



Report on Campus Climate and Sexual Violence at Maryland Colleges and Universities Volume 1

October 2018

MSAR #10622

Lawrence J. Hogan, Jr.
Governor

Boyd K. Rutherford
Lt. Governor

Maryland Higher Education Commission

Anwer Hasan, Chairman

Sandra L. Jimenez, Vice-Chair

Vivian S. Boyd

John Holaday

Vera R. Jackson

Russell V. Kelley

Giavanna Tserkis, Student Commissioner

Ian MacFarlane

Donna M. Mitchell

Joel Packer

Rizwan A. Siddiqi

John W. Yaeger

James D. Fielder, Jr., Ph.D.
Secretary

Table of Contents

Executive Summary	1
Introduction.....	2
Findings from the Survey Narrative Reports	4
Perceptions of Safety and General Campus Climate	4
Perceptions of Institutions’ Readiness and Ability to Address Issues of Sexual Violence	5
Institutional Responses Based on Survey Results	6
Findings from the Aggregated Incident Data.....	9
Statewide Findings.....	11
Statewide Data by Incident Classification	16
Conclusions.....	20
Appendix A - Survey Methods Employed by Institutions.....	24
Appendix B – Additional Statewide Tables.....	26

Executive Summary

During the 2015 legislative session, the General Assembly enacted HB 571 (Md. Education Article, Section §11-601) which put forth a number of requirements for all higher education institutions in the State of Maryland. These requirements include providing the Maryland Higher Education Commission (MHEC) a report including institution-level data on incidents of sexual assault and other sexual misconduct and conducting and submitting the results of a sexual assault campus climate survey. Analysis of the survey data reveals that the majority of students feel safe in their campus environment and valued as members of their institution's community. The incident data show that few students reported being victims of sexual assault or other sexual misconduct (3 in 1,000 according to statewide data) on Maryland's campuses. The incident rate, per year, has increased since the 2015-2016 cycle; this shift may be driven, in part, by the overall increase in sexual assaults reported in the State and an increase in the number of victims reporting incidents to Title IX staff and others in the campus community who can help.

Since Maryland's legislation was passed, there has been sustained discourse at the federal, state, and campus level regarding issues of sexual assault and other sexual violence on college campuses. Federal government intervention has begun to shift under the current presidential administration, and the State has passed additional laws that now require higher education institutions to revise their sexual assault policies and to permit legal representation for all students involved in the investigation process. Amidst these changes, advocacy groups continue to increase attention regarding the prevalence of sexual violence on college campuses and the importance of ensuring due process is extended to all those involved in sexual assault cases.

Maryland's colleges and universities continue to confront issues of sexual assault and sexual misconduct. They have sought to provide educational opportunities for student safety and security, provide support for those who encounter violence or misconduct, and educate students about proper conduct and response to harmful events involving themselves or others. They have stepped up sexual assault response training to their faculty and staff and the training they provide peer and health educators in an effort to create an infrastructure that can encourage victims and witnesses of sexual assault to report incidents.

Many institutions' efforts aim to engage men as allies in prevention efforts and connecting with community services such as local law enforcement, crisis centers, athletic departments, teams and fraternities and advocacy services to help form partnerships that can support victims with a range of services to meet their needs. In sum, institutions are building on what they learned from the 2016 – 2018 cycle of incident and survey data collection, adapting and adjusting policies, practices, and priorities such that the needs of students involved in sexual assault and other sexual misconduct incidents can be met. Maryland and its colleges and universities continue to be a leader in their efforts.¹

¹ Maryland Coalition Against Sexual Assault (MCASA). "2018 Legislative Priorities." accessed September 4, 2018. <https://mcasa.org/law-public-policy/legislative-agenda/>.

Introduction

During the 2015 legislative session, the General Assembly enacted HB 571 (Md. Education Article, Section §11-601) which put forth a number of requirements for all higher education institutions in the State of Maryland. These requirements include providing the Maryland Higher Education Commission (MHEC) a report including institution-level data on incidents of sexual assault and other sexual misconduct and conducting and submitting the results of a sexual assault campus climate survey. The following report addresses these two aspects of the legislation.

Maryland's 2015 legislation arose within a larger national discourse on sexual assault and sexual violence on college campuses. Starting in 2011, the Department of Education and its Office of Civil Rights (OCR) issued stronger and more detailed guidance on college and universities' obligations to prevent and respond to sexual violence under the gender equity law known as Title IX.² In July 2015, provisions from the federal Campus Sexual Violence Elimination (Campus SaVE) Act (as part of the reauthorization of the Violence Against Women Act) went into effect. This update of the Clery Act expands the scope of what institutions are responsible for in terms of prevention, education, and response to incidents of sexual violence on campus.

