ANNUAL FIRE SAFETY
AND SECURITY REPORT
2016

Working Together for a Safe Campus
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To the McDaniel Campus Community:

It is up to each one of us to help foster a secure and supportive environment here on “the Hill”—an environment where individuals can feel safe to visit, learn, work and live. Our Mission Statement talks about “human concern” and for decades, our First Principles have urged a humane environment as incumbent upon each of us. These values require we share responsibility for each other, including the responsibility for maximizing our collective safety. In fact, safety on campus is one of the highest concerns. A truly safe campus can only be achieved through the cooperation of everyone. The Annual Fire Safety and Security Report is subtitled with the motto of the Department of Campus Safety, *Working Together for a Safe Campus*. It is through this shared responsibility for safety that we can all take pride in relatively high degree of safety at McDaniel College.

I urge you to review the important policies and procedures in this report. It contains information about campus safety measures and reports statistics about crime in our campus community. It also describes our efforts to combat alcohol and drug abuse. Please take the time to read it and help foster a more caring and safe environment.

*Dr. Roger Casey, President*
From the Vice President of Student Affairs:

On behalf of the members of the Student Affairs Division, I want to thank you for your interest in the Annual Fire Safety and Security Report. The Department of Campus Safety works with many offices on the McDaniel College campus to publish accurate and important safety information. We also publish the report to comply with the important provisions of the Clery Act. Campus safety and security and compliance with the Clery Act should be a part of everyone’s responsibility here at McDaniel. We encourage you to review the information we have made available to you. You will find valuable information about the College including descriptions of certain services that we provide, our strong commitment to victims of crimes and the extensive services we make available to them. Lastly, you will find important information about security policies and procedures on our campus, crime data, and crime prevention information. We join President Casey in the commitment to foster a secure and supportive environment at McDaniel. Campus safety and security is a collaborative effort at McDaniel. While the Department of Campus Safety is an effective leader in keeping us safe, each member of the campus community must do her or his part. I encourage you to embrace the mission of the Department of Campus Safety… *Working Together for a Safe Campus.*

*Beth R. Gerl, Vice President of Student Affairs and Dean of Students*
ANNUAL SECURITY REPORT

Institutional Policy for Preparing the Annual Disclosure of Crime Statistics

The Department of Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by the Department of Campus Safety; provided by other offices such as Student Affairs, Residence Life, other Campus Security Authorities, and information provided by local law enforcement agencies surrounding the campus. Each of these offices provides updated policy information and crime data.

This report provides statistics for the previous three years (calendar years 2013, 2014, and 2015) concerning reported crimes that occurred on campus, public area contiguous to the campus, or property owned, leased or controlled by McDaniel College. This report also includes institutional policies concerning campus security, such as policies regarding sexual and gender-based violence, alcohol and drugs, and maintaining a safe campus.

The College distributes a notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to every member of the campus community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the Director of Campus Safety or by visiting http://www.mcdaniel.edu/uploads/docs/CleryReport2016.pdf

McDaniel College Gender/Sex Based Anti-Harassment/Non-Discrimination Policy

In accordance with 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, McDaniel College (“McDaniel College” or “the College”) does not discriminate on the basis of sex in any of the College’s educational programming and activities. The College is committed to preserving an educational and employment environment that is free from gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, and relationship violence and stalking in accordance with Title IX, the United States Department of Education and the 2013 Reauthorized Violence Against Women Act. Accordingly, the College maintains comprehensive policies and procedures to ensure that all students, faculty and staff are afforded all of the rights available under Title IX. Inquiries concerning the application of Title IX may be referred to the College’s Title IX Coordinator at 410-857-2205 or to the Office of Civil Rights of the United States Department of Education at: http://www2.ed.gov/about/offices/list/ocr/index.html.
REPORTING CRIMES AND OTHER EMERGENCIES

McDaniel College has a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate College officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire College community that you immediately report all incidents to the Department of Campus Safety at 410-857-2202 to ensure a prompt and effective investigation and appropriate follow-up actions, including issuing a timely warning designed to help prevent crime, or a McDaniel ALERT to inform the campus of life threatening emergencies.

Voluntary, Confidential Reporting

McDaniel College recognizes the often-sensitive nature of sexual assault, domestic violence, dating violence, and stalking incidents. We are committed to protecting the privacy of any individual who makes a report. Different officials and personnel are, however, able to offer varying levels of privacy protection to victims. Reports made to law enforcement, including the criminal prosecution of an offense, may be made public (as applicable by the provisions of state law) and shared with the accused.

Reports made to McDaniel College officials will be kept confidential, and identifying information about the victim shall not be made public except as required by law. The institution will only share information with institutional personnel as needed to investigate and effectively respond to the reported incident. The institution will make every effort to limit the scope of information shared to keep it to a minimum of detail, and only when absolutely necessary. Reports made to medical professionals and licensed mental health counselors will not be shared with any third parties except in cases of imminent danger to the victim or a third party. Confidential resources for campus community members include the Wellness Center in the Winslow Center at 410-857-2243 for students; and the Employee Assistance Plan for employees at 1-800-327-2251.

Policy for Voluntary, Confidential Reporting at Anne Arundel Community College, Arundel Mills Campus

For McDaniel students attending the Arundel Mills campus, the Anne Arundel Community College Department of Public Safety & Police encourages accurate and prompt reporting of crimes and incidents. Call 410-777-1818 from any outside phone or ext. 1818 from a campus phone or emergency phone. An officer will respond immediately to your call,
investigate the incident and take a report. If you are a victim or witness to a crime at an off-campus location, call 911. The county police will respond and take a report. The county police monitor crimes occurring at all off-campus class locations and forward monthly reports to the Department of Public Safety & Police.

If you are a crime victim but do not want to pursue action through the college or criminal justice systems, consider making a confidential report to the Anne Arundel Community College Department of Public Safety & Police or any AACC administrator, or filing a Silent Witness report. These reports are important. They help Anne Arundel Community College have the most accurate picture of campus crime so the Department of Public Safety & Police can respond appropriately to minimize risk for others. Incidents are included in the annual crime statistics report.

The college recognizes that sexual harassment and sexual misconduct allegations are sensitive subjects for all parties involved. The college is committed to maintaining the privacy of the parties involved to the fullest extent possible under applicable law and the circumstances. There may be instances when the college determines it is required to investigate and take action even when the reporting/complaining party requests anonymity or requests that no action be taken. Thus, absolute confidentiality cannot be guaranteed. In such cases, the college will take all reasonable steps to investigate and respond to the report/complaint consistent with the reporting/complaining party’s requests, and when it cannot do so, will keep the reporting/complaining party apprised, as deemed appropriate. In all cases, the college will take care to protect the identities of the parties by discussing the allegations only with those who have a legitimate administrative or legal reason to know.

**Reporting to the McDaniel College Department of Campus Safety**

We encourage all members of the campus community to report all crimes and other emergencies to the Department of Campus Safety by phone at 410-857-2202 or in person at the Department of Campus Safety Headquarters (currently located at the Winslow Center, but after October 17, 2016, at 152 Pennsylvania Avenue). All employees are required to report to the Department of Campus Safety all crimes and violations of the College policy which occur on campus or at College sponsored/sanctioned events. This is important for prompt investigation and accurate recordkeeping. Though there are many resources available, the Department of Campus Safety should be notified of any crime to assure the College can assess any and all security concerns and inform the community if a significant threat to the campus exists.
Emergency Phones

The College has installed eight exterior “blue light” emergency phones throughout the campus, along with emergency phones in locations identified as tornado evacuation sites. Emergency phones provide direct voice communications to the Department of Campus Safety Communications Center.

Reporting to Other Campus Security Authorities

While the College strongly suggests that community members promptly report all crimes and other emergencies directly to the Department of Campus Safety, we also recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes certain College officials and offices as “Campus Security Authorities (CSA).” The Act defines these individuals as an “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

While the College has identified several CSAs, we officially designate the following offices as places where campus community members should report crimes:

<table>
<thead>
<tr>
<th>Official</th>
<th>Campus Address</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Campus Safety</td>
<td>Lower Level – Winslow Center (will relocate to 152 PA Avenue during the 2016/17 academic year)</td>
<td>410-857-2202</td>
</tr>
<tr>
<td>Vice President for Student Affairs</td>
<td>Upper Level – Decker College Center</td>
<td>410-857-2244</td>
</tr>
<tr>
<td>Office of Human Resources</td>
<td>Dean’s Cottage</td>
<td>410-857-2229</td>
</tr>
</tbody>
</table>
Pastoral and Professional Counselors

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by McDaniel College to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. The College has no policy encouraging these professionals to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

ABOUT THE DEPARTMENT OF CAMPUS SAFETY

Role, Authority, and Training

McDaniel College recognizes that in order for effective learning to take place, a safe environment is necessary. This safety is achieved through the efforts of ALL members of the campus community. All members of the community bear responsibility for themselves and others. This is especially true of safety. The Department of Campus Safety provides leadership in safety related issues and provides 24-hour-a-day protection to the College community 365 days a year. The officers of the Department are charged with responding to all security, criminal, fire, medical, and other emergencies on campus.

The Department of Campus Safety is responsible for a number of campus safety and security programs including uniformed campus police and security services, investigations, emergency medical services, emergency management, emergency notifications, safety awareness programming, physical security, alarm monitoring, fire extinguisher inspection, general hazard identification and mitigation, parking management, and shuttle transportation resources.

MISSION STATEMENT

The Department of Campus Safety affirms that: The protection of human life is its primary charge. In addition, preservation of College resources is essential to the accomplishment of the goals indicated in the College's First Principles. Quality of life substantially affects learning, and that quality is preserved by the enforcement of rules and laws, which is a responsibility of the Department. As educators, Campus Safety staff provides or facilitate instruction in safety related
topics. The Department provides services to the College community in a professional, respectful, knowledgeable, and skillful manner, with the highest standards of ethics, accountability, dignity, humanism, equity and fairness.

Authority

All Department of Campus Safety officers are sworn and commissioned under Maryland law as Special Police. This affords these officers full law enforcement and arrest authority on all McDaniel College property throughout the State of Maryland. As such, officers have authority to issue citations, obtain warrants, effect arrests, and administer all other duties required of a sworn police officer. All uniformed members of the Department of Campus Safety wear a distinctive police uniform and regularly patrol in marked vehicles, on bicycles, and on foot.

Safety, Our Number One Priority

McDaniel College is a great place to live, learn, work and study, however no campus is immune from all the unfortunate circumstances that arise in society. McDaniel College works to maintain a safe campus where violent crime and property crime are rarities. The campus community must work cooperatively to ensure its own safety. This is encouraged and expected.

Throughout the year, various offices and departments provide information on how to enhance your safety. We encourage you to take advantage of these programs. If you have a question or would like a program on a particular topic, the Department of Campus Safety is a good starting point to either get the answer or to help find the right office on campus to assist you. Others resources include Resident Assistants, Area Coordinators, Student Engagement, and Human Resources.

Working Relationship with Local, State, and Federal Law Enforcement Agencies

The College recognizes that laws and rules are necessary for society to function and must be enforced. All persons on the campus are subject to these laws and rules at all times. While the College is private property, and Constitutional protections apply, public agency law enforcement officers may enter the campus to conduct business as needed. All partner law enforcement agencies work cooperatively with the Department of Campus Safety, especially while conducting any law enforcement functions on campus.

The Department of Campus Safety enjoys an especially good relationship with the Westminster Police Department (WPD) and the Carroll County Sheriff’s Office. WPD assists the Department of Campus Safety with routine patrols of the campus to deter crime. In accordance with a Memorandum of Understanding, the Westminster Police Department maintains the responsibility
for the investigation of all serious crimes on campus, including all crimes categorized as Part 1 offenses under the FBI Uniform Crime Reporting (UCR) Program, and all criminal level drug offenses (Campus Safety officers maintain enforcement of minor drug offenses classified as civil infractions). All sexual assault investigations in Carroll County are conducted by an interagency team known as the Carroll County Advocacy and Investigation Center. The Department of Campus Safety works cooperatively with the members of the Investigation Center.

The Westminster Police Department is notified of all crime on campus in a weekly summary, and is immediately notified of major crimes via the telephone or shared radio communications. The College campus, which is entirely within the WPD jurisdiction, relies on the telephone to routinely contact the county emergency dispatch center for fire and emergency medical needs, although the County Public Safety Office has the capacity to link the Department of Campus Safety to responding fire or ambulance resources by radio.

Frequent meetings between the command staff of the Westminster Police Department and the Department of Campus Safety allow for exchanges of routine information on a timely basis. Resources from the Carroll County Sheriff’s Office, the Maryland State Police, or federal agencies may be requested as needed by the Westminster Police Department and the Department of Campus Safety, and are organized in accordance with the principals and protocols of the National Incident Management System (NIMS) and the federal Incident Command System (ICS).

Crimes committed at off campus facilities under the control of the College will be disclosed in our statistics if they come to the attention of the Department of Campus Safety. Additionally, the Director of Campus Safety, as the chief law enforcement officer of the College, participates as a member of the Carroll County Chiefs of Police group.

Arundel Mills Campus

For students taking classes at the College’s Arundel Mills location, the Department of Campus Safety maintains a Memorandum of Understanding with the Anne Arundel Community College Department of Public Safety that outlines the sharing of information on criminal matters, as well as the communication of hazardous situations. The directors of these two campuses are in regular contact and meet as part of an area association of campus law enforcement administrators six times per year.

Law enforcement and security services at the Arundel Mills Campus is provided by the Anne Arundel Community College Department of Public Safety & Police, a uniformed force
consisting of both sworn police officers and Special Police officers commissioned through
the State of Maryland and possessing full law enforcement authority and powers of arrest on
campus. While the members of the Anne Arundel Community College Department of
Public Safety & Police are trained and equipped to address the vast majority of incidents
requiring police and security services, the Department works closely and collaboratively
with the Anne Arundel County Police Department when a situation may require a larger
police response, or the incident requires specialized police services that exceeds the training
and experience of campus officers.

Timely Warnings (Arundel Mills Campus)

In order to inform McDaniel College students of Clery Act-defined crimes taking place at
the Arundel Mills campus, the Anne Arundel Community College Department of Public
Safety and Police agrees to post written notices at conspicuous locations at the campus
buildings (e.g. entrance doors, entrance lobbies, bulletin boards, etc.) with information
adequate to satisfy the Clery Act. This information includes but is not limited to:

1. A description of the crime

2. Preventative advice

As suggested by the United States Department of Education, this information must be likely
to reach most of the McDaniel students attending classes at the Arundel Mills campus.
Therefore, Anne Arundel Community College Department of Public Safety and Police
agrees that these timely warnings will remain posted for minimally seven days to ensure that
one complete class cycle has been held.

Anne Arundel Community College Department of Public Safety and Police further agrees to
provide a copy of the posting to the Department of Campus Safety at McDaniel College by
either traditional and/or electronic mail.

