted to the Physical Plant and are monitored for repair.

Security cameras are in place in and around the tunnel to East Campus, in parking lot 12 on East Campus, and in Powell, Sheridan, Pangborn, Bradley, Cottages, and the Terrace residence halls. The efficacy of security cameras at other locations on campus is evaluated on an annual basis.

**Officially Recognized Student Organizations with Non Campus Properties**

Mount St. Mary’s University does not have any officially recognized student organizations that have housing facilities “off campus” or at non-campus properties. There may be students who
are residing in privately owned homes/apartments near the campuses or in local communities. If the Frederick County Sheriff’s Office (FCSO) is called by a citizen to respond to one of these locations, FCSO will typically notify the Department of Public Safety of the situation. However, FCSO does this out of courtesy and is not required to notify or involve Public Safety when they respond to a call involving private property.

**Missing Student Notification Policy**

Mount St. Mary’s University considers the safety of our students to be essential in the creation and maintenance of an environment where learning is encouraged and supported. The purpose of this policy is to establish procedures to guide the University’s response to reports of missing students who reside in on-campus student housing facilities in support of that proposition. Reports of missing commuter students may also be made to the Department of Public Safety who can then notify and assist the appropriate law enforcement authority in an investigation of the missing student.

Students, employees, or other individuals should report that a student has been missing to the Department of Public Safety, a Residence Life staff member, or the Office of Student Life immediately.

Through the Symplicity housing system, each student living in the residence halls may voluntarily provide an emergency contact person. The contact information given by the student will be registered confidentially and this information will be accessible only to authorized campus officials and it will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

The Mount must notify a custodial parent or guardian if a student under 18 is determined by the Department of Public Safety to be missing. Any additional emergency contact person(s) designated by the student, will also be notified after a determination the student is missing. The University will notify law enforcement agencies after a determination the student is missing unless the local law enforcement agency was the entity that made the determination the student was missing.

Any reports of a missing student should be immediately directed to the Department of Public Safety in person or by telephone at (301) 447-5357. An investigation into the circumstances surrounding the student being reported missing will be promptly initiated by the Department of Public Safety and the Office of Residence Life. Nothing herein shall prohibit the investigation of a report of a student missing before a specific amount time has elapsed.

Investigative steps may include but are not limited to:

1. Calling the student’s personal cell phone on record.
2. Entering the student’s residence hall room.
3. Checking class schedules and visiting scheduled classes.
4. Contacting faculty members regarding class absences.
5. Contacting known friends, roommates, acquaintances, and place(s) of work, if any.
6. Checking vehicle registration records for vehicle information and searching the vicinity for any registered vehicles.
7. Checking MountCard records for purchase history and/or building access information.

Upon receipt of a credible report of a missing student who is over the age of 18, or is an emancipated minor, the Department of Public Safety will notify local law enforcement within 24 hours of when a student is determined to be missing unless local law enforcement made that determination.

Once the Department of Public Safety and/or appropriate law enforcement authority has been notified and makes a determination that a student who is the subject of a missing person report is indeed missing, the Dean of Students or his/her designee shall initiate the emergency contact procedure using the student’s designated emergency contacts along with the registered confidential contact within 24 hours of the determination that the student is missing.

Following notification of the appropriate law enforcement authority the university will cooperate in the investigation and assist in the efforts to locate the missing student.

**Daily Crime and Fire Log**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act) requires colleges and universities to have a Daily Crime Log. The purpose of this log is to record all criminal or alleged criminal incidents that are reported to campus police or the security department. This log includes incident classification, report number, reported date and time, occurrence date and time, location of incident and disposition, does not include any identifying information about persons involved in an incident. The Department of Public Safety is responsible for maintaining this log for the University and for ensuring that it is updated within two business days of being notified of an incident unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim. The Mount St. Mary’s University daily crime log is combined with the fire log that is also require by the Clery Act. The log is referred to as the Daily Crime and Fire log. The log will include information on any fire that occurs in an on-campus student housing facility. It will include the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire.

The university may withhold information required if there is clear and convincing evidence that the release of the information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. The university must disclose this withheld information once the adverse effect previously described is no longer likely to occur.

To view the log for the most recent sixty (60)-day period, please visit the Department of Public Safety, 16300 Old Emmitsburg Road, Emmitsburg, Maryland, during normal business hours.
(Monday through Friday 8:30 a.m. to 4:30 p.m.). Public Safety retains Daily Crime Logs for seven (7) years. Requests for logs that are more than sixty (60) days old will be fulfilled within two (2) business days of the request for public inspection.

Security Awareness Programs

Residence Life, the Office of Health and Counseling Services, and the Department of Public Safety provide crime prevention, fire safety, personal safety, and wellness programs throughout the school year. Residence Life utilizes bi-weekly Resident Assistant meetings as an opportunity to understand any issues and concerns in the residence halls and to facilitate small groups in hall meetings and assist with programs to engage the students.

Safety programs for the entire community, involving on and off campus professionals, guest speakers, and other activities are conducted throughout the year. During the summer student orientation activities, the Director of Public Safety, Deputy Director of Public Safety, Dean of Students, Title IX Coordinator or another Student Affairs Professional Staff member meet with all first-year and transfer students to provide information on sexual assault policies and prevention, fire safety, personal safety, crime prevention, and crime reporting.

Special activities are scheduled each Campus Fire Safety Month in September, in October during Fire Safety Week, Crime Prevention month, and in April during Sexual Assault month.

The Human Resources Department provides information on safety and security issues, university policies, the Annual Security and Fire Safety Report, and how to report crime or suspicious behavior to every new employee during their orientation.

Crime Prevention Programs

Mount St. Mary’s University takes a proactive approach to crime awareness and prevention. Students, faculty, and staff are reminded to take responsibility for their own safety by being aware of their surroundings, locking the doors to their cars and residences, and reporting unusual events to the Department of Public Safety. Educational programs are offered in the residence halls and to student organizations.

The Department of Public Safety provides vehicle and/or walking escort service. Students and staff are encouraged to utilize this service any time they feel uncomfortable walking across campus. Students and staff are instructed to call Public Safety at 301-447-5357 to request the escort service. Instructions are provided at that time for meeting the escort.
Information is also disseminated to students and employees through handouts, brochures, flyers, security alert posters, and bulletin boards. E-mails regarding crime prevention and safety issues are sent to the entire community providing information to help community members protect themselves on and off campus. For additional information on crime prevention programs contact the Department of Public Safety at (301)447-5357 or visit the website at https://inside.msmary.edu/public-safety/index.html.

Although Mount St. Mary’s strives to ensure the safety of all individuals within its community, students and employees must take responsibility for their personal belongings and their own personal safety. Common sense precautions are the most effective means of maintaining personal safety.

Students and employees are provided information regarding campus safety and security policies, procedures and practices, and also about their personal safety responsibility for themselves and others at programs, orientation, and with posters and handouts.

Students are strongly encouraged to keep their residence hall room door secured when they are away or asleep, not to prop hall doors, and use escort and emergency phone services. Students and employees are encouraged to call Public Safety if they witness any suspicious activity on or near campus.

**Campus Sex Crimes Prevention Act**

The Federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The act also requires registered sex offenders to provide to the appropriate state official notice of each institution of higher education in the state at which the offender is employed, carries on a vocation, or is a student.

In complying with the Federal Campus Sex Crimes Prevention Act, the Mount St. Mary’s University Department of Public Safety has established a procedure to advise interested parties where current sex offender registration information, at which the person is employed or is a student at the university, may be obtained. The Department of Public Safety informs the campus community each academic year where they can find information on registered sex offenders in compliance with the Adam Walsh Child Protection and Safety Act. For more information, please visit the Maryland Sex Offender Registry website at: [http://www.socem.info](http://www.socem.info)

**Policy Statement on Alcohol and Other Drugs**
The *Student Code of Conduct* (available at [https://inside.msmary.edu/student-affairs/msmu-student-code-of-conduct.pdf](https://inside.msmary.edu/student-affairs/msmu-student-code-of-conduct.pdf)) is primarily a mechanism by which clear policies and procedures are established to provide the safest and best possible living and learning atmosphere for all students. The *Student Code of Conduct* is binding to all students upon their being granted admission to the university and is designed to be an educational experience for all students involved. For the common good of all students and the campus community as a whole, conduct that goes against the law, community expectations, or a consistency of care for the university and fellow community members will be handled through the student conduct process. University policies are explained below.

**State Alcohol Law**

Maryland law states that: (1) It is unlawful for any minor (a person under age 21) to possess or consume alcoholic beverages; (2) It is unlawful for any minor to misrepresent or lie about his/her age in order to obtain alcoholic beverages; (3) It is unlawful for any person to obtain alcoholic beverages on behalf of a minor; (4) It is unlawful for any person to consume alcoholic beverages in an open outside area unless authorized to do so by proper officials; (5) A person may not be intoxicated and endanger the safety of another person or property or be intoxicated and cause a public disturbance. It is the responsibility of all faculty, staff, and students at Mount St. Mary’s University to abide by the regulations laid out by the state of Maryland.

**Alcohol Policy**

The following behaviors are not permitted concerning alcohol:

- Use or possession of alcohol under the legal drinking age.
- Distribution and sale of alcohol.
- Providing alcohol to individuals under the legal drinking age.
- Drinking in public, public intoxication or possessing an open container.
- Manufacturing alcohol.
- Driving under the influence of alcohol.
- Possessing mass consumption devices (funnels, bongs, kegs/mixed alcohol from a common source outside of its original packaging, etc.)
- Participating in or being in the presence of activities (e.g. drinking games.) that promote and encourage the excess consumption of alcohol; regardless of the age of the participants.
- For students living in the residence halls/Tower apartments/Cottages/University houses, the possession of alcohol in excess of one 30 pack of beer; 2 bottles/boxes of wine; or a single bottle of liquor up to 1.75 liters, per legal aged student is prohibited. Students are not permitted to display empty alcohol containers in their rooms or in the windows. Any violations will require that display of alcohol material be treated as “in use.”
- Possession of liquor in excess of 100 proof alcohol by volume on campus or in any University owned or operated facility or property.
• Allowing a guest (regardless of age or relationship to host) to possess, consume, or provide alcohol within the host’s residence hall room if the host is not yet 21.
• Allowing a guest to bring alcohol into a room where assigned residents are under 21.
• Using alcohol containers/packaging for decoration and/or signage that promotes underage or irresponsible drinking in residential areas.

Drugs, Illegal and Controlled Substances

The possession, use, distribution, and sale of illegal drugs and controlled substances on campus and in the workplace are violations of state and federal laws. Drugs are not permitted anywhere on Mount St. Mary’s University campus which includes but is not limited to any academic building, residence hall, parking lot, etc.

The following behaviors are not permitted with regard to drugs:
a. Use and/or possession of cannabis and/or cannabis products.
b. Manufacturing, growing, or distributing, selling, or transferring of cannabis and/or any substances.
c. Use or possession of heroin, cocaine, acid, narcotics or other controlled substances.
d. Use or possession of any general product used as an intoxicant.
e. Driving under the influence or impaired.
f. Improper use, possession or distribution of prescription drugs.
g. Possession or use of drug paraphernalia (e.g. hookahs, rolling papers, bowls, pipes, bongs, vaporizers, handmade devices).

Mount St. Mary’s University Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Sexual Misconduct Services, Resources, and Protocols

Mount St. Mary’s University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking as defined by the Clery Act. The following section of the annual security and fire safety report includes information about the programs Mount St. Mary’s University provides to the campus community to address domestic violence, dating violence, sexual assault, and stalking.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:
Domestic Violence:

1) A Felony or misdemeanor crime of violence committed by—
   a) a current or former spouse or intimate partner of the victim;
   b) a person with whom the victim shares a child in common;
   c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
   d) 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
   e) 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.

2) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Definition of a Crime of Violence: According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:

1) An offense that has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or,
2) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1) The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the people involved in the relationship.
2) For the purposes of this definition—
   a) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
   b) Dating violence does not include acts covered under the definition of domestic violence
3) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Sexual Assault: 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.”
1) Rape is defined as 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.