Since Maryland's legislation was passed, there has been sustained discourse at the federal, state, and campus level regarding issues of sexual assault and other sexual violence on college campuses. In fall 2017, the Trump administration withdrew the previous OCR guidance, replacing it with interim guidance³ that gives colleges the discretion to use a clear and convincing standard of evidence.⁴ This is a higher standard than the preponderance of evidence standard that the Obama administration had directed.⁵ The Trump administration cited a desire to reduce burdens on institutions, and to ensure due process for those accused of assault or misconduct. Formal rules are expected from the OCR in fall 2018.

In addition to shifts in federal guidance, Maryland's 2018 legislative session brought additional laws that now require higher education institutions in the State to revise their sexual assault policies to reflect changes to certain sexual assault disciplinary proceedings provisions and permit legal representation for all students involved in the investigation process, and requires MHEC to pay fees to attorneys for that representation.

Amidst newly established laws and changes to federal guidelines, such nationally known activist endeavors as the #MeToo and "It's On Us" movements have worked to continue increasing awareness of the prevalence of and the policies associated with sexual harassment and sexual

² Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in all education programs or activities that receive federal financial assistance.

³ Office of Civil Rights, *Q & A on Campus Sexual Misconduct*, September 2017, available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>.

⁴ Clear and convincing is defined as "Evidence indicating that the thing to be proved is highly probable or reasonably certain." Black's Law Dictionary (10th ed. 2014).

⁵ Preponderance of evidence is defined as "The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other." Black's Law Dictionary (10th ed. 2014).

assault. These efforts have been coupled with the work of national groups such as the Foundation for Individual Rights in Education (FIRE) that advocate to help ensure that those involved in sexual assault cases have due process rights.

Within this national discourse, Maryland's colleges and universities continue to confront issues of sexual assault and sexual misconduct. They have sought to promote student safety and security, provide support for those who encounter violence or misconduct, and educate students about proper conduct and response to harmful events involving themselves or others. They have done this while seeking to balance the needs for privacy and transparency, protect the rights of students, address the concerns of student and national activist groups, and navigate the changing federal landscape.

In this environment, the requirements of the 2015 legislation offered both opportunities and challenges for colleges and universities as well as for the State. Following passage of the law, MHEC collaborated with campus representatives to develop a process for the administration of the sexual assault campus climate survey and the aggregation of incident data; MHEC convened a workgroup, which established guidelines and tools for collecting and reporting incident and survey data, which that were shared with institutions for the 2016 cycle. Upon submission of the statewide report in fall 2016, MHEC reconvened the workgroup to recommend revisions to the incident data collection report and the survey narrative requirements for the 2016-2018 cycle. Institutions received revised materials in 2017, including a more detailed incident data report template.

All institutions were required to submit incident data and the survey narrative report on or before June 1, 2018, as mandated by law. Of the 50 institutions of higher education in the state that were required to submit reports and data to MHEC, 46 were fully compliant. Two non-compliant institutions, Coppin State University and Yeshiva College of the Nation's Capital, provided incident data but not survey narrative reports. Additionally, the University of Maryland Eastern Shore and Binah Institute of Advanced Judaic Studies for Women submitted none of the required materials.⁶

What follows is a summary of the findings from review of the campus climate survey narrative reports along with the results from collecting and aggregating the incident data. The conclusions include an analysis of the findings in the context of the larger national landscape of sexual assault on college campuses. Appendix A of this report describes the methods institutions used to conduct the survey.

The next section explores the results of the Sexual Assault Campus Climate surveys that 46 Maryland colleges and universities conducted in the 2016 – 2018 reporting cycle.

⁶ Since the conclusion of the 2016-2018 reporting cycle, Binah Institute of Advanced Judaic Studies for Women has rescinded their certificate of approval to operate in Maryland and therefore is no longer operating as an institution of higher education.

Findings from the Survey Narrative Reports

Of those institutions that submitted survey narrative reports, all fulfilled the requirements put forth in the legislation and the guidelines for administering the sexual assault campus climate survey established by the workgroup. All reported their efforts to obtain a valid survey sample and the means by which they protected the privacy of the respondents. Over half used the survey instrument provided by MHEC, making modifications as needed. The remainder used either a nationally available instrument or one created by individuals on their campus.

Institutions were required to answer four question prompts within their survey narrative reports. Reports detail the mechanics of how the institution implemented the survey, the response rate, and how the respondents compared to the larger student and/or campus community, noting any changes in survey administration or response rates since the 2016 cycle. In addition, institutions reported on the students' perceptions of safety of the campus and the general campus climate, and their perceptions of the institution's readiness and ability to address issues of sexual assault and other sexual violence; for these two sections, institutions discussed changes in students' perceptions since the last cycle. Each institutional report concluded with a summary of results of changes they made in response to the 2016 survey and the steps the institution has taken or plans to take based on the most recent results. The following section is divided into the three major areas of the report and summarizes the findings reported by the institutions (see Appendix A for a summary of the institutions' methods for conducting the survey). Volume 2 of this report contains the survey narrative reports for all institutions.