Emergency Notifications (Arundel Mills Campus)

In order to inform McDaniel College students of imminently dangerous situations described
in the Clery Act, the Anne Arundel Community College Department of Public Safety and
Police will deliver an Emergency Notification to the students attending courses on the
Arundel Mills campus. Students attending classes at the Arundel Mills campus are
encouraged to sign-up for the Anne Arundel Community College emergency notification system through e2Campus.

**Jurisdiction over Criminal Matters (Arundel Mills Campus)**

The McDaniel College Department of Campus Safety declines any jurisdiction over any criminal matter taking place at the Arundel Mills campus unless specifically requested to participate in an investigation by the Anne Arundel Community College Department of Public Safety and Police. In the event of such a request, investigators from each agency shall work closely and collaboratively, fully disclosing and communicating to the other all information pertinent to a full and complete investigation.

**Timely Warnings – Campus Alerts**

The Department of Campus Safety shall issue a timely warning for any Clery Act crime that occurs on or near campus that has been reported to the Department of Campus Safety or local police agencies, and is considered to represent a serious or continuing threat to the campus the community. The Department of Campus Safety shall notify the campus as quickly as possible through the campus email system. In the event of the loss of email capability timely warnings may be issued by means of McDaniel ALERT or postings. These messages will also provide strategies and tips for preventing a similar incident from occurring on campus. When circulated by email they will come from the mailbox identified as “Campusalerts.”

When circumstances require a timely warning, distribution is approved by the Vice President of Student Affairs or designee, and is disseminated by the Department of Campus Safety as soon as possible. The College will issue timely warnings whenever the following criteria are met: 1) a crime is committed in the areas required by the Clery Act; 2) the perpetrator has not been apprehended; and 3) there is a substantial risk to the physical safety of other members of the campus community because of this crime. Such crimes include, but are not limited to: 1) Clery Act crimes that are reported to any campus security authority or the local police; and 2) crimes that the College determines to represent an on-going threat to the campus community. Whenever a Clery Act crime or a pattern of crime occurs off campus, but is proximate enough to represent a potential threat to the McDaniel College campus, the Westminster Police Departments immediately notifies the Department of Campus Safety to make a determination regarding the need for a timely warning.
**Crimes Involving Student Organizations at Off-Campus Locations**

The Department of Campus Safety works with the Westminster Police Department to monitor and record student criminal activity off campus, when that activity is in the campus area, and may be actionable by the College under the Student Handbook. ([http://catalog.mcdaniel.edu/content.php?catoid=29&navoid=1604](http://catalog.mcdaniel.edu/content.php?catoid=29&navoid=1604)).

Given there are no campus groups recognized by the College living off campus, monitoring of any such organization is not applicable. Crimes committed at off campus facilities under the control of the College shall be disclosed in our statistics if they come to the attention of the Department of Campus Safety. Under the Student Handbook, all recognized student organizations are required to abide by federal, state, and local laws, and College regulations.

**EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

**Emergency Management at McDaniel College**

The Department of Campus Safety is responsible for the Critical Incident Management Plan (CIMP). This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines. The complete plan can be reviewed in the College portal at [https://my.mcdaniel.edu/studentresources/docs/Documents/CIMP%20Gen%20Dis%20Version%2011.15.12.pdf](https://my.mcdaniel.edu/studentresources/docs/Documents/CIMP%20Gen%20Dis%20Version%2011.15.12.pdf), but the following two sections are extracted directly from the plan in order to promote the specific procedures and decision-making criteria incorporated for evacuations, should it become necessary in an emergency.

**Evacuations**

Conditions requiring evacuation are too numerous to list but in recent College history they have included fires, power outages, and chemical spills. The response to an unforeseen circumstance where life is at risk will require the first responding members of the Department of Campus Safety to begin an evacuation with very little information. Once this decision is made and the safety of campus members is undertaken, the decision-making steps are applicable.

**Evacuation Decision-Making**

If evacuation is necessary prior to the arrival of a responding outside emergency unit, the Director of Campus Safety or designee will define the location to evacuate to and oversee this movement of people.
When the evacuation of the entire College is necessary, students will be called upon to use private transportation and to provide rides to those students who do not have access to autos. For those students who are unable to find quarters off campus, Carroll Transit, if available, will be contacted to provide transportation to shelters designated by the American Red Cross or other officials responsible for transportation. If Carroll Transit is unavailable the College will utilize contracted bus services.

Should evacuation be necessary for selected portions of the McDaniel College population, the decision of where to relocate students will be made by the Director of Campus Safety with special attention on the nature of the hazard or incident, and the number of students to be evacuated. “Upwind and uphill” are pre-eminent in responding to natural and man-made disasters. The following locations will be considered for locations to place evacuees:

A. Gill Center (will be the largest and most easily useable facility)
B. the lower level of Gill Center
C. the lower levels of Lewis Hall of Science
D. the lower levels Decker/Englar
E. the sub-ground level of Hoover Library

In the event of severe weather, (tornado or hurricane) Location “A” (Gill Center) is not to be used due to its construction.

Officers will appoint an individual at each location to begin to compile a roster of people at this evacuation point. This will be provided to the Emergency Operations Center.

If the Health Center in Winslow Center is unavailable, a temporary infirmary will be established in the Gill Center training room or alternately in Decker Center Gold Room A The College Grounds Shop will be used as a temporary morgue if essential and no other resources are available through local governmental agencies. If possible, an ASL interpreter will be dispatched to the shelter(s) (Coordinator of Interpreting Services).

Questions To Be Considered in an Evacuation Decision-Making

1. How long will the relocation last?
2. Are essentials in place for the expected duration?
a. Food – is there staff to cook the food?
b. Water – is it potable? Is there an adequate amount for hygiene?
c. Heat or cooling – is it adequate and likely to be available for the duration?
d. Physical and mental health resources needed?

3. If prolonged can we send students home?
4. How will we identify students who can host those with nowhere to go?
5. Has an aid station been established?
6. Have census takers been appointed and begun (if prolonged)?
7. Commas. & Marketing notified and status communicated publicly?
8. Off campus infrastructure contacts made (ex. Sunbelt)?
9. Local resources alerted to potential need?
10. Disaster MOU invoked?
11. To what extent will cancellations be necessary?

Drills, Exercises and Training

Annually, the College conducts an emergency management exercise to test emergency procedures. The scenarios for these exercises change from year-to-year, and include various campus departments and sometimes involve external public safety agencies. This experience ensures the College’s emergency response capacity is maximized. It may be a drill, a functional exercise, a tabletop exercise, an emergency operations center (EOC) exercise, or a full-scale exercise. The College conducts and documents after-action reviews of all emergency management exercises.

In conjunction with at least one emergency management exercise each year, the College will notify the community of the exercise and remind the community of the publicly available information regarding emergency response procedures.

Emergency Notification

McDaniel College is committed to ensuring the campus community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. The College uses the emergency notification system known as McDaniel ALERT in partnership with e2Campus. McDaniel ALERT is an “opt out system”. This means that the College will enroll all email accounts at “mcdaniel.edu” and all phone numbers provided (home and cell) to be notified of an emergency. If a member of the campus community wishes to be removed from the
system she or he can notify the Director of Campus Safety by email and the request will be processed. Additionally, these messages will be posted to the Department of Campus Safety Facebook group (https://www.facebook.com/McDanielDoCS) (select “get notifications” under the “liked” tab), and Twitter (https://twitter.com/McDanielDoCS) (select “follow”).

**Procedures Used to Notify the Campus Community**

In the event of a situation that poses an immediate threat to members of the campus community, the College has various systems in place for communicating information quickly. In addition to McDaniel ALERT, the primary emergency notification system, the College may also utilize its email system, and the McDaniel College website as additional means of notification. The College will post updates during a critical incident via McDaniel ALERT and on the College’s webpage. If the situation warrants, the College may establish a telephone call-in center to communicate during an emergency situation.

The College encourages community members to establish a “communication plan” for personal communication during an emergency. This plan should avoid reliance on voice cellular communication since this resource is often not available during a crisis due to cellular capacity being overtaxed.

**Hazardous Weather Emergencies**

McDaniel College will activate McDaniel ALERT for tornado watches and warnings. Emergency procedures are located throughout campus in all occupied and public spaces. A tornado watch indicates conditions are favorable for a tornado to occur, a tornado warning indicates that the extreme weather conditions are imminent.

In the event of a tornado warning on campus, employees, students and visitors should follow the instructions on placards posted in each room on campus. Tornado refuge points have been approved by the County and are located throughout the campus.

**Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System**

Generally, the procedures below are how the College plans to confirm an emergency and initiate McDaniel ALERT. However, circumstances may require deviation from this procedure to maximize
the safety of the community.

Reports to the Department of Campus Safety of emergencies on campus will be confirmed by the dispatching of an officer to the location to assess the situation. Emergencies off campus will be confirmed by either report from or verification by local public safety resources. In the case of College sponsored trips, the trip leader will be responsible for reporting incidents to the College.

Upon confirmation, the Department of Campus Safety will follow established emergency notification procedures and may activate the College’s Critical Incident Management Plan, if required. The goal is to maximize the safety of our community.

**Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification**

Given that McDaniel College is a relatively small and compact campus, [McDaniel ALERT](#) will be distributed to all members of the campus community simultaneously.

**Determining the Contents of the Emergency Notification**

Depending upon the incident, [McDaniel ALERT](#) notifications will be composed from either a customized or preformatted message, which will be determined by the Vice President of Student Affairs and/or the Director of Campus Safety. The notification will be based upon the confirmed information available at that time.

Subsequent notifications will continue to be sent to the campus community throughout the emergency situation. It is important for the campus community to follow instructions provided through the [McDaniel ALERT](#) notifications.

Emergency notifications will be developed based on information received from College officials and/or local public safety resources.

**Procedures for Disseminating Emergency Information to the Larger Community**

In the event the “larger community” is impacted, the Department of Campus Safety will be in touch with the Westminster Police or Carroll County Office of Public Safety either by phone or two-way radio so that they can use their resources. Other “larger community” members such as parents
might get information through the web, emails or that students may include them in, Facebook and Twitter resources, and local media outlets.

SECURITY OF AND ACCESS TO COLLEGE FACILITIES

During business hours, McDaniel College (excluding residential facilities) will be open to students, parents, employees, contractors, and guests. During non-business hours, access to all College facilities is limited to those who are issued keys or granted prior approval for after-hours access. As authorized, the Department of Campus Safety will facilitate the access control to academic and administrative facilities, while Residence Life manages access control to residence facilities. In the case of periods of extended closing, some facilities may have individual hours, and may vary at different times of the year. Admittance will only be allowed with prior approval. In these cases, the facilities will be secured according to schedules developed and disseminated by the department responsible for the facility.

Anne Arundel County Community College, Arundel Mills Campus

Anne Arundel County Community College is closed from 11 p.m. - 6 a.m. daily and during official college holidays. Only faculty and staff are permitted after-hours entry to college buildings and facilities; such entries are documented. Employees may call Anne Arundel County Community College Department of Public Safety and Police at ext. 1818 from a campus emergency phone or 410-777-1818 to request access. An instructor or professor must be present for students to remain in a classroom after the building closes.

Special Considerations for Residence Hall Access

Residence halls are secured 24 hours a day. Over breaks, the doors of all halls will continue to be secured around the clock, and will be equipped with a lock separate from the regular key issued to resident students. Several special rules guide the behavior of guests in residential facilities including the requirement that guests be escorted while in the facility. More information on these special policies can be found at http://mcdaniel.orgsync.com/org/officeofresidencelife/Policies#generalreshallpolicies.
Security Considerations for the Maintenance of Campus Facilities

Administrators from the Physical Plant, Residence Life, Conference Services, the Department of Campus Safety, and other concerned areas communicate frequently during the academic year. Areas of concern that may involve landscaping, locks, alarms, lighting, and communications are evaluated with appropriate remedial action taken by the responsible departments, typically being Physical Plant and Campus Safety. Also, the Vice President for Student Affairs meets with the directors of the Department of Campus Safety, Office of Student Engagement, Wellness Center, and Residence Life each Monday during the academic year. This weekly meeting includes conversations about security concerns and, if appropriate, recommendations for remedial action and security enhancements.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, alarms, lighting, or landscaping to the Department of Campus Safety.

McDANIEL COLLEGE RESPONSE TO SEXUAL AND GENDER VIOLENCE

Support Resources On & Off Campus

McDaniel College, the City of Westminster, Carroll County, and the State of Maryland offer important resources to the victims of sexual and gender violence including medical treatment, counseling, and advocacy. The Title IX Coordinator is available to assist all students or employees free of charge and will help them consider their options and navigate through their options and the resources they may choose to utilize. A victim need not make a formal report to law enforcement or McDaniel College to access these resources.

On Campus Title IX Contacts:

Title IX Coordinator: Jennifer Glennon, 410-857-2205, jglennon@mcdaniel.edu, McDaniel College, 2 College Hill, Westminster, MD 21157

McDaniel College Department of Campus Safety: 410-857-2202

On-Campus Confidential Resource for Full-Time Students:

McDaniel College Wellness Center (located in Winslow Center): 410-857-2243
Confidential Resource for Employees:

Employee Assistance Program (EAP) Business Health Services (BHS): 1-800-327-2251 (24 hours a day/7 days a week)

Confidential Resources External to the College for any Individual:

Carroll Hospital Center: 410-848-3000 (Please note that Carroll Hospital Center procedures require that all incidents of sexual assault be reported to the Westminster Police, unless an individual wishes to have a SAFE Exam anonymously as “Jane/John Doe”)

Carroll County Rape Crisis Center: 410-857-7322. This is a free and confidential hotline available 24 hours a day/7 days a week.

Love Is Respect: 1-866-331-9474 www.loveisrespect.org. This is a free and confidential hotline available 24 hours a day/7 days a week.

Maryland Coalition Against Sexual Assault (MCASA): www.mcasa.org (The website provides a detailed list of rape crisis centers located in Maryland.)

National Domestic Violence Hotline: 1-800-799-7233, 1-800-787-3224 (TTY) http://www.thehotline.org. This is a free and confidential hotline available 24 hours a day/7 days a week.

National Sexual Assault Hotline 24/7: 1-800-656-HOPE (This is a free and confidential hotline for incidents occurring outside of Maryland.)

McDaniel College Policy Against Gender-Based Discrimination, Gender-Based Harassment, Sexual Harassment, Sexual Violence, Relationship Violence and Stalking

McDaniel College strives to assist in the development of liberally educated persons who have a commitment to responsible moral, social, and political action. To instill the desire for truth and to provide the tools by which truth may be pursued, students, faculty, and staff must maintain a relationship of mutual respect and integrity. Any conduct which violates this trust compromises the goals of the College. Gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence and stalking are reprehensible wrongs that violate another person’s rights and constitute unacceptable behavior. Such conduct destroys the academic climate by distorting the interpersonal and professional relationships among students, faculty, and staff.