2) Fondling is defined as the touching of the private parts of another person for the purposes 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 incapacity.

3) Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

4) Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

Stalking:

1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
   a) Fear for the person's safety or the safety of others; or,
   b) Suffer substantial emotional distress.

2) For the purposes of this definition—
   a) 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.
   b) Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.
   c) Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Jurisdictional Definitions**

Domestic Violence

1) Maryland law defines domestic violence as the occurrence of one or more of the following acts between “family or household members” or person currently or formerly involved in a dating relationship:
   a) Assault
   b) An act that places a person in fear of imminent serious bodily harm
   c) An act that causes serious bodily harm
   d) Rape or sexual offense
   e) Attempt rape or sexual offense
   f) Stalking
   g) False imprisonment, such as interference with freedom, physically keeping you from leaving your home or kidnapping you.

Dating Violence:
1) Maryland does not define “dating violence” separately, but relates it to the offense of domestic violence.

Stalking:
1) Maryland law defines stalking as a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:
   a) of serious bodily injury;
   b) of an assault in any degree;
   c) of rape or sexual offense or attempted rape or sexual offense in any degree
   d) of false imprisonment; or
   e) of death. “Course of conduct” means a persistent pattern of conduct, composed of a series of acts over time that shows a continuity of purpose.

Sexual Assault:
1) Rape
   a) First Degree – engaging in sexual intercourse with another without his or her consent by force, using weapons, strangling or inflicting serious physical injury, threatening with death, serious injury, or kidnapping, or committed with another’s help or during a burglary.
   b) Second Degree – engaging in vaginal intercourse with another
      i) without his or her consent by force or threat,
      ii) with a mentally or physically incapacitated person (includes drunk, high, or unconscious) when the defendant knows of his or her condition, or
      iii) the victim is under 14 years old and the defendant is at least 4 years older than the victim.

2) Sexual Offense
   a) First Degree – engaging in a sexual act (oral or anal sex, or any object or part of one’s body penetrates the genitals or anus for sexual gratification, but not vaginal intercourse – that’s above in rape) by force, threat, or without consent while displaying a weapon, suffocating or physically injuring the victim, or threatening the victim with death, disfigurement, or serious physical injury, or committed with another’s help or during a burglary.
   b) Second Degree – engaging in a sexual act with another by
      i) force or without his or her consent,
      ii) with a mentally or physically incapacitated person (includes drunk, high, or unconscious) when the defendant should know of his or her condition, or
      iii) the victim is under 14 and the defendant is at least 4 years older than the victim.
   c) Third Degree – includes any of the following: engaging in sexual contact (intentionally touching the victim’s or defendants genital, anal, or other private parts for sexual gratification or abuse of either person) in any of the following situations:
      i) Without consent while using a weapon, strangling or seriously injuring the victim, threatening the victim with death, serious injury, or kidnapping, or committed with another’s help OR
ii) The victim is mentally or physically incapacitated (drunk or unconscious for example) and the defendant knows of his or her condition OR

iii) The victim is under 14 years old and the defendant is at least 4 years older OR iv. Engaging in a sexual act (i.e. oral or anal sex) or vaginal sex with a 14 or 15 year old victim by a 21 year old or older defendant, AKA statutory rape.

d) Fourth Degree – any of the following:
   i) Engaging in sexual contact without the other’s consent OR
   ii) Engaging in a sexual act or vaginal sex with a 14 or 15 year old when the defendant is at least 4 years older OR
   iii) Engaging in a sexual act, sexual contact, or vaginal sex with a child under 18 who at the time of the sexual activity was a student enrolled in a school where the person was in a position of authority (i.e. a principal, coach, teacher, or counselor who’s at least 21 years old, employed by the school, and was in a supervisory position over the student).

Consent

1) Consent is not specifically defined in Maryland Law.

**Bystander Intervention**

Bystander intervention is when a community member is able to identify a dangerous or potentially harmful situation and safely acts to interrupt the situation. It is expected that students have the safety of themselves and peers in mind and if they see something, they will say something, or do something. The following information is taken from Heartly House, inc., www.heartlyhouse.org

The 5 D’s of bystander intervention:

- **Distract** - Take initiative to indirectly confront and deescalate the situation.
- **Delegate** - Seek out a person of authority to deescalate the situation.
- **Document** - If possible, document the incident by filming it on your phone. Be sure to include the time, date, and location in your recording.
- **Direct** - If it’s safe, address the perpetrator directly and ask them to stop.
- **Delay** - If it’s safe, talk to the victim after the incident is over.

**Risk Reduction Strategies**

The following information is presented to the Mount St. Mary’s University campus community as strategies to reduce one’s risk of sexual assault or harassment. The following information is provided with no intent to victim blame and is taken from the Rape, Abuse, & Incest National Network, www.rainn.org.

- **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police
station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.

- Stay alert. When you’re moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you’re alone, only use headphones in one ear to stay aware of your surroundings.
- Be careful about posting your location. Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location.
- Make others earn your trust. A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- Think about Plan B. Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can’t use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- Be secure. Lock your door and windows when you’re asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.
- Make a plan. If you’re going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don’t leave someone stranded in an unfamiliar or unsafe situation.
- Protect your drink. Don’t leave your drink unattended, and watch out for your friends’ drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It’s not always possible to know if something has been added to someone’s drink.
- Know your limits. Keep track of how many drinks you’ve had, and be aware of your friends’ behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- Be a good friend. Trust your instincts. If you notice something that doesn’t feel right, it probably isn’t.

**Primary and Ongoing Prevention and Awareness Programs:**

- All incoming students are required to complete an online educational course entitled “Sexual Assault Prevention for Undergraduates” administered by EVERFI
- All student-athletes are required to complete an online educational course, annually, entitled “Sexual Assault Prevention for Athletes” administered by EVERFI
- All new students participated in a 3-part course during New Student Orientation, facilitated by peer-educators, covering the topics of “Healthy Relationships,” “Consent,” and “Bystander Intervention”
• All new employees are required to complete online educational courses entitled “Workplace Harassment Prevention Fundamentals,” “Prevent Discrimination and Harassment,” “Protecting Children from Sexual Misconduct,” and “Prevent Sexual Violence Together”
• The University’s Title IX Coordinator presents quarterly during New Employee Orientation to discuss prohibited conduct and reporting requirements
• The University hosted an outside speaker to facilitate a Bystander Intervention Workshop for students and staff in November
• The University partners with Hear thy House, a local victims’ advocate organization, to table and distribute information about reporting and resources for survivors during Sexual Assault Awareness Month in April
• The University’s Title IX Coordinator meets with student leaders, faculty, coaches, and Residence Life annually to discuss prohibited conduct, mandatory reporting requirements, and the University’s response to allegations of sexual harassment

Online Sexual Harassment and Discrimination Training Program for Employees and Students:

In conjunction with our “Standards of Ethical Conduct” Mount St. Mary’s University in partnership with United Educators (UE), offers online sexual harassment & discrimination and sexual misconduct training courses to comply with our legal and ethical requirements to the community. We are committed to providing a safe learning, working, and living environment that is free from violence and unlawful discrimination and harassment. As part of that commitment, Mount St. Mary’s University requires that all staff, faculty, administrators, and students complete the online training course(s).
• Show Some Respect! Prevent Harassment (for STUDENTS ONLY)
  This course will walk you through the characteristics of respectful relationships. It also shares tips on how to report harassing behaviors involving fellow students.
• Workplace Harassment Prevention Fundamentals (for Staff/Faculty/Administrator)
  Explore various facets of workplace harassment prevention through multiple scenarios, clear explanations, and creative knowledge checks.
• Mosaic: Prevent Discrimination and Harassment (for Supervisors)
  Along with your institution, each of us plays a part in preventing discrimination and harassment. This course covers the basics, including scenarios designed to help you navigate common trouble areas.
• Mosaic: Prevent Discrimination and Harassment (Faculty/Staff)
• Mosaic: Prevent Sexual Violence Together (for Staff/Faculty/Administrators)
  Formerly Campus SaVE Act Sexual violence, intimate partner violence, and stalking disrupt and diminish your campus community. This course examines concrete, common-sense ways to fight back, including recognizing, reporting, and preventing these offenses.
I. Notice of Non-Discrimination

Mount St. Mary’s University (the “University”) is committed to providing an educational and work environment in which all members of the campus community are able to participate without being subjected to discrimination on the basis of sex, sexual orientation, or gender identity. When the University learns that any such discrimination occurs, the University is committed to remedying the discrimination and its effects.

II. Statement of Policy Against Title IX Sexual Harassment

- In compliance with Title IX, a federal law, the University does not discriminate on the basis of sex in the education programs or activities that it operates. Title IX of the Education Amendments of 1972 (20 U.S.C. §1681, et seq.) and its implementing regulations (34 C.F.R. Part 106) prohibit discrimination on the basis of sex in education programs and activities.

  No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any Education Program or Activity receiving Federal financial assistance.

- Title IX requires that colleges and universities maintain an environment free from sex discrimination for all faculty, staff, and students. Under Title IX, discrimination on the basis of sex includes Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Sexual harassment is also prohibited by Title VII of the Civil Rights Act of 1964 and by state law.
Inquiries about the application of Title IX and its regulations may be referred to:

**Gregory Kuester, J.D.**  
Title IX Coordinator  
McGowan Student Center 221  
301-447-5531 (office)  
301-401-6455 (mobile)  
g.f.kuester@msmary.edu  
titleix@msmary.edu

OR

**Levi Esses, Ed.D.**  
Vice President & Dean of Students  
Deputy Title IX Coordinator for Students  
McGowan Student Center 220  
301-447-5475  
l.k.eses@msmary.edu

**Kristin Hurley, SPHR**  
Director of Human Resources  
Deputy Title IX Coordinator for Employees  
Bradley Hall 220  
301-447-5522  
k.hurley@msmary.edu

**John D. Love, Ph.D.**  
Associate Professor of Systematic and Moral Theology-Seminary  
Deputy Title IX Coordinator for Seminary  
Seminary-Keating Hall 002  
301-447-8323  
jlove@msmary.edu

OR

**Justine Miller**  
Assistant Athletic Director for Student Athlete Support/SWA  
Deputy Title IX Coordinator for Athletics  
ARCC 209  
301-447-6782  
justine_miller@msmary.edu

**Rebecca Rudd, M.S.**  
Deputy Title IX Coordinator for Residence Life  
Associate Dean of Students & Director of Residence Life  
McGowan Student Center 228  
301-447-5492  
r.j.rudd@msmary.edu

OR

Assistant Secretary for Civil Rights  
U.S. Department of Education, Office for Civil Rights  
ocr@ed.gov  
800-421-3481
If you need immediate help

- Call Public Safety at 301-447-5911
- Call 911

Non-Confidential Resources

- Department of Public Safety
  301-447-5357
  inside.msmary.edu/public-safety/index.html

- Center for Campus Ministry
  301-447-5223
  msmary.edu/campus-life/get-involved/campus-ministry-office.html

- Frederick County Sheriff’s Office (off-campus)
  301-600-1046
  www.frederickcosheriff.com/

Confidential Resources

- Counseling Services
  301-447-5288
  inside.msmary.edu/health-services/counseling-services.html

- Health Services
  240-566-7101
  inside.msmary.edu/health-services/index.html

- Frederick Health Hospital (off-campus)
  240-566-3300
  www.frederickhealth.org/locations/frederick-health-hospital-hospital/

- University Chaplain
  301-447-5317
  msmary.edu/about/office-of-the-university-chaplain.html

- Heartly House (off-campus)
  301-662-8800
  www.heartlyhouse.org/

- Maryland Coalition Against Sexual Assault (off-campus)
  301-328-7023
  mcsa.org/
III. Scope of this Policy

This Policy on Title IX Sexual Harassment (the “Policy”) applies to all Employees (faculty, staff, and all other non-student Employees), and all students. This Policy addresses only Title IX Sexual Harassment, as defined in this Policy. Allegations of discrimination based upon other protected traits and allegations of sex discrimination that do not fall within this Policy’s definition of Title IX Sexual Harassment will be addressed under other University policies, including other applicable discrimination policies and procedures, as contained in the Code of Student Conduct and Governing Documents.