Perceptions of Safety and General Campus Climate

Key findings:

- The majority of students attending Maryland's colleges and universities feel respected by faculty and staff, safe in their campus environment, and valued as a member of their institution's community.
- Some student populations (e.g., LGBTQ, minority students, those who experienced harassment or victimization) reported feeling less safe on campus.
- Institutions perceived as less safe were more likely to have experienced a campus- or community-based occurrence (e.g., tied to gun violence) that may have affected the students' trust in campus administration or the local police force.

The vast majority of survey respondents reported feeling safe on campus. They also indicated they feel supported by staff, faculty and administrators and that they valued being part of a larger campus community. Most institutions report that these perceptions have stayed the same or have increased since the last survey cycle.

Some institutions analyzed their results across certain student characteristics or experiences. For example, for some, minority students, LGBTQ students, and students who reported being victims of sexual violence reported feeling less safe on campus than their peers.⁷ These respondents

⁷ Throughout this report the terms "victim," "complainant," and "survivor" are used interchangeably to refer to persons who have experienced sexual assault, sexual misconduct, and other forms of sexual violence. All terms are

were also more likely to indicate that the institution could do more to ensure the safety of all students.

A minority of institutions reported seeing an overall increase in the percentage of students who indicated they felt unsafe or unsupported by the campus community. These campuses attributed these perceptions, in part, to larger, campus- or community-wide occurrences that may have affected the students' trust in the campus leaders or the community police force.⁸

Institutions that are non-residential reported more mixed results regarding students' perceptions of safety and support. For those campuses whose students are primarily online or commuters, their respondents' perceptions of the importance of the role of the campus in addressing issues of sexual assault were lower. Some institutions reported student comments suggesting that the survey was not relevant to them because they do not engage in a "traditional college life." These institutions indicated that, despite the respondents' perceptions, they were committed to ensuring students knew of the resources available to them and the ways in which the campus administrators could support them, should they want to seek help.

Lastly, some institutions used questions in their survey specifically to help unpack the role of social media and technology in students' perceptions of safety. These survey questions asked students to report on their use of social media and their experiences with unwanted behavior over this medium. Institutions found that students reported facing threats, embarrassment, name calling, stalking, pressure to send sexual images, or sustained harassment via social media. In turn, these respondents indicated that these experiences made them feel less safe overall and less connected to their campus community.

Perceptions of Institutions' Readiness and Ability to Address Issues of Sexual Violence

Key findings:

- Most students feel their institutions would handle a campus crisis well and would take reports of sexual assault and sexual violence seriously, though these feelings of trust have diminished for some institutions since the last cycle.
- Despite much work on the part of institutions, there continues to be a gap in the training and education students receive about sexual assault and their understanding on the process of reporting an incident.

In the 2016 reporting cycle, one of the key findings was that there was a sizeable disconnect between the students' receipt of training and education on sexual assault and their knowledge of the process on how to report an incident and/or seek help. Many students reported having received training on processes and procedures but were unable to clearly identify the role of Title IX officers on their campus or the processes they could follow regarding incidents of sexual

used in federal and state laws as well as in college and university policies. It must be acknowledged that there is some debate about the use of these terms, and that different individuals and organizations encourage the use of one over the other in different contexts and for a variety of reasons. MHEC encourages respect for the expressed preferences of individuals for one term or another.

⁸ Events such as campus shootings or community gun violence were instances cited by institutions as possibly negatively affecting students' perceptions of safety.

assault. For the 2018 cycle, institutional reports reflect an overall improvement in reducing this gap in knowledge, especially in light of the fact that many of the colleges and universities have implemented mandatory trainings for all students.

Institutions who reported comprehensive, multi-pronged awareness and education campaigns seemed to have survey results that reflected the positive outcomes of these efforts. These schools had, overall, a greater proportion of respondents who indicated that they understood the steps for reporting an incident, the role of responsible employees and Title IX officers on campus, and the ways in which students could help intervene, if needed, in high-risk situations or could support a victim should he/she need help.

These comprehensive programs seemed to have a few things in common: they (1) ran throughout the academic year, (2) relied on multiple forms of media and communication (e.g., events, lectures, posters, emails, guest speakers), and (3) integrated students and faculty in the planning and implementation. Some had an evaluation component, which aided the institution in assessing the impact of their programming.

Conversely, some institutions that relied on online education modules, orientation programming, peer-led workshops, and other one-time programs reported continued gaps in the training students received and the comprehension they had about the role of Title IX staff and the processes in place to support complainants. These institutions also acknowledged that although administrators and institutional leaders are committed to prevention and safety strategies for their campus communities, they cite barriers such as funding, staffing, time, and other resource limitations as constraints to their progress. Despite these barriers, institutions reported a sustained commitment to ensuring the education and training students receive is effective and comprehensive.