Any individual who believes that s/he has been the object of any of these prohibited acts, including retaliation, or has witnessed such acts may use these procedures to make a report or file a grievance. McDaniel will use these procedures to investigate any reported incidents, regardless of the sex of the complainant or respondent, including when the complainant and respondent are members of the same sex.
McDaniel College is committed to maintaining a safe and secure campus environment that is free from acts of violence, intimidation and fear. Sexual violence, whether committed by a stranger or by an acquaintance, threatens the personal safety, educational experience, and the well-being of members of the McDaniel College community. McDaniel College will not tolerate violence or assault of any kind, including sexual assault.

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

During new student orientation, sexual assault awareness month, and throughout the academic year, the Division of Student Affairs and student organizations sponsor a variety of educational programs focusing on gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking and prevention and awareness of such acts. Similarly, new employees will receive training and education on gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking and prevention and awareness of such acts. Continuing education of students and employees will be provided by the Office of the Title IX Coordinator. Additionally, the Title IX Response Team will conduct an annual climate survey in accordance with state and federal regulations.

**Policy Against Retaliation**

McDaniel College strictly prohibits retaliation of any kind against an individual who in good faith reports a possible violation, participates in an investigation, engages in bystander intervention or participates in the resolution of a grievance. Reported incidents of retaliation will be investigated and addressed in accordance with the relevant disciplinary procedures.

- For students, retaliation is a violation of the Code of Student Conduct and possible sanctions include suspension or expulsion from the College.

- For employees, retaliation violates College policy and possible sanctions include probation, suspension or dismissal from the College.

**Definitions Related to Gender-Based Discrimination, Gender-Based Harassment, Sexual Harassment, Sexual Violence, Relationship Violence and Stalking:**
• **Gender-Based Discrimination** refers to the unfair treatment of one person with respect to others in the same work or academic role, in terms of, including but not limited to, hiring, promotion, compensation practices, retention, grading, *etc.* because of that person’s gender, including, but not limited to, pregnancy, gender identity or failure to conform to stereotypical notions of masculinity or femininity.

• **Gender-Based Harassment** includes, but is not limited to, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

• **Sexual Harassment** is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes, but is not limited to, sexual remarks or behavior directed at an individual, inappropriate and offensive sexual advances, solicitation of sexual activity or other sex-linked behavior by promise of rewards or threats of punishment, unwanted or impermissible physical contact of a sexual nature, jokes, insinuating remarks, or references to physical characteristics, posters, pictures, or calendars with sexual overtones or content displayed in the work or academic environment, and sexual violence.

• **Sexual Violence** refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (see Definition of “Consent” below) due to the complainant’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including, but not limited to, rape, sexual assault, sexual battery, sexual abuse and sexual coercion.

• **Sexual coercion** refers to compelling someone to act by applying pressure, harassment, threats, intimidation, or other actions a reasonable person would consider to be coercive.

• **Sexual Assault** refers to an offense that meets the definition of rape, fondling, incest, or statutory rape. 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 complainant. Fondling is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent
because of his/her age or because of his/her temporary or permanent mental incapacity. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Statutory rape is defined as sexual intercourse with a person who is under the statutory age of consent.

- Sexual assault is committed against a person’s will, as evidenced by refusal, lack of consent or the use of force, threat or intimidation.

- A respondent’s level of intoxication shall not diminish his/her responsibility for sexual assault.

- **Relationship Violence** includes dating violence and domestic violence.

- **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- **Domestic Violence** means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth complainant 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.

- **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress. Examples of stalking behaviors or activities include, but are not limited to: (1) non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, social media postings, written letters, gifts, or any other communications that are unwelcome; (2) inappropriate use of online, electronic or
digital technologies, including but not limited to, posting of pictures or text in chat rooms or on websites, sending unwanted/unsolicited e-mail or talk requests, and posting private or public messages on Internet sites, social networks, and/or school bulletin boards; (3) pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person; (4) surveillance or other types of observation including staring or “peeping”; (5) gathering information about an individual from friends, family, or co-workers; and (6) accessing private information through unauthorized means.

- **Course of Conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

- **Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the complainant.

- **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- **Consent** refers to an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely and actively by all parties.
  
  - Individuals should not make assumptions about another individual’s willingness to participate in sexual activities.
  
  - If confusion or ambiguity regarding consent arises at any time during the sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue.
  
  - Consent may not be inferred from, for example, silence, passivity, or lack of active resistance.
  
  - A current or previous dating, sexual or marital relationship is not sufficient to constitute consent.
  
  - Consent must be given for each sexual act. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
Conduct will be considered “without consent” if no consent, verbal or nonverbal, is given.

Impairment due to drugs or alcohol does not diminish each party’s responsibility to obtain consent.

Incapacitation refers to an individual’s inability to freely consent to sexual activity. In some situations, an individual’s ability to freely consent is taken away by another person or circumstance. Incapacitation includes, but is not limited to, when an individual is incapacitated due to alcohol or other drugs, scared, physically forced, passed out, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.

Retaliation is defined as any act or attempt to counterattack or seek retribution from any individual who in good faith reports a possible violation, participates in an investigation, engages in bystander intervention or participates in the resolution of a grievance. Acts of retaliation may include, but are not limited to, personal attacks, social media postings, or any other mode or method of hostile communication attempting to influence another person to treat any complainant, witness or respondent to a complaint of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking with hostility, negatively talking about any person involved or who witnessed the alleged acts, or causing physical or emotional harm to any person allegedly involved in the gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking.

Bystander Intervention refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking action to intervene.

Responsible Person refers to all Divisional Vice Presidents, all Deans and Associate Deans, all employees in the Human Resources Department, and all employees in the Student Affairs Division, including but not limited to, administrators, resident advisors (“RAs”) and Peer Mentors. Faculty members and other staff members not set forth above are not included in the definition of responsible persons.
**Hostile Environment** refers to instances in which a violation creates an environment that would be intimidating, hostile, or offensive to a reasonable person.

**Complainant** refers to the person who allegedly experienced a violation of the *McDaniel College Gender/Sex Based Anti-Harassment/Non-Discrimination Policy*.

**Respondent** refers to the person who has allegedly committed a violation of the McDaniel College Gender/Sex Based, Anti-Harassment/Non-Discrimination Policy.

**Sexual Violence: Resources and Reporting to External Authorities**

**What to Do If You Experience an Act of Sexual Violence:**

**Go to a safe place.** Call someone you trust for support. Remember that being assaulted is not your fault.

**Seek medical attention immediately** to provide options for the prevention of sexually transmitted infections, internal injuries, and the possibility of pregnancy. A medical examination, performed by a specially trained nurse, is available at Carroll Hospital Center (410-848-3000) or the Carroll County Rape Crisis Center (24 Hour Hotline: 410-857-7322).

**Transportation** can be arranged by the Department of Campus Safety (410-857-2202 or Ext. 2202), or by calling the ambulance at 911.

**Have evidence collected as soon as possible.** Evidence collection is necessary for the investigation of the crime. Even if you do not think you would like to pursue a criminal case now, you can have evidence collected so you can decide later whether filing a report with police is right for you.

**Do NOT shower,** bath, brush your teeth, and if at all possible, avoid using the restroom prior to having a medical exam. This can allow important evidence to be collected. Place all clothing worn at the time of the assault in a paper, not plastic, bag to preserve any evidence present on the items. Do not apply medication to any injuries unless absolutely necessary.

**Helping a Person Who Has Experienced Sexual Violence**

- Remain calm and go to a safe place.
- Help the individual seek medical treatment as soon as possible.
- Help the individual preserve all physical evidence.
- Contact someone you trust to get help and support.
- Listen and let the individual talk.
- Reassure her/him that the sexual assault is not his/her fault.
- Assure her/him that there is help available.

**How to Report Incidents of Sexual Violence to the Local Authorities**

The College encourages full reporting of incidents of sexual violence as well as the full use of all available campus and off-campus resources. The College also recognizes that someone who believes that s/he has experienced sexual violence has the right in most circumstances to decide whether to report the incident to College authorities and/or law enforcement and to decide what campus or community resources to use. The College cooperates with all investigative agencies. The College will do its best to comply with the wishes of someone who believes that s/he has experienced sexual violence.

**Whom do I talk with about reporting a sexual assault and/or incident of sexual violence to a local law enforcement agency?**

- The Wellness Center (410-857-2243) counseling staff members are available for students and will provide information, discuss the process, and help assess which resource would be best for you. This is a confidential resource.
- The Department of Campus Safety (410-857-2202) can provide information on the process and link you to external agencies. It is important to note that this initial contact will start an internal investigation at the College.
- The Carroll County Rape Crisis Center (410-857-7322) is a valuable off campus resource to discuss the process involved in making a report. Rape Crisis Staff will provide support throughout the total process of reporting an incident of sexual violence to a local law enforcement agency.
- An individual can report directly to the Westminster Police Department (410-848-4646), Maryland State Police (410-386-3000), Carroll County Sheriff’s Office (410-386-2900) or go to Carroll Hospital Center (410-848-3000). Carroll Hospital Center procedures require that all incidents of sexual violence be reported to the Westminster Police, unless an individual wishes to have a SAFE Exam anonymously as “Jane/John Doe”.
- An individual can file a Peace Order with the District Court for Carroll County to prevent contact with the person alleged to have engaged in a crime. The Department of Campus Safety staff is available to assist in this process.
How to Report Incidents of Gender-Based Discrimination, Gender-Based Harassment, Sexual Harassment, Sexual Violence, Relationship Violence or Stalking to the College

Anyone who believes that s/he has experienced an incident of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking may initiate an investigation by reporting the incident to as follows:

<table>
<thead>
<tr>
<th>STUDENTS</th>
<th>EMPLOYEES OR THIRD PARTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Campus Safety (410-857-2202)</td>
<td>Department of Campus Safety (410-857-2202)</td>
</tr>
<tr>
<td>Any member of the Division of Student Affairs (410-857-2244)</td>
<td>Any member of the Human Resources Department (410-857-2229)</td>
</tr>
<tr>
<td>Any Dean, Provost or Associate Dean</td>
<td>Any Dean, Provost or Associate Dean</td>
</tr>
<tr>
<td>Any Vice President</td>
<td>Any Vice President</td>
</tr>
<tr>
<td>Title IX Coordinator (410-857-2205)</td>
<td>Title IX Coordinator (410-857-2205)</td>
</tr>
</tbody>
</table>

Each individual listed above shall be informed about his/her responsibilities and the details of these grievance procedures by the Title IX Coordinator upon appointment to his/her position.

- **Please note that if a person makes a report to a responsible person, federal law requires that the information be reported to the Vice President of Student Affairs (410-857-2244) or the Title IX Coordinator (410-857-2205).** Reports include the name of the individual who allegedly experienced an incident of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking, the residence hall assignment of that individual (if applicable), and the date, time, and location of the incident.

- With limited exceptions, **professional counselors are exempt** from reporting regarding incidents of incident of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, and relationship violence or stalking. A professional counselor is defined as an individual whose official responsibilities include providing mental health counseling to members of the College’s community and who is functioning within the scope of the counselor’s license or certification. **Students** can access this type of professional counselor through the Wellness Center. The Wellness Center Counseling staff members
will assist a student through the reporting process if the student so chooses. A student can make contact with a Wellness Center Counselor through the Department of Campus Safety if a report has been made or by contacting the Wellness Center directly and scheduling an appointment. Employees can access a professional counselor through the Employee Assistance Program (EAP) at 800-327-2251. The EAP Counselor can assist the employee through the reporting process should the employee choose to do so.

- Anyone who has experienced a violation may utilize Campus Safety to be escorted on and off campus if feeling unsafe.

Anyone in the College community who is approached by someone claiming to have experienced an incident of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking is encouraged to direct or accompany the complainant to meet with one of the individuals listed above or to make a report themselves. Any reports of an incident of discrimination or harassment related to Title IX on or before August 21, 2015 will adjudicated using the previous policy.

**How to Report Incidents of Discrimination or Harassment that Are Not Based on Gender to the College**

Allegations of discrimination or harassment that are believed to be on the basis of race, color, religion, national origin, age, disability or genetic information against a College employee will be investigated and resolved using the College’s EEOC/Non-Discrimination Policy. Allegations of discrimination or harassment that are believed to be on the basis of race, color, religion, national origin, age, disability or genetic information against a student will be investigated and resolved using the Student Conduct Process. For students, employees and third parties, if allegations of discrimination or harassment include multiple grounds, at least one of which is based on gender or pregnancy, this policy will be used to resolve the grievance.

**Interim Measures during an Investigation and Resolution of a Violation**

**For Students,** the following interim measures may be implemented to the extent that they are deemed reasonable, feasible, and necessary, based on the circumstances:

Request a change, when possible, to his/her campus housing assignment or the campus housing assignment of the respondent(s).

- Request a change, when possible, to his/her class schedule or the class schedule of the respondent(s).

- Request a no contact order with the respondent(s).
• Request a restriction be placed on entrance into certain campus areas or buildings.

• Request escort services while on campus.

• Request academic support through the Academic Affairs Office.

• Request counseling services at the Wellness Center.

• Request a leave of absence through the Academic Affairs Office and Financial Aid Office (Note that a Leave of Absence may impact a student’s eligibility to receive financial aid, to remain in the United States under a student visa, and/or to participate in intercollegiate athletics. Consult a member of the Academic Affairs Office and Financial Aid Office staff for additional information.)

To request an interim measure, a student may contact the Title IX Coordinator or the Vice President or Associate Dean of Student Affairs.

For Employees, the following interim measures may be implemented to the extent that they are deemed reasonable, feasible, and necessary, based on the circumstances:

• Request a change, when possible, to his/her office location or the office location of the respondent(s).

• Request a change, when possible, to the employee’s supervisor.

• Request a no contact order with the respondent(s).

• Request escort services while on campus.

• Request a leave of absence from the College for the complainant or the respondent.

To request an interim measure, a staff employee may contact the Title IX Coordinator and faculty may contact the Provost.

Evaluating Requests for Confidentiality

McDaniel College strives to respect the personal nature of incidents that may occur under this policy. If an individual, who allegedly experiences an incident of gender discrimination, requests confidentiality, that no investigation into a particular incident be conducted or any disciplinary action taken, McDaniel College will evaluate the request against its responsibility to provide a safe, non-discriminatory environment for all students, faculty and staff, including the individual who reported the incident. Although rare, there are times when McDaniel may not be able to honor the individual’s request. Further, if McDaniel honors the request for confidentiality, McDaniel’s ability to appropriately
investigate the incident and pursue disciplinary action against the respondent(s), if warranted, may be limited.