Title IX Sexual Harassment is defined as conduct:

1. On the basis of sex,
2. That occurs within the University’s Education Program or Activity,
3. Within the United States, and
4. Involves
   (a) a University Employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
   (b) unwelcome conduct that is determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity;
   (c) Sexual Assault;
   (d) Dating Violence;
   (e) Domestic Violence; or
   (f) Stalking.

All allegations of Title IX Sexual Harassment will be addressed according to this Policy. The University may take action against third Parties who engage in conduct prohibited by this Policy in connection with a University Education Program or Activity. In such circumstances, the University will determine whether to apply this Policy or another policy or procedure.

This Policy applies when any Employee of the University is alleged to have engaged in Title IX Sexual Harassment as defined by this Policy. To the extent this Policy is inconsistent with any provisions of any faculty or Employee handbook, policy, or procedure, because this Policy on Title IX Sexual Harassment is mandated by federal law, this Policy shall prevail. Federal law requires the University to use the same Standard of Evidence in all matters alleging Title IX Sexual Harassment, which, therefore, fall within this Policy. The University has no discretion to do otherwise.

All Employees who have experienced Title IX Sexual Harassment, who have provided a Report alleging Title IX Sexual Harassment, or have been alleged to have engaged in Title IX Sexual Harassment can seek confidential assistance through the Employee Assistance Program:

www.wellspaneap.org/
IV. Defined Terms

This Policy uses many defined terms, indicated by the capitalization of the first letter(s) in the term. All defined terms are included in a Glossary at the end of the Policy. The definitions in the Glossary are important to a complete understanding of this Policy.

V. Responsibilities of the Title IX Coordinator and Deputy Title IX Coordinators

The Title IX Coordinator coordinates the University’s efforts to comply with Title IX, including overseeing this Policy and the publication and dissemination of information required by Title IX. The Title IX Coordinator’s responsibilities include: (1) receiving and responding to Reports of conduct that may constitute a violation of this Policy; (2) coordinating the effective implementation of Supportive Measures; (3) designating Investigators, Facilitators, and Decision-Makers to act pursuant to the Grievance Process; (4) ensuring that the technology needed to conduct and record hearings is available; (5) implementing any Remedies or discipline imposed by a Decision-Maker upon a finding of a violation of this Policy; and, (6) complying with the record-keeping requirements of this Policy.

The Deputy Title IX Coordinators support the Title IX Coordinator in fulfilling their role and responsibilities and may serve as the Title IX Coordinator’s designee to carry out any response, action, initiative, project, or other responsibility outlined in this Policy.

An individual requiring immediate help should call 911 or the Department of Public Safety at 301-447-5911. An individual requiring non-emergency support should contact the Title IX Coordinator, or other resources provided in this Policy.

VI. Reports of Potential Violations of this Policy

The University strongly encourages anyone who has information about a potential violation of this Policy to provide a Report to the Title IX Coordinator or another Campus Official. Any person may provide a Report of a potential violation to the Title IX Coordinator in person, by mail, by phone, or by email. A Report does not constitute a Formal Complaint. The procedure for filing a Formal Complaint is described in this Policy. Any Campus Official who receives information or who otherwise has information about a potential violation of this Policy is required to provide the information received, in full, to the Title IX Coordinator.

VII. Reporting to Law Enforcement, Seeking Treatment, Civil Remedies

A Complainant has the right to file criminal charges with an appropriate law enforcement agency. At the request of a Complainant, the University’s Department of Public Safety or Title IX Coordinator will promptly assist the Complainant in contacting the appropriate law enforcement agencies. The following law enforcement agencies may have jurisdiction over incidents that occur on or near campus:

- Frederick County Sheriff’s Office: 301-600-1046
- Maryland State Police: 410-379-9700

A Complainant who wishes to seek medical attention may request cooperation and support of the Department of Public Safety, which will provide prompt cooperation in obtaining medical attention, including transport to one of the hospitals listed below.
The hospital nearest to campus equipped with the Maryland Department of State Police Sexual Assault Evidence Collection Kit is Frederick Health Hospital. Gettysburg Hospital is also able to collect forensic evidence of a sexual assault.

The University offers counseling to any Complainant, Respondent, or any other student through its Counseling Center. Other counseling and Supportive Measures are available from the Resources noted above.

Individuals experiencing harassment or discrimination have the right to file a complaint with the United States Department of Education:

U.S. Department of Education  
Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline: 800-421-3481  
Facsimile: 202-453-6012  
TDD: 877-521-2172  
OCR@ed.gov  
http://www.ed.gov/ocr

VIII. Response to Potential Violations of this Policy

When the Title IX Coordinator or a Campus Official receives a Report, the University will respond equitably and impartially. Supportive Measures will be offered to both the Complainant and Respondent, whether or not a Formal Complaint is filed. Disciplinary sanctions will be imposed only if the Respondent is found responsible for a violation of this Policy through a completed Grievance Process. However, the University may impose an emergency removal or Administrative Leave as provided in this Policy.

IX. Initial Assessment

A. Purpose

When the Title IX Coordinator receives a Report of alleged Title IX Sexual Harassment or a Formal Complaint alleging Title IX Sexual Harassment, the Title IX Coordinator will seek to gather information to undertake an initial assessment of any risk of harm to individuals or to the campus community and the description of the alleged misconduct in order to evaluate the appropriate response.

B. Addressing Risk of Harm

The Title IX Coordinator will take any action necessary to address any risk of harm identified by the Title IX Coordinator, including implementation of Supportive Measures, initiation of actions designed to protect the larger campus community, and/or emergency removal of a Respondent. A decision to remove a
Respondent from campus pending the Grievance Process will follow the emergency removal of a Respondent process described in this Policy. At the Title IX Coordinator’s discretion, other Campus Officials may be included in this initial assessment.

C. Evaluation of the Report

The first step of the assessment is an evaluation of the Report. When possible, this will involve conversations or correspondence with the reporting party, the Complainant, and other individuals with relevant knowledge. The purposes are to:

- assess the nature and circumstances of the allegations;
  1. address the immediate physical safety and emotional well-being of the Complainant;
  2. assess any risk to the greater University community;
  3. notify the Complainant of the right to contact law enforcement (or not) and seek medical treatment;
  4. provide the Complainant with information about on- and off-campus resources;
  5. discuss the range and implementation of Supportive Measures;
  6. enter an accurate Report into the University’s report management system;
  7. assess the Reported conduct for the need for a timely warning under the Clery Act; and
  8. explain the University's policy prohibiting retaliation.

D. Determination After Initial Assessment

After the initial assessment of the information gathered, the Title IX Coordinator will take one of the following steps regarding the Grievance Process:

1. Initiate the Grievance Process

If the Title IX Coordinator determines that the alleged misconduct falls within this Policy and a Formal Complaint has already been submitted, the Title IX Coordinator will proceed to initiate the Grievance Process, unless the Formal Complaint proceeds to Informal Resolution.

If a Formal Complaint has not yet been submitted, the Title IX Coordinator will advise the Complainant that a Formal Complaint is required to initiate an investigation. The Title IX Coordinator will provide the option and information for submitting a signed Formal Complaint. If and when a signed Formal Complaint is submitted, the Title IX Coordinator will proceed to initiate the Grievance Process, unless the Formal Complaint proceeds to Informal Resolution.

If the Complainant determines not to file a Formal Complaint, and the Title IX Coordinator determines, in their discretion, that the allegations must be investigated, the Title IX Coordinator may initiate the Grievance Process by completing and signing a Formal Complaint.

2. Refer for Action Pursuant to Different Policy

With or without a Formal Complaint, when the initial assessment concludes with a determination that the alleged misconduct does not fall within the scope of this Policy but involves conduct that, if found to have occurred, violates another University policy, the matter will be referred for further action under the applicable policy. The determination regarding next steps will be communicated to the Parties in writing.

Policy on Title IX Sexual Harassment
E. Amnesty

To encourage Reporting, the University provides amnesty for certain minor policy violations to persons who, in good faith, report conduct prohibited by this Policy to the University or a law enforcement officer and to persons who, in good faith, participate in an investigation under this Policy. Under this amnesty provision, the University will not impose disciplinary sanctions for that person’s own violations of University drug and alcohol policies, COVID-19 policies, or other similar minor policy violations, for conduct that occurred during or near the time of conduct prohibited under this policy, as long as the person’s conduct did not place the health or safety of another person at risk. The University reserves the right to impose educational sanctions, as necessary, when disciplinary sanctions are not available.

X. Supportive Measures

Supportive Measures are temporary non-disciplinary and non-punitive services that are offered, without fee or charge, by the University on an individualized basis designed to restore or preserve equal access to the University’s Education Program or Activity without unreasonably burdening the other Party. They are available to Complainants, Respondents, and, where appropriate, other impacted members of the community. Supportive Measures are available with or without the filing of a Formal Complaint. In determining the Supportive Measures to be provided, the Title IX Coordinator will make individualized determinations that will be provided to the Complainant and Respondent to restore or preserve equal access to the University’s Education Programs or Activities, to protect the safety of the Parties, and/or to deter Title IX Sexual Harassment.

Supportive Measures will be maintained as confidential by the University to the extent that confidentiality will not impair the ability to provide the Supportive Measures.

Examples of Supportive Measures that may be implemented by the University include:

- Referral to counseling, medical, and/or other healthcare services
- Altering work arrangements for Employees or student-workers
- Academic extensions or adjustments
- Academic withdrawals or leaves of absence
- Campus safety escorts
- Housing reassignments
- Increased security or monitoring of certain areas of the campus
- Mutual no contact orders
- Other actions deemed appropriate by the Title IX Coordinator

XI. Emergency Removal of a Respondent

The University may implement emergency removal of a Respondent, whether or not a Formal Complaint has been submitted, if there is an immediate threat to the physical health or safety of any student or other individual that arises from allegations of conduct that could constitute a violation of this Policy.

Prior to implementing an emergency removal, the University will first gather information to undertake an individualized safety and risk analysis. The analysis will be conducted by Campus Officials free from bias or
conflict of interest, who have relevant knowledge and experience, and who will not serve as Decision-Maker in any later Grievance Process related to the student being evaluated for potential removal.

The analysis will evaluate whether Supportive Measures or other less restrictive means can negate or sufficiently minimize the threat. The University shall also consider Respondent’s rights, if any, under applicable federal and/or state disability laws.

The emergency removal of a Respondent is neither disciplinary nor a Determination of Responsibility. At all stages of the process, the University will ensure that an emergency removal will not impose a premature sanction on the Respondent or circumvent the Grievance Process. An emergency removal does not equate to a determination that a Respondent has engaged in a violation of this Policy and will not result in a presumption of responsibility in any subsequent Grievance Process.

In the event the University determines that emergency removal of a Respondent is appropriate, the Respondent will be notified immediately in writing. The written notice will include details about the specifically identified emergency threat of physical safety or harm underlying the decision, as well as information about the Respondent’s immediate opportunity to challenge the removal decision by filing an Appeal.

XII. Administrative Leave for Employee Respondent

In the event a Formal Complaint alleges conduct that could constitute Title IX Sexual Harassment and identifies an Employee as Respondent, the University may decide to place the Respondent on Administrative Leave, in emergency and non-emergency situations. The purpose of such an Administrative Leave is to allow a temporary separation of the Employee while the Grievance Process is ongoing. The University will determine the terms and conditions of the leave on a case-by-case basis. The decision process for placing an Employee-Respondent on leave will respect their rights under Title VII, the Americans with Disabilities Act, and all other applicable employment laws.