Another finding was that a number of institutions reported, when comparing this cycle's data to the previous cycle, smaller proportions of students expressing trust that the institution could handle a crisis well. At some institutions, more students were likely to select "strongly disagree" or "disagree" to prompts such as "College officials handle incidents in a fair and responsible manner" and "If a crisis happened on campus, the college would handle it well." This concerned institutions; many noted that plans were underway to address larger, more systemic campus climate and safety perceptions but admitted changing these perceptions might have a longer time horizon for implementation. Some institutions speculated that specific events (crimes in their community or on their campus) or high profile crises (national stories of violence on college campuses) might have driven these perceptions of the institution's crisis management abilities.

For the few institutions that collected data on prevalence, the results showed that many victims did not report the incident to anyone affiliated with the institution. Respondents most often indicated that they did not do so because they did not think it was serious enough to share with anyone or they wanted to move on from the incident. Institutions reported that few respondents indicated that a lack of knowledge of the procedures to report an incident was they did not report.

Institutional Responses Based on Survey Results

Key Findings:

- Institutions continue to direct resources to staffing and education programs toward addressing awareness and prevention of campus sexual assault.
- Institutions are tailoring their responses to the findings of the survey to meet the unique needs of their campus communities.
- Many institutions are focusing efforts on specific groups of students (e.g., athletes, members of Greek community) recognizing their unique needs for education and training.
- The vast majority of institutions indicate they have made improvements or adaptations to their survey instrument in an effort to use a reliable instrument to collect consistent data over time.

Overall, institutions reported that the results from the campus climate survey aid them in determining how to best direct resources and tailor activities in response to the findings. While the manner of these actions can be specific to the institution's mission and students served, some common themes arose from the institutions' reports.

Staffing

Almost every institution reported that they had increased staffing in the past two years or intended to do so in the near future. For some institutions this meant increasing staff in the Title IX office, and others reported increasing staffing around compliance more generally (focused on federal and state laws related to a number of areas). Another pattern of hiring that emerged was around sexual violence prevention educators, often housed under the institution's health and wellness program. Lastly, a greater number of institutions reported on the use of peer educators and peer support as a means to help address the needs of the campus community.

Training and Education

Institutions reported that their education programs focused on such topics as bystander intervention, sexual assault prevention, healthy relationships, consent, and safe sex. Some institutions utilized online training for a number of these subjects, contracting with vendors to deliver the materials, monitor student participation, and send out reminders. Other institutions reported utilizing local partners (e.g., rape crisis center staff, victims advocacy organizations, local police) to help in training.

Some institutions reported providing targeted trainings and educational programming to specific audiences such as members of Greek life and student athletes, noting new NCAA policies as a driver of the specific focus on athletes.⁹ A number of institutions acknowledged the importance of focusing training and education toward their male students, with the aim of empowering them to help prevent sexual assault, violence, and discrimination.

In analyzing the results of the survey reports, some patterns emerge regarding training and education by type of institution. Generally, the public and independent four-year institutions reported more comprehensive programs tied to Title IX and sexual assault. Because most of these institutions are residential and follow a traditional semester calendar, their programming, education, and services are often offered on weekends, and evenings, throughout the term.

⁹ In August 2017, the National College Athletic Association (NCAA) Board of Governors adopted a policy requiring all coaches, college athletes, and athletics administrators to complete education each year in sexual violence prevention.

Activities such as orientation, which often serve as a key time to educate students on policies and procedures, are scheduled such that most if not all students can attend.

On the other hand, community colleges' students are more likely to be commuters, coming to campus as their schedule requires, with work and family demands taking up much of their other time. In addition, as part of their mission, many of the state's community colleges offer multiple semester start dates, meaning there is no one orientation schedule for students to follow. The community colleges reported that this requires creativity and flexibility on the part of institutions' educational programming; often these schools deliver some aspects of orientation electronically so that students can access the necessary information when convenient for them.

For both types of institutions, there are outliers. Several four-year institutions serve a non-traditional or mostly graduate student population, and their survey narratives reflected many of the same challenges that the community colleges reported having in successfully connecting with students about the resources available and educating them about institutional policies. Conversely, some community colleges reported successful implementation of programming more reminiscent of the traditional residential college such as face-to-face training, peer counseling, and year-round programming.

Almost all institutions reported that their training emphasized several key components of sexual assault and prevention, including information on the policies and procedures of the institution and the role of Title IX staff on campus. Additional training focused on how students could avoid becoming a victim or what to do once a student becomes a victim of sexual assault.¹⁰

Many institutions discussed the training they provided employees. These included training new employees on policies and procedures and training responsible employees on the scope and nature of their role. These individuals play a key role in sexual assault reporting. Their training centered on familiarity with the institution's sexual misconduct policies and procedures, their duty to report incidents, the procedures for responding to a student's request for confidentiality, and their requirement to provide information on resources and services available to victims.