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

The evaluation of requests will be at the discretion of the Title IX Coordinator, vice presidents or provosts to weigh all factors. Factors may be considered in determining whether confidentiality should be maintained and include but are not limited to:

- evidence, if any, of the increased risk that the respondent will commit gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking or other misconduct, such as:
  - whether there have been other reports or complaints of sexual misconduct about the same respondent
  - whether the respondent has a history of arrests or records indicating a history of engaging in gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking
  - whether the respondent threatened further misconduct against the Reporter or others
- whether the gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking was committed by multiple perpetrators
- whether the act was perpetrated with a weapon
- whether the victim is a minor (under the age of legal consent)
- whether the College possesses other means to obtain relevant evidence of the alleged gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking (e.g., security cameras or personnel, physical evidence)
- whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group; and/or
- whether there is any other evidence suggesting predatory behavior by the respondent(s)

The presence of one or more of these factors may prompt an investigation and adjudication under McDaniel’s policies and, if appropriate, result in disciplinary action.

If Confidentiality is Requested but Cannot be Maintained
If McDaniel determines that it cannot maintain an individual’s confidentiality after it has been requested, McDaniel will inform the individual prior to conducting an investigation (unless
extenuating circumstances are present) and will, to the extent possible, only share information with those individuals who are responsible for McDaniel’s response to the incident. McDaniel will not require the individual to participate in any investigation or disciplinary proceeding. The College reserves the right, in its sole discretion, to pursue an incident of sexual violence to its conclusion in cases where not pursuing the incident would constitute a danger to the College community.

If when responding to reports of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence or stalking, or related retaliation, McDaniel determines it is obligated to take any action that would involve disclosing a reporting individual’s identity to the respondent, or an action from which the reporting individual’s identity may be easily determined by the respondent, the individual will be informed before the action is taken unless extenuating circumstances are present. If the reporting individual requests that the respondent be informed that they requested that there be no investigation or disciplinary action, McDaniel will endeavor to honor this request and inform the respondent that McDaniel made the decision to investigate the matter.

When requested, reasonably available and necessary, McDaniel will take supportive measures that are designed to prevent and address retaliation against individuals whose requests for confidentiality have not been honored (see section on Retaliation,) and respond to their needs for support, services and accommodations (see section on Contacts and Resources and section on Interim Measures During an Investigation and Resolution of a Violation).

When Confidentiality Can Be Maintained

If McDaniel determines that it can respect the individual’s request for confidentiality, McDaniel will take steps to assist the individual, to the extent possible, including the measures identified in the section on Interim Measures During an Investigation and Resolution of a Violation.

As noted above, individuals should be aware that if McDaniel honors their request for confidentiality the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be severely compromised.

Actions by the police or criminal courts do not in any way prejudice the right of a person to bring a complaint using the College’s disciplinary procedures described below.
Grievance Procedures for Alleged Violations of the Policy Against Sexual Misconduct and Sexual and Gender-Based Harassment and Discrimination

This Grievance Process provides complainants and respondents with the same fundamental fairness and parity of process as well as additional measures specifically tailored to the experience of both parties. Due to the sensitive nature of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence and stalking and with guidance from the U.S. Department of Education and the 2013 Reauthorized Violence Against Women Act, a separate resolution process different from the Honor and Conduct Board Process described in another Student Handbook section is afforded to the complainant and respondent in cases involving sexual misconduct that are referred to the Student Conduct Process.

Overview

At the conclusion of the Initial Complaint Assessment (described below), the report will be referred for Remedies-based Resolution or further investigation to determine if there is sufficient information to proceed with Formal Resolution. Remedies-based Resolution is a remedies-based approach that does not involve disciplinary action against a respondent. Formal Resolution is a sanctions-based approach that may involve discipline up to and including expulsion for students and termination for employees.

Throughout the assessment and resolution processes, all parties will be kept informed of the status of the College’s actions, as permissible based on the nature and circumstances of the report.

Initial Complaint Assessment

Upon receipt of a report, the College will conduct an initial complaint assessment. The first step of the assessment will usually be a preliminary meeting with the complainant and a member(s) of the Response Team. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be an in-depth interview. At this meeting, the reporting party will be provided with information about resources, procedural options and interim measures.

For Students: The Response Team is comprised of the Title IX Coordinator, Vice President for Student Affairs, Associate Dean of Student Affairs, Director of Residence Life, and Director of Campus Safety.

For Employees: The Response Team is comprised of the Title IX Coordinator and designated Vice Presidents.
As part of the initial assessment of the report, the Response Team will:

- Assess the nature and circumstances of the allegation
- Address immediate physical safety and emotional well-being needs
- Notify the reporting party of his/her right to contact law enforcement and seek medical treatment, including the importance of preservation of evidence, if appropriate
- Enter the report into the College’s daily crime log, if appropriate
- Assess the reported conduct for the need for a timely warning under the Clery Act, if appropriate
- Provide the reporting party with information about:
  - On and off campus resources
  - The range of interim accommodations and remedies
  - An explanation of the procedural options, including Remedies-Based Resolution and Formal Resolution
- Assess for pattern evidence or other similar conduct by respondent
- Discuss the reporting party’s expressed preference for manner of resolution and any barriers to proceeding
- Explain the College’s policy prohibiting retaliation

This initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, an investigation may continue depending on a variety of factors, such as the reporting party’s wish to pursue a formal resolution, the institution’s responsibility to maintain an environment free from behavior that may be perceived as discriminatory and/or harassing, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation (i.e. use of a weapon, multiple respondents, and/or egregiousness of behavior).

At the conclusion of the initial complaint assessment, the Response Team will determine the appropriate manner of resolution, taking into account the complainant’s preference and, if appropriate, authorize the start of the investigation phase/Formal Resolution or Remedies-based Resolution.

The determination as to how to proceed will be communicated to the reporting party in writing. Depending on the circumstances and requested resolution, the respondent may or may not be notified of the report or resolution. A respondent will receive a notification letter when the College seeks action that impacts a respondent, such as interim measures that involve him/her directly, the initiation of an investigation or the decision to involve the respondent in Remedies-based Resolution.
Remedies-Based Resolution

Remedies-based resolution is designed to eliminate a hostile environment without taking disciplinary action against a respondent.

Where the initial complaint assessment concludes that remedies-based resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the reporting party’s access to the educational and co-curricular activities at the College and to eliminate a hostile environment.

Examples of interim measures are provided in the section on Interim Measures During an Investigation and Resolution of a Violation. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the respondent and/or indirect action by the Title IX Coordinator or the College. Depending on the form of remedies-based resolution used, it may be possible to maintain anonymity for the reporting party.

The College will not compel a reporting party to engage in mediation, to directly confront the respondent, or to participate in any particular form of remedies-based resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence. The decision to pursue remedies-based resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in remedies-based resolution is voluntary, and a reporting party can request to end remedies-based resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for remedies-based resolution. Remedies-based resolution will typically be completed within thirty (30) business days of the initial report. The College will keep the reporting party informed of the progress of Remedies-based Resolution procedures.

Formal Resolution

1. Investigative Overview

Following the initial complaint assessment, the Response Team may initiate a prompt, thorough, and impartial investigation. The Title IX Coordinator, in consultation with the Response Team, will oversee the investigation. At the conclusion of the investigation, if warranted, the Title IX Coordinator (for complaints involving graduate students and/or employees) or the Associate Dean of Student Affairs (for complaints involving students) will facilitate adjudication of the complaint.
The Associate Dean of Student Affairs acts as the designee of the Title IX Coordinator for complaints involving student respondents.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the parties, and any witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved as much as possible.

If it is necessary to investigate additional College policy violations that are a part of and related to the complaint, all possible policy violations are investigated through the process dictated by the policy.

McDaniel’s investigation and formal resolution process does not permit the complainant and respondent to interact or communicate directly or indirectly with each other at any time.

a. Advisors and Attorneys

A reporting party and respondent have the right to be assisted by an advisor of their choice through the process. Advisors may not be a witness or other party in the proceeding. Advisors have no speaking role in the process and are not permitted to ask or answer questions. An advisor may only provide advice to the complainant or respondent in a non-disruptive manner. Individuals should select an advisor whose schedule allows attendance at any scheduled meetings. Delays will not normally be allowed due to the scheduling conflicts of an advisor. All communication regarding the process will be directed to the student or employee. An advisor will not be permitted to communicate on the student or employee’s behalf. An investigator or other McDaniel representative may terminate meetings and proceed with the investigation or process if advisors refuse to comply with these guidelines. A reporting party and/or respondent who wish to consult with an attorney may do so at their own expense; an attorney may serve in the advisor role and will be permitted to accompany the student or employee to any preliminary and/or investigative meetings.

2. Preliminary Meeting with the Parties

The Title IX Coordinator or designee will contact the parties to schedule a meeting with each individual, if appropriate. At this meeting, the party will receive an explanation of the investigation and resolution process and have the opportunity to ask any questions. If the complainant/respondent
have elected to have an advisor, s/he is encouraged to permit the advisor to accompany him/her to this initial meeting.

A No Contact Order, if appropriate, is normally issued to restrict contact and communication between the complainant and respondent for the duration of the investigation and formal resolution process. In particularly serious cases, temporary removal of the respondent from campus may be initiated by McDaniel College or any other interim measures outlined in V. Interim Measures During an Investigation and Resolution of Violations.

3. Investigation

The Response Team will designate an investigator who has specific training and experience investigating allegations of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence and stalking. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest. Based on the circumstances of a complaint, the College may designate two investigators to gather information. The College reserves the right to appoint an investigator or investigators from outside the College community where warranted by special circumstances, as determined by the Title IX Coordinator in consultation with appropriate College officials.

The investigator(s) will coordinate the gathering of information from any other individuals who may have information relevant to the complaint. Formal rules of evidence do not apply in the process described herein.

The complainant and respondent will have the option of identifying all relevant evidence that they would like the investigator to review, as well as witnesses that they would like the investigator to interview. Both parties may provide, if they wish, a list of questions that they would like the investigator to ask of particular individuals. The investigator(s) will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate.

The investigation will usually be completed within thirty (30) business days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation. The College will keep all parties informed of the progress of the investigation.
The College reserves the right to discontinue an investigation at any time. The reporting party may request that an investigation be discontinued at any time. The College will attempt to honor the wishes of the reporting party. However, to address incidents where compelling evidence suggests significant individual or community safety concerns, the decision to discontinue an investigation is within the sole discretion of McDaniel.

In cases where the respondent is a student, if the investigator or Response Team becomes aware, at any point prior to or during the investigation and adjudication process, of additional allegations against the respondent that, if proven, could constitute violations of other College Policies, these allegations may be investigated and adjudicated in accordance with the procedures set forth herein. The decision to investigate and adjudicate other alleged policy violations is within the sole discretion of the Title IX Coordinator.

In all cases the parties will receive written notification if the investigator determines that additional possible policy violations will be investigated and adjudicated in accordance with the procedures set forth herein.

**Cooperation with Investigation**

All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. They may also be expected to sign statements or other documents citing the information they provided, and may be asked to keep the substance of the interview confidential. Failure to cooperate fully with the investigator may subject the individual to the full range of disciplinary actions, as applicable.

Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in a decision panel meeting. Witnesses may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person. Any witness scheduled to participate in a panel meeting must have been interviewed first by investigators.

Should a respondent who has been notified of an investigation/adjudication fail to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based on the information available.
Cooperation with Law Enforcement Investigation

At the request of law enforcement, the College may agree to defer its fact gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the reporting party regarding rights, procedural options and the implementation of interim measures outlined in this policy to assure safety and well-being. The College will promptly resume its fact gathering as soon as law enforcement has completed its initial investigation (several days to weeks).

4. Investigative Report

At the conclusion of the investigation, the Title IX Coordinator or designee will review the investigative report, any witness statements, and any other documentary evidence to determine whether the information contained therein is relevant and material to the determination of a finding given the nature of the allegation. In general, the Title IX Coordinator or designee may redact information that is irrelevant, more prejudicial than probative, or immaterial. The Title IX Coordinator or designee may redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty. The report and materials may be redacted when necessary to protect privileged or confidential information, to protect the safety or well-being of individuals involved in the investigation, or to comply with the provisions of the Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Privacy Act (HIPAA) or any other applicable state and federal regulation. The investigation report may not be duplicated, photographed, scanned, or copied by any party.

The parties may then review the investigation report and information gathered, including witness statements and other relevant materials. Both will have an opportunity to respond in writing to this information within a determined five calendar day period of time. Documents will be made available for review to both parties in the Office of Human Resources or in a designated campus location.

If at any stage following the submission of the parties’ investigation responses new relevant evidence is gathered, it will be shared with the parties, who will have an opportunity to submit an additional written response within a time frame determined by the Title IX Coordinator or designee. The parties may request to review the other party’s written investigative response statements once they have been submitted.
5. **Threshold Determination**

Once the deadline for the submission of written statements in response to the investigation report has passed, the investigator(s) will submit a final report to the Title IX Coordinator or designee, who will synthesize the facts for review by the Response Team. The report will include all investigation materials and the complainant and respondent responses. The investigator(s) and Associate Dean, Title IX Coordinator or designee are not charged with reaching a determination as to responsibility, which is a function reserved for the decision panel.

Upon receipt of the report, the Title IX Response Team will review the report and make a threshold determination as to whether there is sufficient information upon which the decision panel could find a violation of this policy. This threshold determination does not involve making a determination of responsibility, nor does it involve a credibility assessment.

   a. **Threshold Met:** If the threshold has been established, the Title IX Coordinator or designee will issue a Decision Panel Notification Letter to the parties and refer the report to the Decision Panel.

   b. **Threshold Not Met:** If the Response Team determines that this threshold has not been reached, the parties will be notified in writing that the process is concluded.

6. **Decision Panel**

Formal resolution of a complaint under this Policy will occur through the use of a Decision Panel.

   a. **Decision Panel Member Selection and Training**

Each decision panel consists of two members drawn from a pool of trained faculty and staff, all of whom receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking; and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The role of the respondent dictates which pool the panel members will be selected from.

If the respondent is a student, the Decision Panel members may be selected from those elected to serve on the Honor and Conduct Board or any of the individuals listed below.

If the respondent is a tenure or tenure track faculty member, the Decision Panel may be selected from the following group:
Those faculty members who have been elected by their peers to serve on committees or in positions with responsibility for determining or advising on personnel and governance matters (e.g. Faculty Council, elected Faculty Visitors to the Board of Trustees) or Academic administrative appointees who hold faculty status with tenure (e.g. Deans or Associate Deans)

If the respondent is a staff or non-tenure track faculty member, the Decision Panel may be selected from the following group:

- Academic Administrative Appointees (e.g. Deans, Associate Deans, Associate Provost, etc.) with, or without faculty status and with or without tenure
- Associate Dean of Student Affairs
- Director of Residence Life
- Director of Student Engagement
- Senior Supervisor, Campus Safety
- Chair of the Staff Advisory Board

All decision panel members must participate in annual training on non-discrimination; the dynamics of sexual harassment, sexual violence, stalking, and intimate partner violence; the factors relevant to a determination of credibility; the appropriate manner in which to receive and evaluate sensitive information; the manner of deliberation; evaluation of consent and incapacitation; the application of the preponderance of the evidence standard; sanctioning and the College’s policies and procedures. The Title IX Coordinator and the Associate Dean of Student Affairs in conjunction with campus and external partners will coordinate the training.

b. Decision Panel Notifications and Meetings

The Decision Panel members will review the investigative report and invite the complainant and respondent to meet individually with the panel on the designated day and time. At its discretion, the panel may choose to meet individually with the investigators and/or witnesses, and may review any statements or other evidence that is mentioned in the report.