XIII. Grievance Process for Formal Complaints

A. Overview

All entitlements established in this section apply equally to the Parties. The Grievance Process applies when a Formal Complaint is signed and submitted, whether by a Complainant or by the Title IX Coordinator on behalf of the University. This process is grounded in a presumption that a Respondent is not responsible unless and until a Determination of Responsibility is issued at the conclusion of this process. The standard of review for determinations regarding responsibility is a preponderance of the evidence. The preponderance of the evidence standard of proof is met when the evidence shows that it is more likely than not that an allegation is true.

1. B. Filing of Formal Complaint

The Grievance Process begins with the filing of a Formal Complaint that alleges that a Respondent has engaged in Title IX Sexual Harassment is signed by the Complainant or the Title IX Coordinator and
requests that the University investigate the allegation of Title IX Sexual Harassment. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by email at titleix@msmary.edu.

C. Dismissal or Withdrawal of Formal Complaint

If, at any time during the Grievance Process, the Title IX Coordinator determines that the alleged misconduct does not fall within this Policy because the conduct did not occur within the University’s Education Program or Activity, or the conduct did not occur within the United States, the Title IX Coordinator will dismiss the Formal Complaint by issuing a Notice of Dismissal.

If, at any time during the Grievance Process, the Respondent is no longer enrolled or employed by the University or the Title IX Coordinator determines that specific circumstances prevent the University from gathering evidence sufficient to reach a determination of the allegations of the Formal Complaint, the University may dismiss the Formal Complaint by issuing a Notice of Dismissal. If the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or any allegations in the Formal Complaint, the Title IX Coordinator may dismiss the Formal Complaint. Alternatively, the Title IX Coordinator may decide that proceeding with the Grievance Process is necessary. In making that determination, the Title IX Coordinator will weigh the Complainant’s wishes and the University’s interests in eliminating Title IX Sexual Harassment, preventing its recurrence, and remedying its effects.

A Notice of Dismissal, which will be issued to the Complainant and Respondent within five (5) Business Days of the Title IX Coordinator’s determination, will include the reasons for the dismissal. A dismissal of a Formal Complaint from the Grievance Process shall not prevent the University from addressing the allegations in the Formal Complaint under another applicable policy. Any Party has the right to appeal the dismissal of a Formal Complaint.

D. Length of Process

The University seeks to resolve all Reports of Title IX Sexual Harassment promptly, thoroughly, fairly, and equitably. The timeframes that the University strives to meet are set forth in this Policy. The University will inform the Parties regularly of the status of the Grievance Process, including the status of the investigation and other steps in the process. Circumstances may arise that require the extension of anticipated time frames. Such circumstances may include the complexity of the allegations, the number of Witnesses involved, the availability and cooperation of the Parties, Witnesses, or others involved, breaks or other closures of campus, concurrent law enforcement activity, the need for language assistance or accommodation of disabilities, or unforeseen circumstances. In the event timelines are modified, the University will provide notification to the Parties.

E. Privacy of Process

The University will keep confidential the identity of any individual who has made a Report or Formal Complaint, and the identity of any Complainant, Respondent, and Witness except as permitted by FERPA, required by law, or as necessary for the University to take action under this Policy.

F. Participation in Grievance Process is Voluntary

Parties and Witnesses are not required to participate in the Grievance Process. However, the Decision-Maker can only rely on relevant evidence available through the investigation and Live Hearing when
making a Determination of Responsibility. The University may not threaten, coerce, or intimidate a Party or Witness into participating, nor may the University retaliate against a Party or Witness for declining to participate in any part of the Grievance Process.

G. Right to an Advisor

Each Party has the right to choose an Advisor of their choice to assist and advise them (at the Party’s own expense). Each Party has the right to be accompanied by their Advisor throughout the Grievance Process, including during all related interviews, meetings, and hearings. Parties are encouraged to identify an Advisor as soon as practical, as Advisors play an important role in supporting the Parties. Each Party should notify the Title IX Coordinator promptly of the name, title, and contact information for their Advisor and any change in their Advisor. If a Party does not select an Advisor and the matter proceeds to a Live Hearing, an Advisor will be appointed by the University, at no fee to the Party, for the purpose of Hearing and Cross-Examination.

H. Assistance in Securing an Advisor

In accordance with Maryland law, in cases where a formal Title IX investigation is initiated to determine if a Sexual Assault occurred, students can access an attorney and have reasonable attorney costs and fees reimbursed by the Maryland Higher Education Commission (MHEC) Legal Representation Fund for Title IX Proceedings. Student Parties can obtain a list of licensed attorneys who will assist on a pro bono or reduced fee basis by contacting MHEC at 800-947-0203 or visiting the website mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings---Attorney-List.aspx.

For more resources, Respondents may wish to contact organizations such as:
- FACE (www.facecampusequality.org)
- SAVE (www.saveservices.org)

For more resources, Complainants may wish to contact organizations such as:
- The Victim Rights Law Center (www.victimrights.org)
- The National Center for Victims of Crime (www.victimsofcrime.org)
- The Time’s Up Legal Defense Fund (www.nwlc.org/times-up-legal-defense-fund/)

I. Request to Remove an Investigator, Decision-Maker, or Title IX Coordinator

Parties have the right to request that the Title IX Coordinator remove an Investigator or Decision-Maker based on reasonable and articulated grounds of bias, conflict of interest, or an inability to be fair and impartial.

1. Challenge to an Investigator

A challenge to an Investigator must be raised in writing within five (5) Calendar Days of receipt of the Notice of Investigation. The Title IX Coordinator will determine whether to remove the Investigator. If the Investigator is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If an Investigator is removed and replaced, the Title IX Coordinator will send written notification of the new Investigator.
2. Request to Remove a Decision-Maker

Following receipt of the Notice of Live Hearing, Parties have the right to request that the Title IX Coordinator remove a Decision-Maker based on reasonable and articulated grounds of bias, conflict of interest, or an inability to be fair and impartial. This request must be raised in writing within 48 hours of receipt of the Notice of Live Hearing. The Title IX Coordinator will determine whether to remove the Decision-Maker. If the Decision-Maker is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If a Decision-Maker is removed and replaced, the Title IX Coordinator will send written notification of the new Decision-Maker.

3. Request to Remove the Title IX Coordinator

A Party may request that someone other than the Title IX Coordinator oversee the Grievance Process based on reasonable and articulated grounds of bias, conflict of interest, or an inability to be fair and impartial. Any such request must be submitted in writing to the Executive Vice President, as soon as a Party becomes aware of any such grounds for removal. The Executive Vice President will determine whether to designate another person to perform the Title IX Coordinator’s duties for the specific matter, and if so, will identify the person to undertake those duties.

J. Procedures Following a Formal Complaint

1. Initiate an Investigation

The Title IX Coordinator will initiate an investigation, unless the Formal Complaint is proceeding through the Informal Resolution Process (see below). The Title IX Coordinator will issue a Notice of Investigation to known Parties sufficiently in advance of any request to meet with the Investigator. This Notice of Investigation will include:

   a. Notice of these grievance procedures, including the Informal Resolution process, and a copy of this Policy.
   b. The conduct alleged to violate this Policy, and the date and location of the alleged incident, if known.
   c. Known Parties involved in the alleged incident.
   d. A statement that the Respondent is presumed not responsible for the alleged misconduct and that a Determination of Responsibility will be made at the conclusion of the process.
   e. Notice of the Parties’ right to an Advisor of their choice.
   f. Notice of and citation to the University’s prohibition on knowingly making false Statements or submitting false information during a University process.

If during the course of an investigation, new or additional allegations arise that require investigation, the University will send the Parties an updated Notice of Investigation revising the scope of the investigation.

2. Concurrent Law Enforcement Activity

When the University receives a Report of Title IX Sexual Harassment to which it has determined it must respond through its Grievance Process, the University’s process continues regardless of whether a Complainant has made or decides to make a report to law enforcement. The filing of a report with law enforcement, or an ongoing law enforcement investigation or proceeding, does not relieve the University...
of its obligation to address the Complaint through its Grievance Process. At the University’s discretion, the University may temporarily pause its investigation at the request of law enforcement. Questions about the Grievance Process should be directed to the Title IX Coordinator, while questions about any criminal investigation should be directed to law enforcement.

A. Consolidation of Certain Formal Complaints

If there are multiple Complainants and one Respondent, the University may consolidate Formal Complaints where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. All Parties will be notified in writing of a decision to consolidate Formal Complaints.

B. Investigation

The University’s investigation process is designed to allow for the thorough, impartial, and reliable gathering of information and to result in a comprehensive investigation report summarizing relevant, admissible evidence. The University strives to complete its investigation within thirty (30) Business Days, understanding that various issues arise during investigations that may justify a good cause extension of the timeline.

1. Assignment of Investigator(s)

The Title IX Coordinator will assign the Investigator(s) and supervise the investigation. Investigators may be University Employees or external Investigators. At times the Title IX Coordinator may serve as Investigator. All Investigators will conduct the investigation with a presumption that the Respondent is not responsible and will act without bias or conflict of interest.

2. Process Overview

The Investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent, and Witnesses with relevant information. The Investigator will provide advance written notice to Parties of the date, time, location, participants, and purpose of any requested meeting(s). Investigation interviews will be conducted in a thorough, impartial, and fair manner; all involved individuals will be treated with appropriate sensitivity and respect.

Interviews will be supplemented by the gathering of any physical, documentary, and other evidence, as appropriate and available. The burden of gathering relevant, admissible information sufficient for the University to reach a determination of whether a violation of this Policy has occurred rests on the University. The Parties will have an equal opportunity to submit evidence and suggest Witnesses (including fact and expert Witnesses).

The Investigator will decide which individuals to interview based on the information the Investigator gathers as part of the investigation and, with respect to Witnesses offered by a Party, the Investigator may ask the Witnesses to describe the information the Party expects the Witness to provide. The Title IX Coordinator may direct that additional interviews be conducted.

The Investigator will not collect information or documents protected by a legally recognized privilege, such as healthcare records, without consent to use such documents in the Grievance Process from the
person protected by the privilege. The Investigator will not seek information about a Complainant’s sexual predisposition and will only allow submission of or pursue information about a Complainant’s prior sexual behavior if such questions and evidence: (1) are offered to prove that someone other than the Respondent committed the alleged misconduct; or, (2) concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to establish Consent.

The investigation will be conducted in a manner that is respectful of individual privacy concerns. However, full confidentiality cannot be promised during an investigation because, for example, the Investigator may need to speak with Witnesses and others to gather evidence. The Parties are not restricted from discussing the allegations under investigation or from gathering and presenting relevant evidence.

Intentional efforts by a Party or Witness to fabricate information, alter evidence, improperly influence a Witness, or otherwise undermine the integrity of the Grievance Process may be subject to discipline under this Policy or other applicable policies.

3. Parties’ Review of and Response to Evidence

At the conclusion of the investigation, the Investigator will assemble all Inculpatory and Exculpatory information gathered during the investigation that is directly related to the allegations of the Formal Complaint, including information upon which the University does not intend to rely in reaching a determination regarding responsibility. The Investigator will redact information that is unrelated to the allegations of the Formal Complaint or otherwise not admissible in the Grievance Process (i.e., because it is subject to an unwaived legally recognized privilege or constitutes prior sexual history not offered to establish Consent or that Respondent did not engage in the alleged misconduct). The Investigator may create a list describing information it has redacted or removed as irrelevant, inadmissible, or not directly related to the allegations of the Formal Complaint, which they may allow the Parties to inspect. The assembled information will then be shared with the Parties and their Advisors in hard copy or an electronic format. Depending on the nature of the information shared, the University may require Parties and their Advisors to agree to restrictions or sign a non-disclosure agreement prohibiting dissemination of any of the information provided for inspection and review or use of such evidence for any purpose unrelated to this Grievance Process. The Parties shall have ten (10) Calendar Days to review the assembled information and submit a written response to it.

The Investigator will review the Parties’ responses to evaluate whether further investigation may be required to ensure the investigation is thorough and complete. In consultation with the Title IX Coordinator, the Investigator will determine any further action indicated by the Parties’ responses and develop a plan to complete the investigation.