Some institutions reported receipt of external funding as a means to ramp up their services and efforts. For example, 10 Baltimore-based colleges and universities received a \$750,000 grant from the Department of Justice in 2016 to generate new strategies to prevent, respond to, investigate, and hold offenders accountable for sexual assault and dating violence, and to strengthen victim services.¹¹ These 10 institutions formed a consortium along with three community partners, which is working on response, prevention, and training initiatives tied to sexual assault.¹² Other institutions report having received smaller, single-institution grants issued by state and federal agencies to help with specific aspects of their prevention and education efforts.

¹⁰ The Campus SaVE Act instructs institutions to provide students and employees programming on issues of domestic violence, data violence, sexual assault and stalking.

¹¹ Recipients include: Community College of Baltimore County, Coppin State University, Goucher College, Loyola University, Maryland, Maryland Institute College of Art, McDaniel College, Notre Dame of Maryland University, Stevenson University, Towson University, and the University of Maryland, Baltimore County.

¹² The community partners on the project are local victim service provider TurnAround Inc., the Baltimore City Police Department, and the Baltimore Collegetown Network.

Surveys

While the majority of institutions conduct the campus climate survey every two years, as mandated by law, some have made a commitment to conducting an annual survey. Regardless of frequency, almost all institutions reported using the same institution-based instrument each survey cycle in an effort to collect consistent data over time. These institutions note that establishing a baseline and identifying trends from the survey data have helped them pinpoint issues that need greatest attention and aspects of their work that may be having the greatest impact.

Findings from the Aggregated Incident Data

In an effort to collect a standardized set of data on sexual assault and other sexual misconduct at Maryland's colleges and universities, the institutions were required to report on all incidents via an incident report template developed by MHEC. According to the MHEC guidelines that accompanied the report, an incident was defined as an allegation of sexual assault or other sexual misconduct involving a student which was reported or referred to the institution's Title IX coordinator or other appropriate institution designee.¹³ An incident did not have to result in a formal complaint or investigation to be reported.

To ensure consistent reporting of the incident data by institutions, the workgroup developed definitions of sexual assault and other sexual misconduct to be used in the guidelines and other materials. These definitions more closely reflect the definitions included in the policies and procedures of the State's colleges and universities than the definitions used in Maryland criminal law. The workgroup recommended these definitions because they believed that the definitions were broader and more inclusive than those in state criminal law, thereby allowing for a more robust collection of incident data.

These definitions were:

- (1) Sexual Assault I: non-consensual sexual intercourse: any act of sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact.

- (2) Sexual Assault II: non-consensual sexual contact: any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, or disrobing or exposure of another without consent. Intimate parts may include genitalia, groin, breast, or buttocks, or the clothing covering them, or any other body part that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

¹³ Institutions were instructed, in complex cases, to have their data reflect only one category of sexual assault or other sexual misconduct. In addition, institutions were instructed to prioritize in order of the severity of the incident (e.g., the aspect of the alleged incident which is defined under Sexual Assault I would take priority over aspects of the alleged incident that are defined under Sexual Assault II or Other Sexual Misconduct). This mirrors the Hierarchy Rule, as described in the Violence Against Women Reauthorization Act of 2013.

- (3) Other Sexual Misconduct: incidents should be included in this category if they relate to any other category of violence or misconduct as defined by the institution. These may include dating violence, domestic violence, sexual exploitation, sexual harassment, sexual intimidation, sexual violence, and stalking.

Regardless of the institutions' sexual assault policies and corresponding definitions of sexual assault and other sexual misconduct, these three definitions were used by all institutions in classifying and reporting incidents for the incident report. This ensured consistency across all campus reports and allowed for reliable aggregation of the data.

In addition, institutions were asked to report on the primary source of the reported incident. These could be reported by complainants, witnesses, responsible employees (e.g., faculty, student affairs staff, coaches), or anonymously.¹⁴ Data were also collected on the location and timing of the reported incident, the number of incidents reported to sworn law enforcement officers, and the number of incidents that involved non-student perpetrators.^{15 16}

Institutions also reported on the accommodations offered to students following allegations of sexual misconduct. These include housing adjustments, counseling services, medical assistance, and references to off-campus resources such as a rape crisis center. Other interim measures might be extended to the respondent, such as training, interim suspension, and no-trespass orders.¹⁷

In addition, institutions reported on the number of outcomes after the initial investigation or assessment of the reported incident. These outcomes could result in completing a formal investigation or finding an informal resolution. In addition, institutions reported on those incidents in which the Title IX staff could not proceed due to a lack of authority over the perpetrator (e.g., a student from another campus, a domestic partner) or did not have enough information to proceed with a formal investigation. Institutions also reported on those incidents in which the victim did not want to move forward.

