



Interim University of Maryland Policy on Sexual Harassment and Other Sexual Misconduct (Senate Document #20-21-03)
Equity, Diversity, Inclusion (EDI) Committee | Chair: Raymond Nardella

On May 6, 2020, the Department of Education (DOE) issued new Title IX regulations, which direct how educational institutions must address incidents of sexual assault and harassment involving both students and employees. The University System of Maryland (USM) revised its Policy on Sexual Harassment (VI-1.60) on July 22, 2020 and asked all USM institutions to align their policies accordingly. On August 14, 2020, President Pines approved an interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (VI-1.60[A]), pending Senate review.

The Senate Executive Committee (SEC) and Senate Chair Dugan request that the Equity, Diversity, and Inclusion (EDI) Committee review the policy component of the interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct (VI-1.60[A]).

Specifically, the EDI Committee should:

1. Review the USM Policy on Sexual Harassment ([VI-1.60](#)).
2. Review the interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct ([VI-1.60\[A\]](#)).
3. Review information on the U.S. Department of Education's Final Rule under Title IX of the Education Amendments of 1972.
4. Review policies regarding sexual misconduct at Big 10 and other peer institutions.
5. Consult with a representative of the Office of Civil Rights & Sexual Misconduct (OCRSM).
6. Consult with a representative of the Office of Faculty Affairs.
7. Consult with a representative of the Office of Student Conduct.
8. Consult with a representative of the Office of Staff Relations.
9. Consult with a representative of CARE to Stop Violence on their perspectives on the interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct.
10. Consult with the Sexual Assault Prevention Committee (SAPC) on its perspectives on the interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct.

11. Consult with the Chair of the Student Government Association's (SGA) Sexual Misconduct Prevention Committee and the Title IX Advisory Board on students' perspectives on the interim University of Maryland Policy and Procedures on Sexual Harassment and Other Sexual Misconduct.
12. Consult with a representative of the Office of General Counsel on the legal implications of the new Title IX regulations.
13. Consider whether the interim policy fulfills the minimum requirements related to federal regulations and state law, and also goes beyond the minimum requirements, where appropriate, in order to align with the University's principles and values.
14. Consider whether modifications to the policy are needed to provide clarity and consistency to ensure that the policy is clearly articulated to the campus community.
15. Consider whether the standard for Other Sex-Based Offenses, "sufficiently severe or pervasive," is sufficient.
16. Consider whether the definition of Responsible University Employee in the policy should be inclusive of graduate assistants, undergraduate teaching assistants, and staff with instructional responsibilities.
17. Consider whether there is an adverse impact caused by the removal of Sexual Violence as a defined term in the policy.
18. Consider whether the constituencies referenced in the policy should be more clearly defined in order to address situations where a party serves in multiple constituency roles at once, or where a party's role has changed since the incident in question occurred.
19. Consider whether information about on-campus resources and reporting that is described in the policy should be included as a separate attachment to the policy in order to provide flexibility for revisions outside of policy review cycles.
20. Consult with a representative of the Office of General Counsel on any proposed revisions to the interim policy.
21. If appropriate, recommend whether the interim policy should be revised.

We ask that you submit a report to the Senate Office no later than **March 30, 2021**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.