4. Investigation Report

After considering the Parties’ responses and conducting any additional investigation deemed necessary, the Investigator will prepare a report summarizing all of the relevant, admissible information obtained during the investigation, including Inculpatory Evidence and Exculpatory Evidence. The Investigator will incorporate the Parties’ responses into the report as appropriate, as well as an explanation of any additional steps taken after receipt of Party responses and include any related materials. All of these written submissions and all information gathered during the investigation will collectively be considered the investigation report.
To the extent that the investigation report includes an assessment of Party and Witness Credibility, Credibility determinations may not be based upon a person’s status as a Complainant, Respondent or Witness.

5. Parties’ Review of and Response to Investigation Report

When the investigation report is complete, the University will provide a copy to the Parties and their Advisors in electronic format or hard copy for their review and written response. The Parties shall have ten (10) Calendar Days to respond to the investigation report. When a response is received, the Investigator shall determine whether it is appropriate to amend the investigation report. Consultation with the Title IX Coordinator may be appropriate.

The investigation report and all evidence will be available at any hearing to give each Party equal opportunity to refer to the evidence. Any hearing on the allegations investigated will not be held sooner than ten (10) Business Days after the investigation report is provided to the Parties and their Advisors.

C. Determination After Investigation

At the conclusion of the investigation, the Title IX Coordinator will review the investigation report to determine whether the conduct, if proved, falls within this Policy. When the alleged conduct, if proved, falls within this Policy, the Title IX Coordinator will prepare a Notice of Charge based on information contained in the investigation report.

If the conduct, even if proved, does not fall within this Policy because it would not constitute Title IX Sexual Harassment because it did not occur within the University’s Education Program or Activity, or because it did not occur within the United States, the University must dismiss the Formal Complaint. The University may dismiss a Formal Complaint if the Title IX Coordinator determines: that there is not sufficient cause to believe the alleged conduct may have occurred; the Respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering sufficient evidence to reach a Determination of Responsibility or No Responsibility. In either instance, the Title IX Coordinator will issue a Notice of Dismissal, including the reasons for the dismissal, to the Parties simultaneously within five (5) Business Days of the Title IX Coordinator’s determination. If the alleged conduct would potentially violate a different University Policy, the Notice of Dismissal will direct the Parties to that policy. The Parties have a right to appeal a dismissal of a Formal Complaint.

D. Notice of Charge

If the Formal Complaint is not dismissed, the Title IX Coordinator will issue a Notice of Charge simultaneously to the Parties. The Notice of Charge will include the following information:

- a brief summary of the conduct alleged to have violated the Policy, including date, time, and location;
- the specific Policy provision(s) at issue; and
- possible sanctions associated with a finding of responsibility for the alleged Policy violation(s)

XIV. Live Hearings
Following the issuance of the Notice of Charge, if Informal Resolution is not being conducted, the Grievance Process will proceed to a Live Hearing.

A. Notice of Live Hearing

The Notice of Live Hearing will be sent to the Parties simultaneously within ten (10) Business Days of the delivery of the Notice of Charge and at least five (5) Business Days before the scheduled hearing date. The Notice of Live Hearing may be, but need not be, sent with the Notice of Charge. The Notice of Live Hearing will include the following information:

- the date, time, and location of the Live Hearing;
- the Live Hearing will be recorded via audio recording or audiovisual recording;
- the identity of the Decision-Maker(s); and,
- a statement that there is a presumption of No Responsibility on the part of the Respondent until a determination regarding responsibility is made at the conclusion of the Grievance Process.

B. Title IX Coordinator’s Role

Hearings are convened by the Title IX Coordinator. The Title IX Coordinator, or designee, will oversee and serve as a non-voting participant of the Live Hearings, advising on process and policy to the Decision-Maker. The Title IX Coordinator is never a Decision-Maker, whether in connection with a Live Hearing or an Appeal, but may serve as Investigator.

C. Decision-Maker

The Decision-Maker conducts the Live Hearings and ultimately makes the Determination of Responsibility. Prior to the Live Hearing, the Decision-Maker will have read the investigation report and reviewed any accompanying evidence. The Parties will have the same information as the Decision-Maker.

1. Gathering Information

The Decision-Maker will focus questions on those areas where it needs clarification or more information. The Decision-Maker will not necessarily need the Parties or Witnesses to repeat everything they shared during the investigation, but the Decision-Maker is obligated to come to its own Findings of Fact. The Decision-Maker has the right and responsibility to ask questions and elicit information from Parties and Witnesses to obtain relevant information, both Inculpatory and Exculpatory.

The Decision-Maker is responsible for ensuring that they have sought and probed all information necessary to make an informed decision. At times, the Decision-Maker may need to ask difficult or sensitive questions in order to understand the allegations and related information and to gain a full understanding of the context. If at any time a Party does not understand a question or why the Decision-Maker is asking a question, the Party should let the Decision-Maker know. The Decision-Maker may explain or modify the question if necessary.

The Parties have equal rights to present information in front of the Decision-Maker, which ensures that the Decision-Maker has the benefit of each Party’s perspectives about the evidence. Parties have no right to self-representation and may not ask questions directly of the other Party or Witnesses.
2. Evaluating Information

The Decision-Maker must objectively evaluate all admissible, relevant evidence for weight and Credibility, including both Inculpatory Evidence and Exculpatory Evidence. The Decision-Maker must focus on evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true. Credibility determinations may not be based upon a person’s status as a Complainant, Respondent or Witness. Determinations of Credibility must be based on objective evaluation of relevant evidence, not on inferences based on Party or Witness status. Credibility determinations are based on a number of factors, including demeanor (but never only demeanor); opportunity and capacity to observe the event; contradiction or consistency with other evidence; availability of corroboration (where it should logically exist, noting that corroboration evidence is not required); level of detail in Statement or testimony; motive to be untruthful; and inherent plausibility or implausibility. The evaluation of Credibility also takes into account the normal fallibility of human memory.

A Party’s answers to Cross-Examination Questions will be evaluated by the Decision-Maker in context, taking into account that a Party may experience stress while answering Cross-Examination Questions. Parties will not be unfairly judged if they are unable to recount specific details in sequence, whether such inability is due to trauma, the effects of drugs or alcohol or fallibility of human memory.

D. Role and Obligations of Advisors During Hearings

1. The Advisor is present to provide support to the Party and not to serve as a proxy voice for the Party.
2. Advisors may not speak during the hearing process, except where permitted to present Cross-Examination Questions. Therefore, in all instances other than Cross-Examination Questions, Advisors may not speak to the Decision-Maker, make statements or arguments, or answer questions.
3. Advisors conducting Cross-Examination must be capable of understanding the purpose or scope of Cross-Examination. Equal competency between the Parties’ Advisors is not required.
4. When conducting Cross-Examination, Advisors need not be advocates for Parties, but simply may be individuals who ask questions.
5. Advisors can confer quietly with their advisee as needed, but if there is a need for an extended discussion, the Party should ask for a break in the Live Hearing.
6. Advisors cannot direct the Party how to answer a question.
7. Advisors should conduct themselves quietly and professionally, must not disrupt the proceedings and must comply with any rules of decorum adopted by the University. An Advisor who does not do so may be removed from the Live Hearing. In that instance, the Party may select another Advisor, or the University will appoint a substitute Advisor.

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E. Location of the Live Hearing

Live Hearings may be conducted with all Parties physically present in the same geographic location or, at the University’s discretion, any or all Parties, Witnesses, and other participants may appear at the Live Hearing virtually, with the Parties being able to see and hear each other and Witnesses in real time. At the request of either Party, the University will provide for the entire Live Hearing (including Cross-Examination) to occur with the Parties located in separate rooms with technology enabling the Parties to see and hear each other. Unlike Parties, Witnesses do not have the right to demand to testify in a separate room, but the University, in its discretion, may permit any participant to appear remotely.

F. Recording of Live Hearing

The University will create an audio or audiovisual recording of the entire Live Hearing. The recording or transcript will be made available to the Parties for inspection and review, upon request.

G. Scope of the Live Hearing

The Live Hearing will relate solely to charges set forth in the Notice of Charges issued to the Parties. If the Parties or any Witnesses share information that goes beyond these charges, the Decision-Maker will redirect the speaker to the charges at hand.

If judicious, the University may, at its discretion, use this Grievance Process to address collateral misconduct. This may include misconduct that arises from the investigation or conduct that is prohibited under another University policy but occurred in conjunction with a Report of Title IX sexual harassment.

H. Attendance at the Hearing

The Live Hearing is closed, meaning it is not open to the public. The following individuals may be present for the Live Hearing:

- Decision-Maker(s)
- Title IX Coordinator, or designee
- Complainant
- Respondent
- Complainant’s Advisor
- Respondent’s Advisor
- Witnesses (only for their individual testimony)
- Investigator(s)

If a Party, after having been given notice, does not appear at the Live Hearing, the Live Hearing will be conducted in their absence, and the Party’s Advisor may appear and conduct Cross-Examination. In the event neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party.
I. Expectation of Honesty

Parties and other individuals who offer information at a Live Hearing are expected to respond honestly and to the best of their knowledge. The Decision-Maker may recall any Party or Witness for further questions and to seek additional information as they deem necessary. A Party or Witness who intentionally provides false or misleading information may be subject to discipline under this Policy or other applicable policies.

J. Cross-Examination Questions and Effect of Failure to Submit to Cross-Examination

1. Advisors Conduct Cross-Examination

Advisors are allowed, on behalf of the Party they are advising, to Cross-Examine the other Party and Witnesses by asking relevant questions and follow-up questions, including questions challenging Credibility.

2. Relevance Determination Before Answering

Before a Party or Witness answers a Cross-Examination Question, the Decision-Maker will determine if the question is relevant and appropriate. If a question is deemed irrelevant, the Decision-Maker will state their reason. The requirement of Relevance applies throughout the hearing, including during Cross-Examination, and will be determined by the Decision-Maker. Parties should understand that the process of Cross-Examination may be difficult and may feel uncomfortable because its purpose is to promote the perspective of the other Party. Cross-Examination Questions cannot be required to be submitted in writing in advance of the Live Hearing or during the Live Hearing for purposes of seeking an evaluation of Relevance.

3. Effect of Not Submitting to Cross-Examination

Any Party or Witness may choose not to offer evidence and/or answer questions at the Live Hearing, either because they do not attend the Live Hearing, or because they attend but refuse to participate in some or all questioning. The Decision-Maker can only rely on whatever relevant evidence is available through the investigation and Live Hearing in making the ultimate Determination of Responsibility. The Decision-Maker may not draw any inference solely from a Party’s or Witness’s absence from the Live Hearing or refusal to submit to Cross-Examination or answer other questions.

K. Breaks

At any time, a Party may request a break to speak with their Advisor or for other necessary reasons. If a Party or Witness requests a break after a question has been asked of them, the break will occur after the question has been answered. The Decision-Maker will also schedule a break for lunch and shorter breaks as needed.

L. Rape Shield Protections

All questions and evidence about Complainant’s sexual predisposition or prior sexual behavior with anyone other than Respondent are irrelevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove Consent.
M. Order of the Live Hearing

1. The Decision-Maker will call the Live Hearing to order, make introductory remarks, and allow the participants to introduce themselves.
2. The Decision-Maker will explain the hearing process, which will include a reading of the charge(s) at issue, and will provide an opportunity for all Parties to ask procedural questions prior to opening statements.
3. The Parties shall be reminded that the Live Hearing is being recorded. The recording is the sole official verbatim record of the Live Hearing and is the property of the University.
4. The Complainant and Respondent may present a brief opening statement related to the charges.
5. The Decision-Maker will ask the Complainant questions relevant to the charges.
6. The Respondent’s Advisor may ask Complainant relevant questions and follow-up questions, including those challenging Credibility (Cross-Examination Questions).
7. The Decision-Maker will ask the Respondent questions relevant to the charges.
8. The Complainant’s Advisor may ask Respondent relevant questions and follow-up questions, including those challenging Credibility (Cross-Examination Questions).
9. The Decision-Maker may call Witnesses to provide relevant information.
10. For each Witness, Complainant and Respondent’s Advisors may ask each Witness relevant questions and follow up questions, including those challenging Credibility (Cross-Examination Questions).
11. At the conclusion of testimony, the Complainant and Respondent will be able to make a brief closing statement.
12. The Decision-Maker will make closing remarks and conclude the Live Hearing.