For the 2018 cycle, MHEC collected more detailed information on the outcomes of formal complaints.¹⁸ Students found responsible for sexual assault or other sexual misconduct could face multiple sanctions, which could include suspension, expulsion, housing restrictions, disciplinary probations/warnings, fines, and non-contact orders. Educational sanctions (in the form of trainings, workshops, and/or reflective writing exercises) might also be issued to the

¹⁴ A responsible employee is any college or university employee who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee, or whom a student could reasonably believe has this authority or duty.

¹⁵ Sworn law enforcement officers are defined as persons formally authorized to make arrests while acting within the scope of explicit legal authority.

¹⁶ A non-student perpetrator is defined as a person who is alleged to have committed a sexual assault or other sexual misconduct who is not a student of the same institution as the person who made the incident report. This can include individuals such as family members, visitors to the campus, faculty, or staff members.

¹⁷ A respondent is an individual who is reported to have committed act(s) of sexual assault or other sexual misconduct.

¹⁸ A formal complaint is a formal report completed by the student regarding the alleged incident; the complaint can initiate a proceeding under the campus student disciplinary system or trigger a formal investigation by the institution. Not all incidents result in complaints. The student filing a complaint is considered a complainant.

respondent. Imposing sanctions can be guided by institutional protocols and policies and may be informed by the frequency and severity of the misconduct, the previous history of the respondent, the respondent's adherence to interim measures, and the circumstances surrounding the incident (e.g., use of force or weapon, level of threat to the complainant).

It is important to note that sanctions can only be imposed on those individuals within the campus community (students, faculty, and staff). Due to jurisdiction constraints, an institution's role can be limited should the perpetrator be someone unaffiliated with the college or university. Institutions can offer assistance to the victim, such as counseling services or support should the student want to pursue the case through civil or criminal justice systems.

Statewide Findings

Statewide, the 48 institutions that submitted incident data reported 2,688¹⁹ incidents of sexual assault or other sexual misconduct in the 2016-2018 cycle, which spans approximately two years.²⁰ This figure is higher than the number of incidents reported in the 2016 cycle (1,057). In part, this figure is higher because it represents two years of data (versus the one-year cycle captured after the legislation passed). More discussion of this aspect of the statewide findings can be found starting on page 19 of this report.

These data are summarized in Table 1 (pp 13 - 14). Analysis of the statewide data by incident categories falls later in this report (Table 2, pp. 17 - 19); what follows is an overall analysis of all incidents.

Of the statewide incidents, almost one-third (828 or 31.2%) were reported by the victim, while half (50.4% or 1,337) were reported by a responsible employee. The remaining sources of the reports were anonymous (37 or 1.4%), witnesses (73 or 2.7%) and other (380 or 14.3%). The category of "other" could include a friend or a family member.

Institutions were also asked to report on the timing of the incident reports. Statewide, almost one-half (1,204 or 44.8%) of incidents were reported within the same semester, and another quarter (627 or 23.3%) were reported within 24 hours of the incident. A smaller proportion of incidents (474 or 17.6%) were reported after the end of the term or longer. Title IX staff had too little information to report on the timing of the reported incident for almost 15% (14.2%) of the reports they received.

Almost one-third (31.3%) of reported incidents occurred on campus, and another third happened off-campus (30.5%). The location of 15.7% of the incidents reported was undisclosed to the Title IX staff member; this could be, in part, because of the sizeable proportion of incidents reported by responsible employees. These individuals, who have a duty to report to Title IX staff what students confide in them, may have difficulty, in some cases, learning such details as the specific

¹⁹ Due to changes in the reporting template in the 2018 reporting cycle, one institution was unable to provide complete data. Therefore, statewide totals by classification sum to 2,688, but most detailed breakouts reflect a total of 2,655. Percentages are calculated on the basis of 2,688 where appropriate, and 2,655 where necessary.

²⁰ Each institution could choose, based on its institutional calendar, the appropriate date in spring 2018 for the reporting cycle to end. The institution's cycle start date was based on the end date of their 2016 cycle, which could also vary.

location or timing of the incident due to the sensitive nature of the information being shared by the victim.

Approximately one in five incidents (20.2%) was known to have been reported to a sworn law enforcement officer. It is possible that a greater number of incidents were reported to law enforcement without the Title IX staff's knowledge. In some cases, victims may have chosen to pursue criminal complaints with law enforcement without involving campus resources.

