

**PROCEDURES: DISCIPLINARY PROCEEDING PROVISIONS  
PURSUANT TO MARYLAND LAW  
SEXUAL MISCONDUCT & SEX DISCRIMINATION POLICY**

***For both Reporting Party and Responding Party***

- Before the start of disciplinary proceedings, each Party shall be provided with notice of
  - the Party's right to the assistance of an attorney or advocate;
  - the legal service organizations and referral services available to the Party; and
  - the party's right to have a personal supporter of the Party's choice at any hearing, meeting, or interview during the disciplinary proceedings.
  - Such notice shall be presented in an appropriate and sensitive format.
- The standard of proof shall for violations alleged under this policy shall be the same for violations alleged under the Code of Student Conduct: preponderance of the evidence.
- Mediation or other informal mechanism shall not be used to resolve an alleged violation under this policy only if the following conditions are met:
  - the Reporting Party requests it;
  - all Parties and the College agree to it;
  - the College provides trained staff;
  - any Party may end it at any time in favor of a formal proceeding, and
  - the alleged violation does not involve sexual misconduct or sexual coercion.
- The adjudicating official shall not consider the following evidence:
  - a Party's prior sexual history with an individual other than a Party to these proceedings except to:
    - prove the source of injury;
    - prove prior sexual misconduct;
    - support a claim that a Party has an ulterior motive; or
    - impeach a Party's credibility after that Party has put his/her own prior sexual acts at issue
  - a Party's history of mental health counseling, treatment, or diagnosis unless the Party consents.
- Students who were enrolled at the College at the time of the incident that is the basis of the allegation may access counsel paid by the Maryland Higher Education Commission unless the Student knowingly and voluntarily chooses not to have counsel.
  - the Commission shall pay reasonable costs and attorney's fees;
  - the Commission shall develop and provide a list of attorneys and legal services programs willing to represent students on a pro bono basis or at fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation;
  - a Student may select an attorney from the list;
  - a Student may select and retain an attorney prior to the conclusion of the proceedings;
  - the College may not discourage a Student from retaining an attorney;
  - if a Student selects and retains an attorney who is not on the list provided by the Commission, the Commission shall pay fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation;
  - the Commission shall not pay a Student's attorney's fees for representation in a criminal or civil matter.
- Nothing in these provisions shall be construed to prohibit the College from imposing interim safety measures.