Note: Direct-examination, or the questioning of a Party by the Party’s own Advisor, is not permitted.

N. Deliberations and Written Determination

When the Live Hearing concludes, the Decision-Maker will deliberate and make a determination in accordance with the Preponderance of the Evidence Standard. The Decision-Maker will issue a Written Determination, which will be sent to the Parties simultaneously within ten (10) Business Days of the conclusion of the Live Hearing. The Written Determination will include:

a. Procedural History.
b. Summary of allegations in Notice of Charge/Notice of Live Hearing.
c. Policy provisions at issue.
d. Findings of Fact related to each allegation potentially constituting Title IX Sexual Harassment, made by the applicable Standard of Evidence.
e. Rationale (or evidentiary basis) for the Findings of Fact related to each allegation, which should include an evaluation of the weight or Credibility of admissible, relevant evidence.
f. A determination of whether the conduct found to have occurred violates this Policy (Determination of Responsibility) or not (Determination of No Responsibility).
g. Rationale (or evidentiary basis) for the Determination of Responsibility or No Responsibility.
h. A statement of any disciplinary sanctions imposed on the Respondent and the rationale for the sanctions.

i. A statement of whether Remedies will be provided to the Complainant, using the phrase: “Remedies designed to restore or preserve equal access to the University’s Education Program or Activity will be provided by the University to the Complainant.” The nature of such Remedies will not appear in the Written Determination. Remedies that do not directly affect the Respondent will not be disclosed to the Respondent.

j. Information about how to file an Appeal and how to access the transcript or recording before the time to file an Appeal lapses.

The Title IX Coordinator is responsible for the effective implementation of any Sanctions or Remedies.

O. Sanctions

1. Possible Sanctions

The following sanctions and/or conditions may be imposed following a Determination of Responsibility for a violation of this Policy. The described range of sanctions is required by Federal law under Title IX and the published range is purely for purposes of notice as to the possibility of a range of Remedies and disciplinary sanctions and does not reflect the probability that any particular outcome will occur.

a. Students
   - Expulsion (permanent separation)
   - Suspension
   - Deferred suspension
   - Disciplinary Probation
   - Disciplinary probation with deferred removal from the residence halls
   - Loss of housing contract
   - Residence hall probation
   - Conduct warning
   - Title IX Sexual Harassment education or other relevant education
   - Parent or guardian notification (subject to privacy restrictions)
   - Financial restitution
   - Fine
   - Community restoration and/or community service
   - Loss of campus privileges
   - Loss of campus employment and/or opportunities for campus employment
   - Withholding records or degree
   - Revocation of admission and/or degree
   - Bar against registration
   - Discretionary action
   - Substance abuse education and/or evaluation

b. Employees
   - Termination of employment
   - Revocation or denial of tenure
   - Suspension
• Demotion
• Progressive discipline
• Warning
• Loss of pay or other pay adjustments
• Job transfer
• Change or restrictions in work location and/or job responsibilities
• Title IX Sexual Harassment education
• Restrictions on the Employee’s communications
• Limitations on the Employee’s movement in or on the University’s campus
• Limitations on the Employee’s access to programs, and activities

2. Factors in Determining Sanctions

In considering the appropriate sanction within the recommended outcomes, the Decision-Maker may consider the following factors:

• Respondent’s prior disciplinary history;
• How the University has sanctioned similar incidents in the past;
• The nature of the conduct at issue, including whether there was violence or force;
• The impact of the conduct on the Complainant;
• The impact of the conduct on the University’s community, its members, or its property;
• Whether the Respondent accepted responsibility;
• Whether the Respondent is reasonably likely to engage in the conduct in the future;
• Any other mitigating or aggravating circumstances, including the University’s values; and
• The University’s interest in eliminating Title IX Sexual Harassment, preventing its recurrence, remedying its effects, and maintaining an environment free from Title IX Sexual Harassment.

Respondent’s lack of comprehension that conduct constituting Title IX Sexual Harassment violates the bodily or emotional autonomy and dignity of a victim does not excuse the misconduct, though genuine lack of understanding may, in the University’s discretion, factor into the sanction decision.

3. Remedial Action

The Decision-Maker may consider other remedial actions that may be taken to address and resolve any incident of Title IX Sexual Harassment and to prevent its recurrence, including: strategies to protect the Complainant, Respondent, and any Witnesses from retaliation; counseling for the Complainant or Respondent; other steps to address any impact to members of the campus community; and any other reasonable steps necessary to prevent future occurrences of harassment.

4. Failure to Comply with Sanctions

Failure to comply with the sanctions or conditions imposed by the Decision-Maker will result in action under the University’s Code of Student Conduct or Governing Documents, as applicable. The Title IX Coordinator will meet with University officials who will implement sanctions to ensure that sanctions imposed under the Title IX Policy are properly and fully enforced.
P. Effective Date of the Written Determination and Possible Notice to Parents

The Written Determination becomes final only after the time to file an Appeal has expired or after the Appeal decision has been sent to the Parties. The Written Determination will identify to whom any Appeal must be addressed.

The University reserves the right to notify parents of dependent students when student conduct has resulted in serious disciplinary sanctions.

XV. Appeals

A. Filing an Appeal

The Complainant and Respondent have equal rights to appeal. Appeals must be submitted in writing to the Title IX Coordinator within five (5) Business Days of the issuance of the Notice of Dismissal or Written Determination that the Party seeks to appeal.

B. Grounds for Appeal

An Appeal is not intended to be a rehearing of the information presented at the Live Hearing. An Appeal may only be based upon one or more of the following grounds:

1. Procedural Irregularity that affected the outcome of the matter;
2. 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;
3. The Title IX Coordinator, Investigator, or Decision-Maker 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; and/or
4. The sanction imposed is substantially disproportionate to the policy violation.

C. Actions upon Receipt of Appeal

1. The Title IX Coordinator shall designate an Appeal Decision-Maker to consider and decide the Appeal.
2. The Title IX Coordinator will notify all Parties with a Notice of Appeal. That notification will include (1) the name of the Appeal Decision-Maker, (2) a copy of the Appeal for the non-appealing Party’s review, and (3) relevant deadlines.
3. Upon learning the identity of the Appeal Decision-Maker, the Parties may request that the Title IX Coordinator reassign the Appeal Decision-Maker based on reasonable and articulated grounds of bias, conflict of interest, or an inability to be fair and impartial. This must be sent to the Title IX Coordinator within 48 hours of the Notice of Appeal. If received, the Title IX Coordinator shall determine whether to remove the Appeal Decision-Maker and reassign that responsibility.
4. The non-appealing Party is entitled to submit a response to the Appeal, which must be sent to the Title IX Coordinator within five (5) Calendar Days of the Notice of Appeal.
5. After the two deadlines above have run, the Appeal Decision-Maker will be provided with (1) the entire case file provided to the Decision-Maker, (2) the Decision-Maker’s Written Determination, (3) the Appeal, and if provided, (4) any response to the Appeal.
6. The Appeal Decision-Maker must first determine whether the Appeal will be accepted, based upon whether one or more of the Appeal grounds set forth above has been properly alleged by the Appellant. If not, the Appeal Decision-Maker will send written notification to the Parties simultaneously that the Appeal has been rejected, along with the Appeal Decision-Maker’s rationale.

7. The Appeal Decision-Maker will then analyze all the materials provided for review. In addition, the Appeal Decision-Maker may also request review of any audio or audiovisual recordings of the Live Hearing. After review, the Appeal Decision-Maker will take one or more of the following actions:
   a. Uphold or reverse the original finding;
   b. Increase or decrease the sanction(s); and/or
   c. Other action as deemed appropriate by the Appeal Decision-Maker.

8. The Appeal Decision-Maker will issue a decision on the Appeal to all Parties involved. Normally, this decision will be made within fifteen (15) Business Days from the date the Appeal was received.

   D. Appeal Decisions are Final

   The written decision of the Appeal Decision-Maker shall constitute the University’s final action.

XVI. Informal Resolution

   A. Option for Voluntary Informal Resolution

   The University offers a voluntary process for Formal Complaints to be addressed through Informal Resolution. During the Informal Resolution process, a Facilitator will attempt to help the Parties come to an agreement about how to resolve a Formal Complaint. The Informal Resolution process is available at the request of the Complainant and only after a Formal Complaint is filed and before a Determination of Responsibility or No Responsibility is issued.

   The Informal Resolution process is not available where a Formal Complaint alleges that a University Employee engaged in Title IX Sexual Harassment toward a student or subordinate.

   All Parties’ participation in the Informal Resolution process must be voluntary. In order to initiate the Informal Resolution process, each Party must sign the “Consent to Informal Resolution Process” form and submit it to the Title IX Coordinator. When all Parties to a Formal Complaint have submitted the consent forms, the University will pause the Grievance Process, including any ongoing investigation or hearing, for a period of fifteen (15) Business Days (unless a shorter or longer time is set by the Title IX Coordinator) to allow the Parties to proceed with the Informal Resolution Process. The time period during which the Grievance Process is paused for the Informal Resolution Process shall not count toward the time periods set forth to conclude the Grievance Process.

   B. Notice Prior to Informal Resolution

   Prior to beginning the Informal Resolution process, the University will provide notice of the allegations of the Formal Complaint and will direct the Parties’ attention to the Informal Resolution provisions of this Policy.
C. Role of the Facilitator

The Facilitator will decide the process and procedures to be used in the Informal Resolution process but shall not take actions inconsistent with this Policy. The Facilitator will treat the Parties fairly and equitably. Each Party may be accompanied by their Advisor during any portion of the Informal Resolution process. The Facilitator may meet with the Parties separately, may share information obtained during the course of any investigation with the Parties, may make suggestions about the terms of an Informal Resolution, and may take other reasonable steps to assist the Parties in determining if they can reach an Informal Resolution. The Facilitator shall not require the Parties to meet together, in-person, unless the Parties agree to do so.

If the Parties reach an agreement to resolve a Formal Complaint informally, the Facilitator shall create a written agreement that lists the terms of the Informal Resolution for the Parties to sign. A Party may withdraw from the Informal Resolution process at any time before they sign a written document agreeing to an Informal Resolution and within 48 hours after the Party signs the written agreement. If a Party timely withdraws from the informal resolution process, then the University shall resume the Grievance Process.

Under no circumstances may the Facilitator be called as a Witness in the Grievance Process.

D. Approval of Informal Resolution by Title IX Coordinator

If no Party withdraws from the written agreement within 48 hours, the agreement shall be presented to the Title IX Coordinator for final approval and implementation. The Title IX Coordinator shall give deference to the Parties’ agreement but shall not approve an agreement that the Title IX Coordinator determines to be impractical, unduly burdensome, or inconsistent with the University’s obligations under this Policy, Title IX, or another applicable law or policy. If the Title IX Coordinator disapproves the Parties’ written agreement, the Facilitator and the Parties may agree to modify and resubmit the agreement. If they do not agree to do so and/or do not submit a modified written agreement, then the University shall resume the Grievance Process.

XVII. Prohibition Against Retaliation

Neither the University nor any other person may retaliate against an individual who has participated or refused to participate in any matter addressed under this Policy. Retaliation includes any action to intimidate, threaten, coerce, or discriminate against an individual (a) for the propose of interfering with any right or privilege secured by Title IX or its implementing regulations; or (b) because the individual has made a Report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing under this Policy. Retaliation is also prohibited against individuals involved in matters that do not arise under this policy but arise out of the same facts or circumstances as a Report or Formal Complaint of sex discrimination or sexual harassment.