The parties will be notified of the time and place of the Decision Panel meeting at least 5 calendar days prior to the date. They will also be informed of the 2 chosen Decision Panel members.
The parties will be allowed to object to a particular member who has been assigned to serve on the panel. All objections must be made in writing and delivered to the Title IX Coordinator or designee within 24 hours of receiving notification of the names of the panel members. The complainant or respondent should explain the conflict of interest. The Title IX Coordinator or designee will respond to the objection in writing within 48 hours with a decision, and if necessary, include the name of the new panel member assigned to replace the removed member.

The Title IX Coordinator or designee will provide access to the Investigation Report for the Decision Panel and parties at least three business days prior to the Panel meetings.

*Note: Complainants and/or Respondents are not permitted to review the Investigative Report with any individual(s) other than their advisor.*

The complainant and respondent may not be present in the meeting room during any individual meetings except their own. However, they may listen to the other interviews from a different room at the time that they are occurring.

Both parties are encouraged to prepare written questions in advance for the decision panel to ask of the other parties (including investigator and/or witnesses). The decision panel will determine the appropriateness and relevance of the questions.

In the event of technical difficulties, the Response Team will make appropriate accommodations to ensure a prompt, thorough, and equitable hearing.

It is expected that the Decision Panel will rely on the Investigation Report and the interviews conducted during the panel meetings for its determination of the relevant facts of the case.

The Title IX Coordinator or designee is present at Decision Panel meetings to serve as a resource for the members on issues of policy and procedure and to ensure that policy and procedure are appropriately followed throughout the process.

At the discretion of the Title IX Coordinator or designee anyone disrupting the process may be removed from a meeting.

c. Audio Recording

A single audio recording shall be made of the meetings. The recording shall be the property of the College. No other recordings shall be made by any person during the
meetings. Deliberations will not be recorded. The recordings are for use of decision panel and appeal panel members to aid in the decision making process. Recordings of meetings that result in suspension, termination of employment, expulsion, or loss of campus housing shall be kept indefinitely. All other recordings will be destroyed following the end of the appeal period.

d. Deliberation

After all of the information has been reviewed; the panel members will deliberate in private and render a decision within two (2) business days of the final panel meeting. The Title IX Coordinator or designee will remain for deliberations, but may not participate in the deliberations and may not vote.

The decision panel will determine a Respondent’s responsibility by a preponderance of the evidence. This means that they will decide whether it is “more likely than not,” based upon all of the relevant information, that the Respondent is responsible or not responsible for the alleged violation(s). Only the decision on responsibility will be shared with the parties, not the content of the deliberation discussion.

If the board finds the Respondent responsible, the board will then determine appropriate sanctions.

e. Determination of Sanctions

The classification of the respondent will determine the procedure and type of sanctions available.

The decision panel will determine sanctions, based upon a full consideration of the following factors: (1) the Respondent’s prior discipline history (including any previous violations of the College’s Policy on Gender/Sex Based Anti-Harassment/Non-Discrimination Policy); (2) how the College has sanctioned similar incidents in the past; (3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the Complainant; (5) the impact of the conduct on the community, its members, or its property; (6) whether the Respondent has accepted responsibility for his/her actions; and (7) any other mitigating or aggravating circumstances. Alcohol and drug use are not considered mitigating circumstances.
For Students: If a student is found responsible the Decision Panel will determine appropriate sanctions that may include those set forth below. Sanctions may be issued individually, or a combination of sanctions may be imposed.

In general:

- Any student who is determined to have committed non-consensual sexual intercourse may receive a sanction ranging from suspension to expulsion.

- Any student who is determined to have committed non-consensual sexual contact or any other prohibited form of conduct may receive a sanction ranging from disciplinary warning to expulsion.

Sanctions that may be imposed under this policy include, but are not limited to: a disciplinary warning, mandatory attendance at an educational program on sexual harassment or sexual assault, mandatory referral for psychological assessment and compliance with any resulting treatment plan, change in room assignment, restriction of activities and/or on access of campus facilities, disciplinary probation, removal from the residence halls and/or from nonacademic campus activities, modifications to future class scheduling that do not impact graduation date, suspension or expulsion from the college and revocation of a degree.

For staff and non-tenure track faculty: If a staff member or a non-tenure track faculty member is found responsible, the Decision Panel will determine appropriate sanctions that may include those set forth below in conjunction with the direct supervisor and/or appropriate divisional vice president. Sanctions may be issued individually, or a combination of sanctions may be imposed. The sanctions available include: a verbal warning, written warning, probation, suspension or dismissal, according to the seriousness of the offense. Sanctions may be incremental in nature (i.e., a first offense generally would have the least severe sanction). Information regarding the respondent’s employment record, including prior sanctions for violations, may be considered.

For tenured or tenure track faculty: If a tenured or tenure track faculty member is found responsible, the Grievance Committee will consult with the Provost before determining the recommended sanction(s). If the respondent is a faculty member, his/her tenure status is not a protection, since gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence and stalking violate basic human rights guaranteed by law, and tenure is not a guarantee against sanction due to either established academic principles or civil or criminal laws. The sanctions available include: a verbal warning, written warning, probation,
suspension or dismissal, according to the seriousness of the offense. Sanctions may be incremental in nature (i.e., a first offense generally would have the least severe sanction). Information regarding the respondent’s employment record, including prior sanctions for violations of sexual misconduct, may be considered.

If the respondent is a tenured or a tenure track faculty member and the sanction recommended for the respondent is dismissal, the dismissal proceedings set forth in the American Association of University Professors (AAUP) 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings will be followed after the Appeals process in the previous section is satisfied. The first step of the AAUP process will be considered satisfied through the completion of the Formal Resolution Process.

Upon receipt of the sanction recommendation, the President will initiate the second step of the AAUP process by drafting a statement with reasonable particularity of the grounds proposed for dismissal and provide the statement to the elected faculty committee charged with review of personnel actions pertaining to tenured or tenure track faculty members (hereafter “the Hearing Committee”).

The Hearing Committee will be charged by the President with reviewing the record of the formal hearing, and issuing a finding that supports a sanction of dismissal or offers an alternative of sanction. If the Hearing Committee requires additional information in order to render its findings, it will conduct proceedings in accordance with AAUP Guidelines, subject to and consistent with the requirements of Title IX. Specifically, the Committee may not request additional testimony from the complainant and witnesses who testified before the Grievance Committee. The complainant and witnesses’ statements shall not be disclosed to the respondent in cases of discrimination, harassment and sexual assault and/or sexual violence. The Committee’s deliberations will not be recorded.

At the conclusion of its review, the Committee will submit a written notice to the President regarding whether the faculty respondent should be dismissed. A copy will be provided to the Title IX Coordinator who will provide the written notice to the faculty respondent within three business of receipt of notice.

The President will transmit the Committee’s written notice to the Board of Trustees Executive Compensation Committee (“BTECC”). The BTECC, in its sole discretion, may review the record of the hearings before the Grievance Committee; review the details and recommendations of the
Committee’s review, or grant the faculty member an opportunity for argument, oral or written. The BTECC shall make the final decision as to whether to dismiss the faculty member or to recommend an alternative course of action. The BTECC will charge the President with carrying out its recommended action(s), which shall not be subject to further review or appeal.

For Divisional Vice President, the Director of Human Resources, or Title IX Coordinator: If a Divisional Vice President, the Director of Human Resources, or the Title IX Coordinator is found responsible, the Grievance Committee will consult with the President before determining the recommended sanction(s). The sanctions available include: a verbal warning, written warning, probation, suspension or dismissal, according to the seriousness of the offense. Sanctions may be incremental in nature (i.e., a first offense generally would have the least severe sanction). Information regarding the respondent’s employment record, including prior sanctions for violations, may be considered.

For Board of Trustee Members: If a Member of the Board of Trustees is found responsible, the Grievance Committee will consult with the Chair of the Board of Trustees before determining the recommended sanction.

For the President: If the President is found responsible, the Grievance Committee will consult with the Chair of the Board of Trustees before determining the recommended sanction(s).

f. Outcome Letter

The findings of the decision panel will be reduced to writing. The findings will detail the findings of fact and the basis/rationale for the decision of the panel, making reference to the evidence that led to the finding.

The decision panel findings will be final and communicated to the parties in writing within two business days from the date the panel concluded the individual meetings. The notification of each party should occur at or near the same time.

Both parties have the right to be informed of the outcome, the appeals procedures, any change to the outcome that occurs as a result of the appeals process, and when the outcome becomes final. In addition, the Respondent will be fully informed of any sanctions. For reports involving sexual violence, the reporting party will be fully informed of any sanctions. For all other reports under this
policy, the reporting party will be informed of only those sanctions that directly relate to him/her, consistent with FERPA and other applicable law.

### 7. Appeals

Both parties may appeal the final outcome. The appeal will be conducted in an impartial manner by a two person panel comprised of two Vice Presidents or designee appointed by the Title IX Coordinator.

The appeal must be submitted via email to the Title IX Coordinator or designee within three business days of receiving the written outcome. The appeal shall consist of a concise and complete written statement stating the grounds for appeal (see below) and all relevant information to substantiate the basis for the appeal.

Appeals must state whether the student is appealing the sanction, or both. Dissatisfaction with the outcome of the decision panel is not grounds for appeal. The only grounds for appeal are:

- The College significantly deviated from its stated procedures in such a way that materially affected the fairness of the hearing. Minor deviations from designated procedures will not form the basis for sustaining an appeal.
- The sanction(s) imposed is substantially disproportionate to the severity of the violation.
- Substantive new information that was not reasonably available at the time of the investigation has now become available and could considerably affect the outcome.

The receipt of the appeal will be acknowledged in writing (which can include email). If either party submits an appeal, the other party will be notified, given a copy of the appeal filed and afforded three business days to respond to the appeal in writing to the Title IX Coordinator or designee. The appeals documents from each party will be considered together in one appeal review process.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately.

The Appeal Panel shall first consider whether the appeal is timely filed and if so, whether the appeal is properly framed based on one or more of the three grounds. If the Appeals panel determines that the appeal is not properly framed, the appeal will be denied.
Appeals are not intended to be full rehearing of the complaint. In most cases, appeals are confined to a review of the written documentation and pertinent documentation regarding the grounds for appeal.

The Appeal Panel will then issue a written appeal decision that either:

- Accepts the decision of the decision panel,
- Amends the decision of the decision panel, or
- In the case of substantive new information, the Appeal Panel assesses the weight and impact of newly discovered information in light of the original decision and renders a decision.

If a Respondent is suspended on an interim basis, removed from campus housing on an interim basis or put on leave on an interim basis prior to the hearing and is suspended, terminated or expelled as a result of the hearing, the interim suspension will continue pending the outcome of any appeal.

The Appeals Panel will render a written decision on the appeal to the parties within five business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

8. Prior Sexual History

If applicable, generally, reporting party’s prior sexual history is not relevant and will not be admitted as evidence in the resolution process. Where there is a current or ongoing relationship between the parties, and the respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the reporting party with other individuals is typically not relevant and will not be permitted.

9. Pattern Evidence by a Respondent

Where there is a prior finding of responsibility for an act of discrimination on the basis of gender or sex, stalking, domestic violence, sexual assault or harassment, there is a presumption of relevance and the finding will be considered in making a determination as to responsibility and/or assigning of a sanction.
10. Consolidated Cases

The Title IX Coordinator may consolidate multiple cases and/or incidents to resolve as a single case under the following circumstances:

- The respondent is alleged to have been involved in multiple incidents of sexual misconduct with the same reporting party;
- The respondent is alleged to have been involved in incident(s) of sexual misconduct with multiple reporting parties;
- More than one respondent is alleged to have been involved in incident(s) of sexual misconduct with the same reporting party.

11. Limited Student Conduct Immunity for Reporting Parties and Witnesses

Individuals with information about a sexual assault and/or incident of sexual violence may hesitate to come forward out of fear of revealing that their own conduct at the time of the sexual assault and/or incident of sexual violence violates the Code of Student Conduct.

Students are encouraged to report incidents of sexual assault and/or sexual violence and assist a person involved in a sexual assault and/or incident of sexual violence in times of crisis.

McDaniel College does not condone infractions of the Code of Student Conduct, but considers reporting incidents of sexual assault and/or sexual violence to be of paramount importance. Therefore, the College extends immunity for substance abuse violations to potential witnesses and complainants in order to facilitate the reporting and resolution of incidents of sexual assault and/or sexual violence.

Immunity is extended to a student under the following circumstances:

- The College determines that the substance abuse violation occurred during or near the time of the alleged sexual assault and/or sexual violence;
- The student is determined to have made the report or is participating in an investigation as a witness in good faith; and
- The College determines that the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.
12. **Integrity of Proceedings**

These procedures are entirely administrative in nature and are not considered legal proceedings. Neither party may audio nor video record the proceedings, nor is formal legal representation allowed.

13. **Records**

The Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of assessment, remedies-based resolution, or formal resolution. Complaints resolved by means of assessment or remedies-based resolutions are not part of a student’s conduct file or academic record.

Student conduct records will be retained in the Office of Student Affairs for seven years from when the student graduates or leaves the College due to death, withdrawal, or academic dismissal. Affirmative findings of responsibility in matters resolved through formal resolution are part of a student’s conduct record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student’s conduct record.

Student Conduct records of cases resulting in suspension or expulsion, or may be retained for longer periods of time or indefinitely at the discretion of the Vice President of Student Affairs. Further questions about record retention should be directed to the Office of Student Affairs.

Employee records will be retained in the Office of Human Resources in a confidential file for a period of seven years post termination.

**E. Misuse of Policy**

The purpose of this policy is to promote and maintain an environment at McDaniel College that is free from sexual misconduct, relationship violence, and stalking. Any member of the college community who believes that he or she has been subjected to such behavior is encouraged to use the procedures provided in this policy, for the benefit and protection not only of that individual but ultimately of the entire college community. However, fabricated charges of sexual misconduct undermine the purpose and effectiveness of this policy. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a complainant or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the individual may be subject to disciplinary
action. It is a violation of the Code of Student Conduct, Faculty and Staff Handbook guidelines to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Such allegations may be reported to the Title IX Coordinator, who shall investigate the allegations and take any appropriate action.