Almost one-half (1,249 or 47.0%) of the incidents involved non-student perpetrators. Most of these (584 or 46.8%) involved one or more persons not affiliated with the institution, such as a visitor, stranger, or family member. Faculty, staff, or others affiliated with the campus were involved in almost one-quarter of the incidents (22.9%). Incidents in which the affiliation of the non-student perpetrators was unknown constitute 20.9% of the overall statewide total. Again, since almost two-thirds of the incidents were reported by someone other than the victim or a witness, details of the incident, such as the perpetrator's affiliation with the institution, might have been difficult to determine.

The data show that students were offered a wide array of interim and supportive accommodations as a result of allegations of sexual assault or misconduct. Seven in 10 (69.5%) were offered referrals to counseling and health services, and over one-third (35.5%) were offered additional training and support. This could be such activities as a course on anger management or bullying for perpetrators or assistance in preserving eligibility for academic or athletic scholarships or foreign student visas for victims. About one in five victims were provided no-contact or stay orders (585 or 21.8%), while nearly one-fifth received referrals to off-campus resources (516 or 19.2%) such as the local rape crisis center. Other accommodations (12.4%) included referrals to a campus crime victim advocate, providing security escorts, and issuances of campus bans preventing the perpetrator from accessing the campus.

Institutions were asked to provide details of the outcomes after Title IX staff conducted an initial investigation or assessment of the reported incident. Standard practice across all institutions includes performing some level of investigation or inquiry for each report of an incident. The data discussed earlier in this report revealed that the majority of incidents were reported by third parties, which can make investigations more challenging. In some cases, the victim, when contacted, does not respond to requests for more information. In other circumstances, the victim indicates, when contacted, that he or she does not want to move forward with a more formal complaint. These scenarios bear out in the data which show that in almost half of all incidents, the Title IX staff were not given enough information to proceed (817 or 30.8%) or the complainant indicated a lack of desire to move forward (566 or 21.3%). Another 481 (18.1%) involved one or more individuals in which the institution had no authority to take further action in the formal investigation (e.g., family members, visitors to campus).

Conversely, statewide nearly one-quarter (24.9%) of incidents were formally investigated (367), are still actively being investigated (63), or were settled through informal resolution (232). Since many institutions' policies are such that formal investigations do not proceed without the cooperation and consent of the complainant, these data indicate a willingness and trust on the part of victims to move forward.

One in five incidents resulted in a formal complaint (548 or 20.4%). Of them, approximately two-fifths (222 or 40.5%) resulted in one or more perpetrators being found responsible. Sanctions imposed included: no-contact orders (119 or 53.6%), access restrictions to the campus or certain buildings (65 or 29.3%), education/writing assignments (26.1%), disciplinary probation (23.4%), and expulsion (40 or 18.0%).²¹ Almost one-third (71 or 32.0%) of the sanctions were categorized as “Other”; these included termination of staff or faculty members involved, the issuance of required community service, mandatory mental health evaluations, and deferred suspensions.

Some of the findings of responsibility were appealed. Of the formal complaints in which one or more perpetrators were found responsible,²² 45 of them (20.8%) resulted in an appeal of that finding. In almost all of those cases (86.7% or 39), the finding of responsibility was upheld. A much smaller number of formal complaints resulted in a finding of non-responsibility being appealed. Of these, the majority was affirmed, and a few were overturned. Lastly, 37 (17.1%) cases had their sanctions appealed by either the complainant or the respondent. Of these, 29 (78.4%) resulted in the sanctions being affirmed; a few were modified.

Some notable differences arise in the statewide data when analyzing by institutional segment. For example, community colleges have the fewest reported incidents statewide (12.9% or 347). In addition, a larger proportion of incidents are classified as Other Sexual Misconduct incidents (82.1%), with relatively smaller shares of Sexual Assault I and Sexual Assault II incidents. Lastly, of the Sexual Assault I incidents reported, a high percentage of them involve individuals not affiliated with the institution, such as a domestic partner or stranger (76.7%), and, of these cases, a substantial percentage (62.9%) could not be adjudicated by the institution because it had no authority over the perpetrator. These patterns reflect the distinctive nature of the community colleges, which are primarily non-residential, commuter institutions. As such, their students may be less likely to seek out assistance from staff if they have been the victim of sexual assault, especially if the perpetrator is a domestic or dating partner. In addition, community colleges face different education and prevention challenges than those encountered at four-year institutions.

Conversely, the incident data reported by the public four-year institutions and the state-aided colleges and universities more closely mirrors the statewide data. This is primarily driven by the higher proportion of incidents reported by both segments (58.9% and 27.9% respectively). See Tables 3, 4, and 5 in Appendix B for aggregated incident data for public four-year institutions, community colleges, and state-aided independent institutions respectively.

Table 1 summarizes the data for all 48 institutions that submitted data to MHEC.

²¹ Multiple sanctions could have been imposed; therefore totals exceed 100%.