XVIII. Recordkeeping

The University will maintain the records identified in this section of this Policy for a period of seven (7) years. The records maintained shall be kept confidential and not disclosed, except as permitted or required by law. The records may be maintained in paper or digital files.
In connection with each Report and each Formal Complaint, the University will maintain the following records, to the extent they exist:

- documentation of any Report of alleged Title IX Sexual Harassment;
- documentation of any Supportive Measures or if no Supportive Measures are provided, the reasons why and an explanation of how the University’s response was not clearly unreasonable;
- the Formal Complaint;
- documentary evidence gathered in the course of an investigation and photographs or descriptions of non-documentary evidence gathered in the course of an investigation;
- written responses of the Parties provided prior to the finalization of the investigation report;
- the investigation report;
- the audio recording, audiovisual recording, or transcript of any Live Hearing;
- the Written Determination;
- any Appeal and written Appeal decision;
- records of the sanctions and/or Remedies;
- records of any other steps taken to restore or preserve equal access to the University’s Education Program or Activity,
- any written agreement of an informal resolution; and
- a statement documenting the basis for the University’s conclusion that its response to a Report or Formal Complaint was not deliberately indifferent.

The University shall also maintain all materials used to train its Title IX Coordinators, Investigators, Decision-Makers, and Facilitators and a copy of each version of its Title IX Policy on Sex Discrimination.

XIX. Modifications to this Policy

This Policy was last revised September 1, 2022 (rescinding the November 1, 2021 revision). This Policy may be modified at any time, during an academic year or otherwise, at the University’s discretion or as required by law. University Employees and Students will be notified whenever this Policy is modified.
GLOSSARY OF DEFINED TERMS

- Advisor: A person selected by a Complainant or Respondent or appointed by the University to support Complainant or Respondent, or a person appointed by the University to ask Cross-Examination questions if the Party has not selected another Advisor.
- Administrative Leave: Temporary separation from a person’s job, with or without pay and benefits intact, as determined by the University and any relevant obligations binding the University.
- Appeal: An objective review of the prior process and outcome, unless new evidence must be considered.
- Appeal Decision-Maker: An individual tasked with determining whether an Appeal is accepted and deciding the Appeal. An Appeal Decision-Maker cannot be the Investigator, the Title IX Coordinator, or the original Decision-Maker.
- Appellant: A person who files an Appeal.
- Business Days: Any day, excluding Saturday, Sunday, and University closures.
- Calendar Days: Any day, including Saturday, Sunday, holidays, and University closures. The Title IX Coordinator has discretion to extend deadlines when holidays, University closures, or other circumstances would reasonably prevent timely compliance.
- Campus Official: An Employee of the University who has authority to institute corrective measures on behalf of the University.
- Complainant: An individual who is alleged to have been the target of conduct that could constitute Title IX Sexual Harassment under this Policy, whether or not the individual has filed a Formal Complaint.
- Consent: 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.
  - Consent to any sexual act or prior consensual sexual activity between or with any Party 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 and/or alcohol.
  - Consent may be initially given but withdrawn at any time.
  - Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to Consent.
  - Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  - When Consent is withdrawn or can no longer be given, sexual activity must stop.
- Credibility: The worthiness of belief of information shared by a Party or a Witness.
- Cross-Examination Questions: Relevant questions and follow-up questions, including questions challenging Credibility. Cross-Examination Questions are intended to give the Parties equal opportunity to meaningfully challenge the plausibility, reliability, Credibility, and consistency of
the information provided by the other Party and Witnesses so that the outcome of each individual case is more likely to be factually accurate.

- **Dating Violence**: Violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and, (b) where the existence of such a relationship shall be determined by (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Title IX requires that the University use this definition of Dating Violence.

- **Decision-Maker**: A person or persons designated to conduct Live Hearings, to decide whether or not a violation of this Policy has or has not occurred, to determine disciplinary sanctions and Remedies when a violation has occurred, and/or to decide Appeals. Decision-Makers may or may not be Employees of the University. Decision-Makers are trained on the definition of Title IX Sexual Harassment, the scope of the University’s Education Program or Activity, the Grievance Process, Relevance, the technology to be used at a hearing, how to conduct hearings and Appeals, and how to serve impartially.

- **Determination of Responsibility or No Responsibility**: A determination by the Decision-Maker regarding whether the conduct of Respondent found to have occurred (the Findings of Fact) violates this Policy.

- **Domestic Violence**: Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state, 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 state. Title IX requires that the University use this definition of Domestic Violence.

- **Education Program or Activity**: Locations, events, or circumstances over which the University exercised substantial control over the Respondent and the context in which the conduct allegedly constituting Title IX Sexual Harassment occurred. Education Program or Activity includes any building owned or controlled by the University and/or by a student organization that is officially recognized by the University.

- **Employee**: Faculty, staff, administrator, and any other individual employed by the University in any capacity or role, except not including a person who is also enrolled as a full-time student of the University.

- **Exculpatory Evidence**: Evidence, such as a Statement, tending to excuse, justify, or absolve the alleged fault or responsibility of a Respondent.

- **Facilitator**: A person or persons designated to facilitate an Informal Resolution of a Formal Complaint. Facilitators may or may not be Employees of the University. Facilitators are trained on the definition of Title IX Sexual Harassment, the scope of the University’s Education Program or Activity, how to conduct an Informal Resolution process, and how to serve impartially.

- **Formal Complaint**: A document signed by a Complainant or a Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the allegation(s) be investigated.

- **Findings of Fact**: The Decision-Maker’s decision regarding what occurred.

- **Grievance Process**: The process for investigating and resolving a Formal Complaint.

- **Inculpatory Evidence**: Evidence that shows or suggests that a Respondent engaged in the alleged Title IX Sexual Harassment.

- **Informal Resolution**: A voluntary process that allows the Parties to engage in discussions in an attempt to come to an agreement, subject to approval by the University to resolve a Formal Complaint that does not involve a full investigation, hearing, and/or determination.
• Investigator: A person or persons, internal or external to the University, designated by the University to investigate the allegations of a Formal Complaint. An Investigator may also be the Title IX Coordinator but may not be the Decision-Maker or the Appeal Decision-Maker. Investigators are trained on the definition of Title IX Sexual Harassment, the scope of the University’s Education Program or Activity, the Grievance Process, Relevance, how to conduct an investigation, how to draft an investigation report, and how to serve impartially.
• Live Hearing: A hearing where all Parties can see and hear each other in real time, whether in the same location or connected via technology.
• Notice of Charge: A notice sent to the Parties detailing the allegations potentially constituting Title IX Sexual Harassment (the charges) and indicating that charges and information gathered during an investigation will proceed to the Grievance Process for evaluation.
• Notice of Dismissal: Written notice of the Title IX Coordinator’s decision to dismiss a Formal Complaint, including the basis of the decision.
• Notice of Investigation: A written notice to the Parties commencing the Grievance Process.
• Notice of Live Hearing: The letter sent to the Parties providing notice that allegations falling within the scope of this Policy will proceed to a Live Hearing.
• Party or Parties: Individuals who are Complainants and Respondents in a Grievance Process. When referencing the Complainant, the Respondent may be referred to as the “other Party” and when referencing the Respondent, the Complainant may be referred to as the “other Party.”
• Procedural History: A section of the Written Determination describing the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to the Parties; the date Respondent received notice of the allegation; the investigation process; and hearings held.
• Procedural Irregularity: A failure to follow the University’s own procedures.
• Rape Shield Protections: Rules that protect Complainants from questions about or submission of evidence regarding the Complainant’s sexual predisposition or prior sexual behavior except in very limited circumstances.
• Relevance: Information that is relevant directly relates to the allegations in dispute, and, therefore, is probative of a material fact concerning the allegations. Information that is not relevant includes information protected by a legally recognized privilege; evidence about a Complainant’s prior sexual predisposition or prior sexual behavior unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or offered to prove Consent, where Consent is at issue (and it concerns specific instances of sexual behavior with Respondent); and any Party’s medical, psychological, and similar records unless the Party has given voluntary, written consent; and evidence duplicative of other evidence.
• Remedies: Measures taken by the University following a Determination of Responsibility on the part of Respondent designed to restore or preserve equal access to the University’s Education Program or Activity. Remedies may be disciplinary or punitive and may burden the Respondent.
• Report: The submission of information to the Title IX Coordinator or a Campus Official regarding a potential violation of this Policy. A Report is not a Formal Complaint and, therefore, does not trigger the Grievance Process.
• Respondent: Any individual who has been alleged to have engaged in conduct that could violate this Policy.
• Sexual Assault: Any conduct that would constitute a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual Assault includes the following prohibited conduct:
1. **Rape (Except Statutory Rape)** - the carnal knowledge of a person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity. “Carnal knowledge” means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.

2. **Sodomy** - oral or anal sexual intercourse with another person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

3. **Sexual Assault with An Object** - to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

4. **Fondling** - touching of the body of another person for the purpose of sexual gratification without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.

5. **Incest** - nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

6. **Statutory Rape** - nonforcible sexual intercourse with a person who is under the statutory age of Consent.

- **Stalking**: engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for their safety or the safety of others; or (b) suffer emotional distress.

- **Standard of Evidence**: The Standard of Evidence reflects the degree of confidence that a Decision-Maker has in the correctness of the factual conclusions reached. The University will apply the Preponderance of Evidence Standard of Evidence to matters within the scope of this Policy.

- **Statement**: Evidence that constitutes a person’s intent to make factual assertions.

- **Supportive Measures**: Temporary non-disciplinary and non-punitive services that are offered, without fee or charge, by the University on an individualized basis to a Complainant or Respondent designed to restore or preserve equal access to the University’s Education Program or Activity without unreasonably burdening the other Party.

- **Title IX Coordinator**: The person or persons designated by the University as a Title IX Coordinator, including any persons designated as an “acting,” “deputy” or “interim” Title IX Coordinator. In the event that special circumstances require the Title IX Coordinator to designate another person to address their responsibilities, the term also includes the Title IX Coordinator’s designee.

- **Title IX Sexual Harassment**: Conduct, on the basis of sex, that occurs within the University’s Education Program or Activity within the United States, and that involves:
  1. An Employee of the University conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
  2. Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity;
  3. Sexual Assault;
  4. Dating Violence;
  5. Domestic Violence; or,
  6. Stalking.
• Witness: A person who has seen, heard or otherwise has knowledge or information relevant to an alleged violation of this Policy, but not including the Investigator.
• Written Determination: A letter delivered simultaneously to the Parties that describes the Decision-Maker’s determination regarding responsibility, which must be supported by evidence.

(Revised September 1, 2022)
# ANNUAL DISCLOSURE OF CRIME STATISTICS — EMMITSBURG CAMPUS

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### ANNUAL DISCLOSURE OF CRIME STATISTICS – EMMITSBURG CAMPUS

#### VAWA OFFENSES

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#### Hate Crimes:
- 2020 - One on campus vandalism incident characterized by race was reported in the calendar year 2020.
- 2021 - No Hate Crimes were reported in the calendar year 2021.
- 2022 - No Hate Crimes were reported in the calendar year 2021.

#### Unfounded Crimes:
- 2020 - No unfounded crimes were reported in the calendar year 2020.
- 2021 - No unfounded crimes were reported in the calendar year 2021.
- 2022 - No unfounded crimes were reported in the calendar year 2022.
## Annual Disclosure of Crime Statistics — Emmitsburg Campus

### Arrests and Disciplinary Referrals

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**Note:** Referrals for use or possession of less than 1.5 ounces of marijuana are no longer counted as drug law violations in Maryland as of 07/01/23.
### ANNUAL DISCLOSURE OF CRIME STATISTICS – FREDERICK CAMPUS

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## Annual Disclosure of Crime Statistics – Frederick Campus

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### ANNUAL DISCLOSURE OF CRIME STATISTICS – FREDERICK CAMPUS

#### VAWA OFFENSES

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#### Hate Crimes:
- 2020 – No Hate Crimes were reported in the calendar year 2021.
- 2021 – No Hate Crimes were reported in the calendar year 2021.
- 2022 – No Hate Crimes were reported in the calendar year 2021.