**Sexual Assault Prevention Education Programs**

The Sexual Assault Prevention Committee, comprised of representative member from the Division of Student Affairs, is primarily responsible for sexual assault prevention and education. The committee membership consists of multiple officers and services on the McDaniel College Campus. The work of the committee focuses on providing educational and social programming on sexual and gender violence prevention. Below is a list programs facilitated at the College:

- During January, members of the Athletic Department participated in Title IX responsibilities and sexual assault prevention awareness training, facilitated by members of the Division of Student Affairs.

- All incoming new students were required to complete two on-line educational programs. These programs include: HAVEN (an on-line sexual assault awareness program) and Alcohol-Edu (an on-line alcohol awareness program).

- On a regular basis the Department of Campus Safety Facebook page ([https://www.facebook.com/McDanielDoCS](https://www.facebook.com/McDanielDoCS)) was used to provide awareness and prevention messages related to sexual assault.

- The Department of Campus Safety provided informational tables on a wide variety of subjects related to sexual assault reduction including prevention and awareness.

- The Department of Campus Safety along with academic faculty and teams from McDaniel College participated in the awareness and fundraising event known as “Walk A Mile In Her Shoes” in April.

- The Department of Campus Safety provided a “Safe Spring Break” programming effort that included informational tables, electronic messaging, and other media messaging to remind students about alcohol and sexual safety during the spring break in March.

- In August, Student Affairs leaders provided joint training on gender violence awareness and Title IX issues to RAs and Peer Mentors.
• The Department of Campus Safety provided an information table on Title IX issues related to
gender violence in September.

• During the fall all RAs and Peer Mentors were trained in gender violence by the Student Affairs
Division.

• Student Affairs presented information to all first year students during First Year Student
Lectures which incorporated information from the Green Dot Bystander Intervention Program
along with safety and security tips geared toward sexual assault prevention and risk
minimization.

• Safety Talk- was held with staff of the College- similar to the FYS session for students.

• Consent, Cupcakes and Cinnamon Rolls event was held by the Department of Campus Safety.

• White House webinar – bystander intervention training was received by Students Affairs staff.

• (2) Greek 101 Education Sessions were held for members of Greek organizations, to include
sexual assault prevention information.

• Green Dot Bystander Intervention programming was incorporated into a number of
presentations and information campaigns.

Sex Offender Registration – Campus Sex Crimes Prevention Act

Megan’s Law

As the Clery Act requires, the College directs anyone seeking information on registered sex
offenders to the website maintained by the Maryland Department of Public Safety and Correctional
Services at http://www.dpcs.state.md.us/onlineservs/socem/default.shtml .

CAMPUS SECURITY POLICIES, CRIME PREVENTION & SAFETY AWARENESS
PROGRAMS

In keeping with the College's First Principles and the educational mission of the institution, the
Department of Campus Safety views safety education as one of its most important responsibilities
and works with other offices in Student Affairs, as well as with Human Resources to provide
awareness of safety issues to our community. The Department of Campus Safety motto, “Working
Together for a Safe Campus,” is emblematic of the College’s position that campus community safety is a mutually held responsibility. As such, the College emphasizes the need for campus community members to be mindful of one another’s security needs through a variety of means including new employee orientation, PowerPoint presentations, and annually, student Orientation programs featuring initial floor meetings with first year students where crime prevention and safety are discussed, and presentations given during transfer student orientation, and other events. Additionally, this education is structured in lecture formats (e.g., Flex Sessions during First Year Seminars as requested), fairs and expositions (e.g., Spring Fling and Late Nights), campus posters, informal programs which are timed to thematic months in the College calendar (e.g., Safe Spring Break Week), and bulletins concerning a certain crime on campus which may be current at the time of the bulletin. Finally, the McDaniel Free Press and campus email may be used to present crime prevention information important to current crime trends on campus. These are supplemented by programming done for Resident Assistants (RA) as requested.

**The Student Outreach Network “SON”… (Behavioral Intervention Team)**

Each week the Student Outreach Network (SON) group gathers to share and discuss students who are demonstrating various signs of “at-risk” behavior. As each student is discussed, members of the group provide up-to-date knowledge that includes, but not limited to, academic performance, out-of-classroom involvement, disciplinary issues, and information gathered from faculty, coaches, family and friends. With key “players” at the table, discussion ensues to develop an appropriate plan of action. From week to week, staff and faculty members are involved in this plan of action through direct and indirect intervention of each student.

Members of SON are not resources to which crimes or emergencies are reported. Those reports are to be filed with the Department of Campus Safety. Rather, SON is a group that campus community members can reach out to in order to obtain assistance with concerns for the campus success of other campus community members.

Lisa Breslin  
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lbreslin@mcdaniel.edu  
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Athletic Director  
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x4660
Crime Prevention and Safety Awareness Programs

The College emphasizes the need for campus community members to be mindful of one another’s security needs and the responsibility for all community members to share in their own safety and security. This message is conveyed through a variety of crime prevention and safety awareness programs that are administered by trained Department of Campus Safety personnel throughout the academic year at various venues throughout campus. These specific programs include the following (with additional details following this list):

- New employee orientation PowerPoint presentations at the time of hiring,
- Annual New Student Orientation programs featuring:
  - Initial floor meetings with first year students where crime prevention and safety are discussed,
  - Discussions during transfer student orientation,
  - First Year Seminar Flex Sessions (in September and October 2015, Campus Safety presented in 16 sessions, providing information to freshmen on Crime Prevention, Safety & Security, and Bystander Intervention),
- Themed events such as Spring Fling and National Night Out
- In December 2015, Campus Safety officers presented Safety & Security presentations at 10 RA Floor Meetings in several residence halls,
- Themed weeks or months such as Safe Spring Break Week where the Department of Campus Safety works with other campus offices to increase awareness through campus posters, informal programs etc.
- Timely Warnings that related to specific criminal events on campus and in the immediate area.
- McDaniel Free Press and campus email may be used to present crime prevention information important to current crime trends on campus.

Additionally, during the year through programming by various Student and Academic Affairs departments and the Rape Crisis Intervention Service the topic of sexual violence is dealt with on an on-going basis. Commuter students have an opportunity to attend crime prevention events
sponsored by the Department of Campus Safety and the Office of Student Engagement which are schedule upon request. Additionally, resident students are provided with programming co-sponsored by Resident Life and Campus Safety. The frequency of these programs varies based upon the requests from students and RAs.

The campus safety awareness effort in the Department of Campus Safety is led by PFC Steven Turek (sturek@mcdaniel.edu) who is assigned to assist community members with questions about increasing their safety while on campus. PFC Turek may also help with requests from departments and student groups for safety awareness and crime prevention programs.

**Bystander Intervention**

The Clery Act defines bystander intervention as, "Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.” (34 CFR 668.46(j)(2)(ii))

McDaniel College community members are strongly encouraged to actively engage in bystander intervention since bystanders play a critical role in the prevention of sexual and relationship violence. Safe and positive options for bystander intervention include the following:

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.
- Distract or redirect individuals in unsafe situations.
- Ask the person if he/she wants to leave. Make sure that he/she gets home safely.
- Call 911 or Campus Safety (410-857-2202, or ext. 2202), or yell for help.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Diffuse situations. If you see a friend coming on too strong to someone who may be too drunk to make a consensual decision, interrupt, distract, or redirect the situation. If you are too embarrassed or shy to speak out, get someone else to step in.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources for support in health, counseling, or with legal assistance.
The prevention of dating and relationship violence is enhanced through the reduction of risks. The following tips are options for reducing risk and minimizing exposure to situations that could be potentially harmful:

- Notice the situation. Be aware of your surroundings.
- Interpret it as a problem. Ask yourself, “Do I recognize that someone needs help?”
- Feel responsible to act. Educate yourself on what to do.
- Intervene safely. Take action but be sure to keep yourself safe.
- Tell another person. Being with others is a good idea when a situation looks dangerous.
- What can my friends and I do to be safe?
- Have a plan. Talk to your friends about your plan BEFORE you go out.
- Go out together. Go out as a group and come home as a group; never separate and never leave your friend(s) behind.
- Watch out for others. If you are walking at night with friends and notice a woman walking by herself in the same direction, ask her to join you so she doesn’t have to walk alone.
- Trust your instincts. If a situation or person doesn’t seem “right” to you, trust your gut and remove yourself, if possible, from the situation.

**Weapons Policy**

Unauthorized possession or use of firearms (including air rifles and air pistols), ammunition, explosives, combustibles, fireworks, laser guns, dangerous chemicals, or other weapons or facsimiles of any weapon on college-owned or college-supervised property are prohibited. Mace or similar self-defense pressurized liquid sprays are permitted. Employees may request an exception in an email to the Director of Campus Safety. In the event of a denial, employees may request a review of the denial to their Divisional Vice Presidents. Law enforcement officers in uniform and on duty are exempted from this policy. Law enforcement officers on duty and in civilian clothing must check in with the Department of Campus Safety. Law enforcement officers off duty and in civilian clothing must obtain approval in writing (email) from the Department of Campus Safety and may not wear the firearm visibly under any circumstance.

**Victim Rights**

**Your Rights as a Crime Victim:**

services.pdf. Additionally, victim’s advocacy is provided by the Maryland Crime Victims’ Resource Center (http://www.mdcrimevictims.org/).

The Student Code of Conduct

The Associate Dean of Students is responsible for administering the Student Code of Conduct, which articulates the behavioral standards and the procedures employed by the College to respond to allegations of student misconduct.

The Code of Student Conduct is in effect on all campus property, College sanctioned events, and may also address off campus student misconduct.

In instances where there is reasonable cause to believe a student is an immediate threat to the safety of the campus community the Division of Student Affairs, may assign an interim sanctions and/or other actions, designed to protect the health and safety of the community its members.

Any individual or entity may submit reports alleging student misconduct to the Office of Student Affairs and/or the Department of Campus Safety.

The complete Student Code of Conduct is available in the Handbook at http://catalog.mcdaniel.edu/index.php?catoid=29

Missing Student Notification Policy

McDaniel College will work to ensure all reports of missing students are investigated promptly and collaboratively with the Westminster Police Department.

McDaniel College has developed the following process for residential students who are reported missing, however any student may participate. A student wishing to participate will be able to provide contact information for someone to be notified in the event the student is reported missing. The information will be entered into a confidential registry which will be maintained by Information Technology and used only for the investigation of the missing student. Only authorized College officials, namely the Vice President for Student Affairs, the Associate Dean of Students, the Director of Campus Safety, and Deputy Director of Campus Safety will have access to this information to be shared to local law enforcement. All students who are minors (less than 18 years old) must have their guardian notified unless the minor student is emancipated. Even if the student declines to name an emergency contact, WPD will be notified and the emergency contact information the student has provided to the College will be used. Students can enroll by
responding to an email which will contain a hyperlink to an on-line registration form. If you would like to register please visit https://mcdaniel.qualtrics.com/SE/?SID=SV_9BUb8Yg8V0DureQ

The College expects that students who are missing will be reported directly to the Department of Campus Safety by telephone (410-857-2202 or ext. 2202). The College will conduct a brief inquiry into the student’s whereabouts. This inquiry will be by telephone and will typically take between thirty and sixty minutes. If the student is not located, the report will be turned over to WPD for further action, including notification of the designated contact. Federal law allows for the College to notify the WPD within 24 hours after notification of a missing student, and allows up to another 24 hours for the emergency contact to be notified. Neither the College nor WPD will wait that long, and will attempt to speedily locate the student. If such location requires notification of the emergency contact at any point after either the College or WPD has been made aware a student is missing such action will be appropriate.

**Daily Crime and Fire Log**

The Department of Campus Safety maintains a combined Daily Crime and Fire Log of all crime and fire incidents reported. The log is available during the College’s normal business hours. This log identifies the type, location, and time of each criminal incident reported to the Department of Campus Safety. The most current 60 days of information is available from the dispatcher and may be reviewed within the lobby of the Department of Campus Safety. Archived records (up to 7 years old) are available and access may be requested by email to the Director of Campus Safety (jhamrick@mcdaniel.edu).

**Parental Notification Policy**

The College exercises its right to report student discipline information to the parents or legal guardians of students, as noted in the sanctions provisions of the Handbook.

Federal legislation authorizes McDaniel College to disclose disciplinary records concerning violations of the regulations governing the use or possession of alcohol or controlled substances that involve students who are under the age of 21 regardless of whether the student is a dependent.
ALCOHOL AND OTHER DRUG POLICIES:

Student Policies

Programs designed to comply with the Higher Education Act sections 120 (a) through (d) are described in the Student Handbook. Student conduct in this area is governed by the "Code of Student Conduct" which prohibits:

"...Violations of College alcohol policy, including unauthorized possession of kegs, 'party balls', or other multi-liter containers in residential area, underage possession of alcohol, or possession of alcohol in public areas. (Specifically, the "Alcohol Beverage Policy and Procedures" reiterates the Maryland State Law concerning age of majority, false identification, and prohibited purchase. "...Failure to comply with State, county, or municipal alcohol beverage laws may result in disciplinary action through college judicial programs and or legal action through the appropriate civil authority...")...Possession, use, sale, or distribution of controlled substances (drugs) on college property or sale or distribution to members of the college community."

Education and awareness programming related to alcohol and drug abuse is overseen by the Wellness Center (410-857-2243).

A more detailed description of student drug and alcohol awareness and treatment programs can be found on the College’s website at http://catalog.mcdaniel.edu/content.php?catoid=29&navoid=1610#Drug_and_Alcohol_Counseling_Treatment_and_Rehabilitation_Programs.

Alcohol on Campus

McDaniel College entrusts to its students the responsibility of compliance with state, county, and municipal laws concerning the purchase, possession, consumption and transport of alcoholic beverages. It is expected that alcoholic beverages will be used in moderation, at suitable times, and under decorous conditions. Public intoxication is prohibited. The College Alcoholic Beverage Policy states that “under Maryland state law, persons 21 years of age can purchase, possess, and consume alcoholic beverages. Any underage individual drinking, purchasing, or possessing alcoholic beverage is subject to fine or imprisonment. Borrowing or falsifying identification
constitutes a felony. Procuring alcoholic beverages for underage persons is also prohibited by law. Failure to comply with state, county, or municipal alcoholic beverage laws may result in referral to the College Discipline Process and/or legal action through the appropriate civil authority.” In addition to state laws, alcoholic beverages on campus are limited. Alcoholic beverages are not permitted in any public areas of the campus, nor is any alcoholic beverage permitted in the public areas of residence halls or in Rouzer or Whiteford Halls. Hard liquor is prohibited on campus.