#### Unfounded Crimes:
- 2020 - No unfounded crimes were reported in the calendar year 2020.
- 2021 - No unfounded crimes were reported in the calendar year 2021.
- 2022 - No unfounded crimes were reported in the calendar year 2021.
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**Note: Referrals for use or possession of less than 1.5 ounces of marijuana are no longer counted as drug law violations in Maryland as of 07/01/23**
Clery Act Crimes

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crimes reported on and around their campuses. The statistics reported in the following charts generally reflect the number of criminal incidents reported to the various campus security authorities. The statistics reported for the subcategories on liquor laws, drug laws, and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

Definitions of Reportable Crimes

Murder/Non-Negligent Manslaughter – defined as the willful killing of one human being by another.
Manslaughter by Negligence – defined as the killing of another person through gross negligence.

Rape – 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. This offense includes the rape of both males and females.

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 his/her age or because of his/her temporary or permanent mental or physical incapacity.

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

Robbery – defined as 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 – defined as 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.

Burglary – unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – theft or attempted theft of a motor vehicle.
Arson – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Liquor Law Violations: Violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the above.

Drug Law Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

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; using, manufacturing, etc., silencers; furnishing deadly

Domestic Violence: A felony or misdemeanor crime of violence committed:
- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner.
- By 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. 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: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Note: Maryland has no Dating Violence law.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1. Fear for the person’s safety or the safety of others. 2. Suffer substantial emotional distress.

Hate Crimes: Includes the above crimes with the additional crimes of vandalism, theft, simple assault, or intimidation where there is evidence victims were intentionally selected because of their actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.
Annual Fire Safety Report

Mount St. Mary’s University publishes this Fire Safety Report as a part of its annual Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statics Act (Clery Act) compliance. This report contains information about the fire safety practices and procedures for the university, including a description of each on-campus student housing facility fire safety system, statistics concerning the number of fires, the number of injuries and deaths related to a fire, and the value of property damage caused by fire. The fire statistics are reported to the US Department of Education annually.

In accordance with the Clery Act, the university maintains a Fire Safety Log that records by the date reported any fire that occurs in an on-campus student housing facility. This log includes the nature, date, time, and general location of each fire. The Fire Safety Log is maintained by the Department of Public Safety. The Fire Safety Log for the most recent 60-day period can be viewed during normal business hours at the Department of Public Safety. Any portion of the log older than 60 days will be made available within two business days of a request for public inspection. The Department of Public Safety can be reached at 301-447-5357.

When reporting a fire, members of the university community should immediately call 911, and notify the Department of Public Safety at 301-447-5357, providing as much information as possible about the fire including the location, date, time, and cause of the fire. If a member of the university community finds evidence of a fire that has been extinguished, and the person is not sure whether the fire department has already responded, they should immediately notify the Department of Public Safety to investigate and document the incident.

The university takes fire safety seriously and has established fire safety programs for students living in campus residence halls. Residential students receive emergency and evacuation information at the beginning of each semester through mandatory hall meetings. Fire evacuation plans can be found prominently posted in each residence hall. The Department of Public Safety partners with the Office of Residence Life to provide resident assistants and students with fire safety programs and evacuation procedures throughout the year.

In the event of a fire incident in a university facility, fire alarms that have been activated are meant to alert members of the university community of potential hazards. Members of the community should heed the warning of a fire alarm and evacuate buildings immediately upon hearing the alarm. Please follow the following procedure in the event of a fire:

1. Activate the fire alarm
2. Leave the building immediately using the closest emergency exit
3. Close the doors behind you
4. Notify the Department of Public Safety at 301-447-5357, or call 911 when safe to do so
5. Assemble in a designated area
6. Only re-enter the building when cleared to do so by the authorities

Violations of Fire and Safety Regulations

Violations of Fire Safety Regulations are treated seriously at the university. Violations of these regulations may also be investigated by the State of Maryland Fire Marshal’s Office in addition to the university. Generally, the regulations prohibit but are not limited to the following:

Fire safety is everyone’s responsibility. The following policies exist for the safety and security of the entire residential community:

a. Students present on a floor where a fire alarm sounds must immediately leave the building. Once outside the building, persons may not enter a building while the alarm is sounding anywhere in the building. The building may be entered only after instructions are given by the appropriate official. For safety reasons, fire drills will be routinely scheduled during the semester in all residence halls and apartments.

b. Fire alarms and fire extinguishers are located on every floor in every building. Familiarize yourself with their locations.

c. Candles are not permitted in University Housing. The uses of any objects with open flames are prohibited.

d. No items inside a student room, suite or apartment shall obstruct the doorway or impede exiting or entering the room. This includes furniture, curtains, hanging beads, clutter on the floor, wires or any other object that could impede entry or exit. Additionally, a clear view from the doorway into the room, suite or apartment is required. Therefore, no items shall block the view into the room (e.g., curtains, furniture, linen, sheets, paper, etc.).

e. No items may be hung, adhered or affixed to any fire equipment including sprinkler systems.

f. Wires shall not be placed in an area where they can be stepped upon. Wires must never be taped to the floor/carpet. This includes wires from power cords, speaker wires, cable TV coaxial, phone wires, etc. If wires are in a foot traffic area, they must be in a cord cover that is Underwriters Laboratory (UL) approved. Residents need to assure that wires are not located where they can be worn or damaged. Note: Students should take caution when running wires along the walls, around doorframes, and behind furniture. Make sure that the wires are not pressed against any furniture that may move and cause damage. Any damaged wires must be discarded. Also, wires may not be attached to or hung from
the ceiling. (Students may purchase 3m hooks to place around the top of the wall of a room to hang lights that meet the above requirements.)

**g.** Persons, whose actions cause a fire alarm to sound, interfere with a fire alarm system or with fire fighters, tamper with, inappropriately use or remove fire extinguishers or other fire safety devices, including sprinkler systems, smoke detectors, exit signs, call boxes, and room alarms are subject to disciplinary action and removal from University Housing. Behavior that activates the fire/safety system will be considered a major policy violation.

The following behaviors are not permitted with regard to fire safety:

a. Failure to comply with evacuation procedures.
b. Tampering with fire safety equipment.
c. Unauthorized use of fire exit doors.
d. Setting a fire, committing arson or contributing materials or fuel to a fire.
e. Possession, use, or threatened use of fireworks or other explosive devices that could cause a fire and/or damage.
f. Use of open flame devices or open heat sources (e.g. incense, candles, coffee pots without automatic shutoffs, space heaters).
g. Smoking any substance within University buildings (includes e-cigarettes, personal vaporizers).
h. Smoking and vaping any substance less than 15 feet away from any door and or window of any building on campus
i. Possession, use, and/or charging of battery powered or electric recreational vehicles, etc. inside campus buildings
j. Propping open, wedging, or tampering with an exterior door to a residence hall or any fire door inside a residence hall

**Residence Life Regulations Regarding Appliances and Furnishings**

All rooms are furnished with single beds, dressers, desks, and chairs. No university furniture can be removed from the student room for any reason without exception. Students need to provide your own linens, pillow, desk lamp, and wastebasket. Any other luxury items are the responsibility of the student. The following are not permitted in the residence hall/room:

a. Individual air conditioning units.
b. Only one Underwriters Laboratory (UL) seal of approval, 3.6 cubic foot, 1.5 amp (120 volts, 60 cycle AC) maximum refrigerator with a 3-prong electric plug and 3 wire cord is allowed per room [Energy Star rated models preferred].
c. The possession of other electrical cooking appliances is prohibited in student rooms, including Apartment bedrooms. Coffee markers with exposed heating elements/hot plate are prohibited. In Apartment complex kitchens, students may store and use only approved appliances with an enclosed heating element. Heating or cooking devices that
utilize flammable liquids or flammable compressed gases are strictly prohibited from use in university housing by fire code.

d. The use of all power tools (e.g. power drills, saws, screwdrivers, etc.).

e. The misuse of any electrical appliance (e.g., iron, hair dryer, etc.). This includes items with frayed wires or ground plugs that have been altered.

f. Mattresses are to be used on the bed frames provided and not on the floor. All beds, except bunk beds, must remain on the floor and may not be elevated in any manner. Waterbeds, other beds, any large pieces of furniture, (i.e., wardrobes, dressers, etc.) may not be brought into the residence halls. Furniture is to remain upright and used as designed and is not to be disassembled in any manner. Furniture may not be stacked.

g. Lounge furniture that is provided for the general use of all students in the common or lounge area is not to be removed for use in individual rooms. Lounge furniture found in student rooms will be removed by University Staff and a charge for this removal will be assessed to the students’ account.

h. Common area furniture cannot be removed from the common area which includes moving it into student rooms. Furniture in other public areas in the building cannot be moved into the common area.

i. Apartment Complexes: All furniture in the apartment must stay in the apartment. Furniture in other public areas in the building cannot be moved into the apartment.

**Fire Drills and Student Evacuation**

The purpose of a fire drill is to raise fire safety awareness in the university community. Building occupants are trained in their responsibilities in the event of a fire alarm in their building. When the evacuation drill is conducted, the fire alarm is activated. Occupants evacuate the building proceeding to the assigned evacuation location as designated in the Emergency Action Plan (EAP) specific to each building. The evacuation location for each residence hall is posted on the back of each residence hall door and at various locations near exits within the building. Fire drills are conducted two (2) times per year in each residence hall. One (1) fire drill is conducted in the Fall semester, and one (1) in the Spring semester. Unacceptable response to a fire drill may result in additional fire drills until acceptable response is achieved.

If a fire occurs in a residence hall, displaced students will be provided with alternative housing by the Office of Residence Life. Personnel from that office are on call 24 hours a day to ensure quick re-housing of displaced students.

**Fire Reporting Procedure**

1. All fires, even those found extinguished, must be reported.
2. Call the Department of Public Safety Emergency Line: Call x5911 from a campus phone or 301-447-5911 from a cell phone.

3. To report life safety equipment in need of service, contact the Department of Public Safety at (301)447-5357 or complete a work order through FMX. This includes missing or burned-out EXIT signs, missing or discharged fire extinguishers, fire doors that do not completely self-close and latch, and any damaged or malfunctioning fire alarm or sprinkler system.

Fire Safety Systems

The university’s fire safety systems consist of electronic and mechanical alarms and detectors in student residences that are monitored continuously at Public Safety offices. The university maintains fire safety systems in all on-campus student residences using smoke detectors, heat detectors, manual pull stations, and audible alarms and visible alarms and are monitored at the Department of Public Safety twenty-four (24) hours a day/seven (7) days a week. Below is a complete list of fire safety systems in on-campus student residences.
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<tr>
<th>Student Residences</th>
<th>Smoke Detector</th>
<th>Heat Detectors</th>
<th>Manual Pull Stations 24/7</th>
<th>Audible Alarms</th>
<th>Visual Alarms</th>
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<th>Cause of Fire</th>
<th>Number of Injuries that required treatment at a medical facility</th>
<th>Number of Deaths related to a fire</th>
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## 2021 Fire Statistics

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<th>Time</th>
<th>Cause of Fire</th>
<th>Number of Injuries that required treatment at a medical facility</th>
<th>Number of Deaths related to a fire</th>
<th>Value of property damage caused by Fire</th>
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## 2022 Fire Statistics

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<th>Number of Injuries that required treatment at a medical facility</th>
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This information is provided in compliance with the Jeanne Clery Act and as part of Mount St. Mary’s University’s continuing commitment to campus safety and security. Questions, concerns, or complaints related to this document or the applicable statutes should be directed to the Director of Public Safety either by email at r.d.hibbard@msmary.edu, telephone at 301-447-5357, or by mail at Mount St. Mary’s University, 16300 Old Emmitsburg Rd, Emmitsburg, MD 21727.