Sanctions for the College Alcohol Policy

The minimum sanctions for violations of the College Alcohol Policy are as follows:

- **First Violation**
  1. Completion of a two-hour alcohol education class
  2. Disciplinary warning
  3. Parental Notification
  4. $50 fine

- **Second Violation**
  1. Completion of the three-hour online alcohol education course
  2. Payment of the $35.00 fee for the online course
  3. Disciplinary probation for at least one semester
  4. Parental Notification
  5. $65 fine

- **Third Violation (or a first violation that is more severe specifically when hospitalization is necessary)**
  1. Completion of at least three counseling sessions at the Wellness Center
  2. Payment of any fees for substance abuse assessments used during counseling sessions
  3. Parental notification
  4. $125 fine
  5. Disciplinary Probation for at least nine months

*Additional sanctions for this level violation could include the following:

- Referral to a substance abuse treatment center
• Residence hall suspension
• Weekend suspension
• Suspension from McDaniel College

Employee Policies

The McDaniel College Drug Free Workplace Policy governs employee conduct. This policy states: "McDaniel College intends to maintain a drug free workplace… The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance… is prohibited on College property, and is cause for employee discipline, up to and including dismissal from employment…” The policy further states: "…Any person employed by the College found to be unlawfully under the influence of a controlled substance while on College property is subject to disciplinary action, up to and including termination." Information on programs for both alcohol and drug abuse is available from the Office of Human Resources (410-857-2229), by visiting the website at https://my.mcdaniel.edu/officesnservices/hr/Pages/default.aspx, at the Employee Assistance Program Links tab or by calling the Employee Assistance Program at 1-800-327-2251.

Please Note: McDaniel College has adopted a "zero tolerance" drug policy for employees and students. In all drug cases, McDaniel College immediately involves the Westminster Police who assume control of the matter. Where students are found responsible of Conduct Code violations, minimum sanctions will be imposed by the College as described in our "Drug Free Schools" statement issued by the Dean of Students.

Zero Tolerance Drug Policy

As noted in the Code of Student Conduct number 8, the College does not tolerate the possession, use, sale, or distribution of controlled substances (drugs). When staff becomes aware of the presence of drugs on campus, they are required to notify the Westminster Police Department. Law enforcement authorities follow legal police procedures in investigating such matters, including searches.

Minimum Sanctions for the College Drug Policy

The minimum sanctions for violations of the College Drug Policy are as follows:

• First Drug Policy Violation
  1. $150 fine
2. Parental notification via letter
3. Disciplinary probation
4. If the results of the Substance Use Screening indicate possible high-risk use, the student is referred to the Wellness Center for assessment and a possible referral to the “Before 1 More” program.

5. Completion of “Marijuana 101” – a 3 hour online course
   (The online course costs $35. This fee will need to be paid online using a credit card.)
   - Second Drug Policy Violation
     1. $300 fine
     2. Parental notification via phone contact
     3. Disciplinary probation
     4. Completion of the “Before 1 More” program which consists of no more than 6 sessions of counseling after an initial individual assessment with the Wellness Center.

Important: If a student has already completed the “Before 1 More” program, an off-campus referral to a substance abuse treatment program will likely be made instead. Parents/guardians will be informed of this referral.

- Third Drug Policy Violation (or any violation that is more severe specifically involving the sale and/or distribution of illegal drugs): Suspension or expulsion from the College

Minimum Sanctions Resulting After Drug Related Hospitalization
1. Disciplinary probation
2. Parental/Guardian notification via phone contact at the time of the hospitalization
3. Completion of at least three individual counseling sessions in the Wellness Center after an individual substance use assessment.

**Additional sanctions for this violation could include the following:

- Referral to the Before 1 More Program
- Referral to off-campus substance abuse treatment
- Weekend suspension
- Residence hall suspension
- Suspension from McDaniel College

Know the signs:
- Passed out or difficult to awaken
- Cold, clammy, pale or bluish skin
- Slowed breathing
- Vomiting (asleep or awake)

**Know how to help:**
- Turn a vomiting person on his/her side to prevent choking
- Clear vomit from the mouth
- Keep the person awake
- NEVER leave the person unattended

**State Sanctions**

A detailed table of state sentencing sanctions for criminal violations is inserted at the end of this Report. The source, [http://www.mscosp.org/Files/Guidelines/offenseTable.pdf](http://www.mscosp.org/Files/Guidelines/offenseTable.pdf) will show the sanctions for violating Maryland’s drug laws on p. 6–10.

**Federal Sanctions**

![FEDERAL MANDATORY MINIMUM DRUG SENTENCES: 21 U.S.C. § 841](chart.png)

ANNUAL DISCLOSURE OF CRIME STATISTICS

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 crime on and around their campuses. The Department of Campus Safety maintains a close relationship with the Westminster Police Department, with whom we work to ensure the best and most precise crime reporting possible. Additionally, College employees must notify the Department of Campus Safety when they become aware that an incident which may be a crime has taken place on campus or at a College sponsored event. All reports lead to documentation in the Department of Campus Safety’s electronic records management system, where both a log entry and an incident report are created. The incident report is then reviewed by the Department of Campus Safety Investigations Manager and shared (when legally possible) with the College’s disciplinary system. These records are then classified according to Clery Act regulations. Alternatively, some disciplinary referrals for violations of the law (almost exclusively underage possession of alcohol) may be recorded and disciplined without the Department of Campus Safety involvement. In order to ensure full compliance with the Clery Act requirements, statistics on disciplinary referrals of students are provided to the Department of Campus Safety by the Associate Dean of Students who oversees the College’s discipline system, and the Director of Human Resources who oversees the College’s employee discipline system (referrals for weapons, drug and alcohol law violations).

It is important to distinguish that the numbers disclosed are for “reported” offenses and do not reflect the outcome of any disciplinary or judicial processes. They are reports which have been filed in good faith.

Definitions of Reportable Crimes

Murder/Manslaughter – defined as the willful killing of one human being by another.

Negligent Manslaughter – is defined as the killing of another person through gross negligence.

Sexual Assault – is defined as an offense that meets the definition of rape, fondling, incest, or statutory rape.

Rape — is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
**Fondling** — is defined as 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 incapacity.

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

**Statutory Rape** — is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Robbery** – is defined as taking or attempting to take anything of value from the car, 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** – is 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** – is the unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** – is the 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.

**Domestic Violence** – A felony or misdemeanor crime of violence committed--

(i) By a current or former spouse or intimate partner of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

(iv) 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, or

(v) 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.
Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(i) Fear for the person’s safety or the safety of others; or

(ii) Suffer substantial emotional distress.

Hate Crimes – includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes.

Larceny/Theft—includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

Simple Assault—an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation—to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism or Property (except Arson)—to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of Prejudice:

Race – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Religion – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Gender – A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Gender Identity – A preformed negative opinion or attitude toward a group of persons because of a person’s internal sense of being male, female, or a combination of both.
Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

Ethnicity - A preformed negative opinion or attitude toward a group of persons of the same race or cultural origin who share common or similar traits, languages, customs and traditions.

National origin – A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.

Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Non-Campus Locations

The following locations hosted evening graduate courses for McDaniel College in 2015, and have been identified as non-campus locations. The Department of Campus Safety was never notified of any crimes at those locations during the reportable timeframe. Additionally, all law enforcement agencies that hold primary jurisdiction at the non-campus locations were mailed letters by the Department of Campus Safety requesting the disclosure of any Clery Act reportable crimes that occurred in those specific classrooms or public areas during the dates and times that McDaniel College courses convened. Those law enforcement agencies either: 1) responded, confirming that no reportable offenses occurred, or 2) responded that they lacked the ability to provide crime data so narrowly specific for the reportable classroom locations and timeframes, or 3) did not respond to the request after a good faith effort by the Department of Campus Safety to obtain crime statistics. The non-campus locations, therefore, do not contribute to any campus crime statistics as tabulated in the charts on the following pages.

The 2015 non-campus locations, listed below by the county in which they are situated, include:

Anne Arundel County
- Severn River Middle School, Arnold, MD
- Annapolis Area Christian School, Severn, MD
- Severna Park High School, Severna Park, MD

Baltimore County
- Dumbarton Middle School
- Golden Ring Middle School
- Irvine Nature Center, Owings Mills
- Maryland Public Television Building, Owings Mills, MD

**Calvert County**
- Huntingtown High School, Huntingtown, MD
- Calvert Career & Technology Academy, Prince Frederick, MD

**Cecil County**
- Mount Aviat Academy, Elkton, MD
- Perryville Middle School, Perryville, MD
- Rising Sun Elementary School, Rising Sun, MD

**Charles County**
- Thomas Stone High School, Waldorf, MD

**Frederick County**
- Frederick County Public Schools (FCPS) Central Office Building, Frederick, MD
- Linganore High School, Frederick, MD
- Walkersville High School, Walkersville, MD

**Howard County**
- River Hill High School, Clarksville, MD
- Phelps Luck Elementary School, Columbia, MD
- Applications and Research Laboratory (ARL), Ellicott City, MD
- Reservoir High School, Fulton, MD
- Mount Hebron High School, Ellicott City, MD

**Montgomery County**
- Stedwick Elementary School, Gaithersburg, MD
- Washington Grove Elementary School, Gaithersburg, MD
- Seneca Valley High School, Germantown, MD
- Magruder High School, Rockville, MD
- 45 W. Gude Drive, Rockville, MD
- Montgomery County Education Association (MCEA) Center, Rockville, MD
- Parkland Middle School Middle School, Rockville, MD

**Prince George’s County**
- Bishop McNamara High School, Forestville, MD
- Saint Vincent Pallotti High School, Laurel, MD
- Charles Flowers High School, Springdale, MD

**State of Virginia**
- National Institute of Aerospace (NIA) Building, Hampton, VA
## Crime Incidents on Westminster Campus by Offense

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Student Housing</th>
<th>Noncampus Building or Property</th>
<th>Public Property</th>
<th>Unfounded Crimes</th>
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<td>Criminal Homicide</td>
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**Notes**

- Hate Crimes *2013-Assault (non-aggravated or simple) Bias based on sexual orientation*

- Hate Crimes 2014- No Hate Crimes were reported during the year

- Hate Crimes 2015- No Hate Crimes were reported during the year

1. 12 of the 17 reported rapes in 2013 took place over a 3 year period and were reported by the same individual.
2. The motor vehicle theft reported in 2014 was joyriding in a golf cart.
3. "~" indicates Westminster Police were unable to provide data, and where the College is aware of incidents they have been disclosed.
4. As of October 1, 2014 possession of marijuana less than 10 grams was decriminalized, and is no longer reportable under Clery as an arrest or referral.
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ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for McDaniel College.

Definitions

The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act:

On-Campus Student Housing – A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

Fire – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Residential Areas Fire Drills

Fire Drills are conducted at the beginning of each academic year in each residential facility. These drills are undertaken cooperatively by the Office of Residence Life, the Department of Campus Safety and the Physical Plant.

Fire Safety

McDaniel College takes its responsibility to provide a fire safe environment very seriously and continues to enhance its programs to the campus community through education, engineering, and enforcement. Resident Assistants (RAs) and the Department of Campus Safety officers patrolling are looking out for safety and fire hazards. When these are identified, corrective action is either undertaken immediately or acted upon by the filing of a work order for Physical Plant to repair the issue. Awareness activities are presented during October to coincide with the national fire safety effort. No member of the community is expected to fight a fire; therefore, no campus community member is trained in firefighting. McDaniel College does train RAs in the use of extinguishers but they are not expected to use them.
All McDaniel College offices, residential rooms, classroom, labs, and meeting spaces have distinctive emergency placards that address various campus emergency protocols for community members to follow.

McDaniel College has a “Critical Incident Management Plan” that can be reviewed by any member of the campus community on the College’s portal at https://my.mcdaniel.edu/studentresources/docs/Pages/default.aspx

The Westminster Fire Department is located within one third of a mile of campus and provides prompt responses to the campus. All McDaniel buildings have fire alarm systems that are inspected in compliance with fire codes and the National Fire Protection Association requirements by licensed contractors. Additionally, campus buildings are monitored by the Department of Campus Safety via a modern fire alarm monitoring system provided by Honeywell and Underwriters Laboratories (UL) approved.

Fire safety questions can be directed to the Director of Campus Safety at 410-857-2202.
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Description of On-Campus Student Housing Fire Safety Systems and Drills

Fire Safety Education and Training Programs for Students, Faculty and Staff

During National Fire Prevention Week in October, the Department of Campus Safety works with Residence Life and Student Engagement, and Human Resources to deliver fire safety displays and poster projects (both traditional and electronic). The Department of Campus Safety also leverages its Facebook group, and campus emails to remind community members about this topic.

Resident Assistants and Community Assistants coordinate additional fire safety training and education programs for residence hall students.

Fire Incident Reporting

All members of the campus community should immediately notify the 911 Center to report a fire emergency. When it is safe to do so, we ask that you also call the Department of Campus

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2015 Drill Record

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<td>Whitfield</td>
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</table>
Safety at 410-857-2202. Likewise, any reports of past fires should be made to the Department of Campus Safety.

**Evacuation Procedures in the event of fire on campus**

- Call 9-911 (from a campus phone) or 911 from a cell phone. And if it is safe to do so, call the Department of Campus Safety at 410-857-2202. No member of the McDaniel campus community is to engage in firefighting activity unless trained and equipped to do so.
- Activate the fire alarm if it is not already sounding.
- Evacuate the building immediately from the closest, marked exit, always using the stairs, and never an elevator.
- When opening doors, feel the handle first. If it is hot, do not open it, but instead, go to a window, and call for help to alert responding personnel.
- Report to the designated assembly area for that building which is indicated on the placard posted inside of each residence hall room.

**Student Housing Facilities Policies Regarding Fire Safety**

McDaniel College prohibits in all residence halls the use or possession of potentially dangerous materials or devices including, but not limited to:

- Firecrackers and all fireworks
- Incense
- Electric Frying Pans
- Candles or other open flames
- Portable Heaters
- Explosive Material
- Live cut plants (e.g., Xmas trees)

Any electrical appliances, power cords, and power strips used in the residence halls must be tagged as Underwriters Laboratories (UL) approved.

Lighted grills are not permitted within 10 yards of any residential area. Charcoal and lighter fluid may not be stored in residence halls.

Bicycles or similar wheeled vehicles may not be parked in stairwells, hallways, or public areas of residence halls.
Plans for Future Improvements in Fire Safety

At this time no plans for future improvements to fire safety are planned. As buildings are renovated they are brought into compliance with fire and life safety codes.

CRIME PREVENTION TIPS

While no community is immune from crime, there is much we can do working together to minimize its impact, and prompt and accurate reporting is a vital first step. As noted elsewhere, this is required of ALL employees, and strongly encouraged by the College by students. Crime is opportunistic. Serenity pervades the McDaniel College campus. Comparatively, crime rates are low here at McDaniel. While these factors can create the sense that the campus is crime free; unfortunately, this isn't true. Common sense, alertness, and cooperation are the building blocks of a safe campus. If each of us takes a moment to follow a few simple precautions, we can improve safety and thus the quality of campus life here.

Around and About the Campus…

- In all cases, be alert to your surroundings. Don't intervene in crimes in progress. Call the Department of Campus Safety at ext. 2202 to report ALL crime and suspicious activity.
- The old adage "better safe than sorry" is sound advice.
- While the department will not accept confidential reports of crime, you may report anonymously through the Westminster Police Department tips line (410-857-8477) or by texting an anonymous tip using the text the keyword TIPWPD and the tip to 847411 (tip411). However, further investigation, college discipline, or court action may not be possible with anonymous tips.
- Don't walk alone; stay on well-lit pathways and away from deserted areas such as the track, the golf course, and Harveystone Park.
- If you are being followed:
  - trust your “gut”
  - change direction, and go to a populated, well-lit location; know the locations of these "safe houses” in the campus area.
• If no help is immediately available, pull a fire alarm box, or dial 911 from your cell phone.
• Don't go to parties with unfamiliar groups alone. Don't leave your friend at a party.

**In the Residence Halls or Offices…**

• Lock your door when you are leaving NO MATTER HOW SHORT THE PERIOD OF TIME!
• Don't leave notes saying you are out, and how long you will be gone.
• Don't keep excessive money or valuables in your office or room.
• Request identification of any unfamiliar person attempting to gain access to your room. If you are still unsure call the Department of Campus Safety at ext. 2202.
• **DO NOT PROP DOORS TO HALLS.** This jeopardizes the safety of all and is a serious offense.

**In the Virtual World…**

• Lock up your Facebook privacy settings to the maximum.
• Nobody should ask you for any password, social security number, date of birth, ID number or other identification information in a phone call or computer exchange that you have not initiated.
• Be careful of “spoofed” websites. You may think you’re on a genuine website but is in fact built to fool you into giving up private information.
• Make sure your internet browser privacy and security settings are maximized.
• Keep your software updated, not just your virus protection but all add-ons and programs. The updates often have security enhancements to “plug holes.” If you’re concerned about your computer’s integrity, don’t use it for sensitive or confidential transactions like banking until you work with Information Technology in Hoover Library.

**SURVEILLANCE POLICY**

Throughout the campus, video recording may take place in the public areas. These cameras are NOT monitored in real time. They record video images to facilitate the investigation of crimes and images are overwritten as the storage discs reach capacity, although the Department of Campus
Safety reserves the right to monitor them should circumstances warrant monitoring to reduce crime and enhance community safety. Typically these cameras will be recording areas where financial transactions take place (examples include eateries, the Bursar’s office, etc). Cameras may also be record areas where there have been crime or the conditions which contribute to crime are more prevalent than elsewhere on campus (examples include the area around Garden Apartments).
## Maryland State Sentences for Drug Law Violations

<table>
<thead>
<tr>
<th>COMAR Code</th>
<th>Offense Literal</th>
<th>CJIS Code</th>
<th>Source</th>
<th>Felony or Misd.</th>
<th>Max Term</th>
<th>Min Term</th>
<th>Offense Type</th>
<th>Serious Categ.</th>
<th>Fine</th>
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<tbody>
<tr>
<td>49</td>
<td>CDS and Paraphernalia Drug distribution—drug kingpin</td>
<td>1-0488</td>
<td>CR, §5-613</td>
<td>Felony</td>
<td>40Y</td>
<td>MM*≤20Y</td>
<td>Drug</td>
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<td>$1,000,000</td>
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<tr>
<td>50</td>
<td>CDS and Paraphernalia Controlled dangerous substance importation into State, non-marijuana</td>
<td>3-3550</td>
<td>CR, §5-614(a)</td>
<td>Felony</td>
<td>25Y</td>
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<td>50.1</td>
<td>CDS and Paraphernalia Controlled dangerous substance importation into State, marijuana (45 kilograms or more)</td>
<td>3-3550</td>
<td>CR, §5-614(a)</td>
<td>Felony</td>
<td>25Y</td>
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<td>51</td>
<td>CDS and Paraphernalia Bringing minor into State to violate drug laws</td>
<td>1-0489</td>
<td>CR, §5-628(a)</td>
<td>Felony</td>
<td>20Y</td>
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<td>Drug</td>
<td>III</td>
<td>$20,000</td>
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<tr>
<td>52</td>
<td>CDS and Paraphernalia Unlawful distribution, manufacture, etc., counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogens (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone)</td>
<td>1-0661, 1-0662, 1-0663, 1-0696, 2-0235, 2-0237, 2-0300, 2-0301, 2-0325, 2-0330, 2-0333, 2-0334, 2-0335, 2-0336, 2-0337</td>
<td>CR, §5-608(a), §5-609(a)</td>
<td>Felony</td>
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<td>Drug</td>
<td>III</td>
<td>CR, §5-608(a), §5-609(a)</td>
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<tr>
<td>53</td>
<td>CDS and Paraphernalia Unlawful distribution, manufacture, etc., counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogens (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone), subsequent</td>
<td>1-0661, 1-0662, 1-0663, 1-0696, 2-0235, 2-0237, 2-0300, 2-0301, 2-0325, 2-0330, 2-0333, 2-0334, 2-0335, 2-0336, 2-0337</td>
<td>CR, §5-608(b), §5-609(b)</td>
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<td>54</td>
<td>CDS and Paraphernalia Manufacture, distribute, dispense, or possess certain Schedule I or II controlled dangerous substances, large amounts as specified in CR, §5-612</td>
<td>1-0220, 1-0225, 1-0230, 1-0231</td>
<td>CR, §5-612</td>
<td>Felony</td>
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<td>54-1</td>
<td>CDS and Paraphernalia&lt;br&gt;Unlawful distribution, manufacture, etc., counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance. MDMA (methyleneoxymethamphetamine), 750 grams or more</td>
<td>1-0662 CR, §5-609(a)</td>
<td>Felony</td>
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<td>Drug</td>
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<td>CDS and Paraphernalia&lt;br&gt;Unlawful distribution, manufacture, etc., counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance. MDMA (methyleneoxymethamphetamine), 750 grams or more, subsequent</td>
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<td>1-0696 CR, §5-609(c)</td>
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<td>2-0223 CR, §5-609(d)</td>
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<td>CDS and Paraphernalia&lt;br&gt;Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, 1st offense</td>
<td>1-0483 CR, §5-627</td>
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<td>CDS and Paraphernalia&lt;br&gt;Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, subsequent</td>
<td>1-0483 CR, §5-627</td>
<td>Felony</td>
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<td>CDS and Paraphernalia&lt;br&gt;Using minor for manufacture, delivery, or distribution of controlled dangerous substances</td>
<td>1-3409 CR, §5-628(a)(1)</td>
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<td>Drug</td>
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<td>CDS and Paraphernalia&lt;br&gt;Controlled dangerous substance imported into State, marijuana (5 to less than 45 kilos)</td>
<td>1-0730 CR, §5-614(b)</td>
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<td>Drug</td>
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<td>CDS and Paraphernalia&lt;br&gt;Distribution—distribution of non-controlled substance as controlled dangerous substance</td>
<td>1-0246 CR, §5-617</td>
<td>Felony</td>
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<td>Drug</td>
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<td>59</td>
<td>CDS and Paraphernalia&lt;br&gt;Unlawful distribution, manufacture, etc.; counterfeiting, etc.; manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, Schedules I through V non-narcotics (e.g., amphetamines, marijuana, synthetic marijuana, diazepam, MDMA under 750 grams, and Valium) and buprenorphine</td>
<td>1-0233 CR, §5-607(a)</td>
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<td>60</td>
<td>CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc.; manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, Schedules I through V non-narcotics (e.g., amphetamines, marijuana, diazepam, MDMA under 750 grams, and Valium), and buprenorphine, subsequent</td>
<td>1-0233</td>
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<td>61</td>
<td>CDS and Paraphernalia Manufacture, distribute, dispense, or possess certain Schedules I through V non-narcotics, large amounts as specified in CR. §5-612</td>
<td>2-0210</td>
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<td>Drug</td>
<td>IV</td>
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<td>62</td>
<td>CDS and Paraphernalia Paraphernalia—delivery or sale to minor by adult who is 3 or more years older</td>
<td>7-3550</td>
<td>Misd.</td>
<td>5Y</td>
<td>Drug</td>
<td>IV</td>
<td>$15,000</td>
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<td>63</td>
<td>CDS and Paraphernalia Give, sell, transfer, trace, invest, conceal, etc.; receive, acquire, engage in, etc., knowing that the proceeds were derived from CDS offenses</td>
<td>1-0673</td>
<td>Felony</td>
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<td>Drug</td>
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<td>1st= $250,000 Sub= $500,000</td>
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<td>CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance or paraphernalia by fraud, forgery, misrepresentation, etc.; affixing forged labels; slaying, etc., label, unlawful possession or distribution of controlled paraphernalia—non-marijuana</td>
<td>4-3550</td>
<td>Misd.</td>
<td>4Y</td>
<td>Drug</td>
<td>V</td>
<td>$25,000</td>
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<td>1-0247</td>
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<td>1-0248</td>
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<td>1-0249</td>
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<td>1-0251</td>
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<td>1-0252</td>
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<td>1-0255</td>
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<td>1-0256</td>
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<tr>
<td>66</td>
<td>CDS and Paraphernalia Paraphernalia—delivery or sale generally, etc., subsequent</td>
<td>6-3550</td>
<td>Misd.</td>
<td>2Y</td>
<td>Drug</td>
<td>VII</td>
<td>$2,000</td>
<td></td>
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</tr>
<tr>
<td>67</td>
<td>CDS and Paraphernalia Paraphernalia—use or possession, with intent to use, subsequent</td>
<td>5-3550</td>
<td>Misd.</td>
<td>2Y</td>
<td>Drug</td>
<td>VII</td>
<td>$2,000</td>
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<tr>
<td>68</td>
<td>CDS and Paraphernalia Paraphernalia—unlawfully advertise with the purpose to promote the sale and delivery of drug paraphernalia, subsequent</td>
<td>9-0082</td>
<td>Misd.</td>
<td>2Y</td>
<td>Drug</td>
<td>VII</td>
<td>$2,000</td>
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<tr>
<td></td>
<td>CDS and Paraphernalia</td>
<td>CR. §5-601(c)(2)(ii)</td>
<td>Mind</td>
<td>1Y</td>
<td>Drug</td>
<td>VII</td>
<td>$1,000</td>
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<td>69</td>
<td>Possession—unlawful possession or administering to another, obtaining, etc., substance or paraphernalia by fraud, forgery, misrepresentation, etc., affixing forged labels, aliening etc., label; unlawful possession or distribution of controlled paraphernalia—marijuana</td>
<td>1-0566</td>
<td>1-0567</td>
<td>1-0568</td>
<td>1-0569</td>
<td>1-0570</td>
<td>1-0571</td>
<td>1-0573</td>
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</tr>
<tr>
<td>69-1</td>
<td>Possession of less than 10 grams of marijuana</td>
<td>1-1635</td>
<td>CR. §5-601(c)(2)(ii)</td>
<td>Mind</td>
<td>90D</td>
<td>Drug</td>
<td>VII</td>
<td>$500</td>
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<tr>
<td>70</td>
<td>Possession—unsolicited mailing of certain drugs, controlled dangerous substances, medicines, etc.</td>
<td>1-0023</td>
<td>CR. §5-703</td>
<td>Mind</td>
<td>6M</td>
<td>Drug</td>
<td>VII</td>
<td>$500</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Possession/purchase of non-CDS believed to be a controlled dangerous substance</td>
<td>1-0691</td>
<td>CR. §5-618(a)</td>
<td>Mind</td>
<td>1Y</td>
<td>Drug</td>
<td>VII</td>
<td>$500</td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Registration CDS—deliver as a registrant a CDS of Schedule I/II without an order form</td>
<td>9-3550</td>
<td>CR. §5-904(a)</td>
<td>Felony</td>
<td>10Y</td>
<td>Drug</td>
<td>IV</td>
<td>$100,000</td>
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<tr>
<td>73</td>
<td>Registration CDS registration—use fictitious, etc., registration number; distribute without an order form</td>
<td>1-0263</td>
<td>CR. §5-903(a)</td>
<td>Felony</td>
<td>10Y</td>
<td>Drug</td>
<td>IV</td>
<td>$100,000</td>
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<tr>
<td>74</td>
<td>Registration Manufacture CDS which was not authorized by registration</td>
<td>8-3550</td>
<td>CR. §5-902(b)</td>
<td>Mind</td>
<td>2Y</td>
<td>Drug</td>
<td>VII</td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>Registration CDS Registration—unlawful acts</td>
<td>1-0258</td>
<td>1-0259</td>
<td>1-0260</td>
<td>1-0261</td>
<td>1-0262</td>
<td>CR. §5-902(a)</td>
<td>Mind</td>
<td>2Y</td>
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<td>CDS and Paraphernalia</td>
<td>Code(s)</td>
<td>Disposition</td>
<td>Grade</td>
<td>1000</td>
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<tr>
<td>69</td>
<td>Possession—unlawful possession or administering to another, obtaining, etc., substance or paraphernalia by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label; unlawful possession or distribution of controlled paraphernalia—marijuana</td>
<td>1-0566, 1-0567, 1-0568, 1-0569, 1-0570, 1-0571, 1-0573</td>
<td>Min.</td>
<td>Y</td>
<td></td>
<td>1</td>
<td>$1,000</td>
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<tr>
<td>69-1</td>
<td>Possession of less than 10 grams of marijuana</td>
<td>CR. §5-601(c)(2)(ii)</td>
<td>Min.</td>
<td>D</td>
<td></td>
<td>90</td>
<td>500</td>
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<tr>
<td>70</td>
<td>Possession—unlawful mailing of certain drugs, controlled dangerous substances, medicines, etc.</td>
<td>1-0025, CR. §5-703</td>
<td>Min.</td>
<td>Y</td>
<td></td>
<td></td>
<td>500</td>
<td></td>
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</tr>
<tr>
<td>71</td>
<td>Possession/purchase of non-CDS believed to be a controlled dangerous substance</td>
<td>1-0691, CR. §5-618(a)</td>
<td>Min.</td>
<td>Y</td>
<td></td>
<td></td>
<td>500</td>
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<td></td>
</tr>
<tr>
<td>72</td>
<td>CDS—Registration CDS—deliver as a registrant a CDS of Schedule III without an order form</td>
<td>9-3550, CR. §5-904(a)</td>
<td>Felony</td>
<td>Y</td>
<td></td>
<td></td>
<td>100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>CDS—Registration CDS registration—use fictitious, etc registration number; distribute without an order form</td>
<td>1-0263, CR. §5-903(a)</td>
<td>Felony</td>
<td>Y</td>
<td></td>
<td></td>
<td>100,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>Manufacture CDS which was not authorized by registration</td>
<td>8-3550, CR. §5-902(b)</td>
<td>Min.</td>
<td>Y</td>
<td></td>
<td></td>
<td>100,000</td>
<td></td>
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</tr>
<tr>
<td>75</td>
<td>CDS—Registration CDS Registration—unlawful acts</td>
<td>1-0258, 1-0259, 1-0260, 1-0261, 1-0262</td>
<td>CR. §5-902(a)</td>
<td>Min.</td>
<td>Y</td>
<td></td>
<td>100,000</td>
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