²² Although statewide 222 formal complaints resulted in one or more perpetrators being found responsible, only 216 had reported outcomes of the appeals process.

Table 1: Aggregated Incident Data - All Maryland Colleges and Universities	
Total number of incidents classified reported to Title IX staff or other appropriate institution designee	2,688
# incidents reported:	
by complainant	828
by witness	73
anonymously	37
by responsible employee	1,337
other	380
Incidents reported within 24 hours	627
Incidents reported within the same semester	1,204
Incidents reported after the end of the semester or longer	474
Timing of incident report unknown	383
Incident location: On campus	841
Incident location: Off campus	819
Incident location: School-sponsored off-campus activity/event	605
Incident location: Undisclosed	423
# of incidents reported to sworn law enforcement officer (to knowledge of Title IX coordinator)	542
# of incidents that involved one or more non-student perpetrators	1,249
Of those that involved non-student perpetrators:	
# that involved faculty or staff (or otherwise affiliated with the campus)	286
# that involved persons not affiliated with the campus in any way (visitor, domestic partner, stranger)	584
# that involved both affiliated and unaffiliated individuals	118
# in which affiliation unknown	261
Accommodation: Alternative housing	132
Accommodation: Referral to counseling/health services	1,868
Accommodation: No-contact or stay order	585
Accommodation: Interim suspension	60
Accommodation: Off campus resources (e.g. rape crisis center)	516
Accommodation: Additional training or support	955
Accommodation: Academic accommodations (test rescheduling, class scheduling, etc.)	486
Accommodation: Other	332
Of reported incidents:	
# in which formal investigation completed	367
# in which not enough information provided	817
# in which no authority over perpetrator	481
# in which complainant did not want to move forward	566
# in which informal resolution found	232
# in which formal investigation still in progress	63
# other	129

Table 1, continued

Formal complaint totals	
Total number of incidents resulting in formal complaints	548
# of formal complaints in which one or more perpetrators were found responsible	222
Outcome after perpetrator(s) found responsible:	
Suspension	60
Expulsion	40
Alternative resolution	13
Housing restriction	30
Disciplinary warning	29
Disciplinary probation	52
Access restrictions	65
Non-contact order	119
Administration of fines	*
Education/writing	58
Other	71
# of formal complaints in which finding of responsibility was appealed	45
Final result of appeal	
# Affirmed	39
# Overturned	*
# Modified	*
# Other	*
# of formal complaints in which a finding of non-responsibility was appealed	11
Final result of appeal:	
# Affirmed	*
# Overturned	*
# Modified	*
# Other	*
# of formal complaints in which a sanction was appealed	37
Final result of appeal:	
# Affirmed	29
# Overturned	*
# Modified	*
# Other	*

Note: All figures of ten or fewer are indicated with *. The number of accommodations totals more than the number of incidents because multiple accommodations were made for each incident; the count of results of formal complaints by type exceeds the total number of formal complaints because more than one outcome could occur for each formal complaint.

Statewide Data by Incident Classification

Institutions were required to report incident data by classification of incident: (1) Sexual Assault I, (2) Sexual Assault II, and (3) Other Sexual Misconduct. This section provides some additional analysis by these incident classifications, focusing on notable differences as compared to the overall statewide data.

Most noteworthy is that the largest percentage of incidents reported were classified as Other Sexual Misconduct (1,805 or 67.2%) as compared to Sexual Assault I (533 or 19.8%) and Sexual Assault II (350 or 13.0%).²³ The classification of Other Sexual Misconduct includes offenses such as stalking, domestic and dating violence, and sexual harassment. Thus, less violent assaults comprise the majority of the incidents.

There are differences by classification when looking at the timing of reports. Incidents of Sexual Assault I are less likely (76 or 14.4%) to be reported within 24 hours of the incident than incidents of Other Sexual Misconduct (470 or 26.4%). Conversely, incidents of Sexual Assault I are more likely to be reported at the end of the semester or longer (154 or 29.1%) than Other Sexual Misconduct (239 or 13.4%). These results may be due to the sensitive nature of Sexual Assault I wherein victim's response and action may be delayed by their trauma.

Statewide, almost no Sexual Assault I incidents were reported to have occurred off campus. These incidents were more likely to occur on campus (187 or 35.3%) or at an off-campus school-sponsored activity or event (251 or 47.4%). Conversely, a much higher proportion of Other Sexual Misconduct occurred off campus (804 or 45.2%). These trends may be affected by the nature of the incidents; actions categorized under Other Sexual Misconduct are more likely to occur off campus (e.g., domestic and dating violence, stalking) or be location-less (e.g., cyberstalking, forms of harassment over social media). Incidents of Sexual Assault I may be more likely to occur in on-campus housing or in locations such as at events held at Greek life chapter houses, which are often overseen by the institution.

Data also reveal that incidents of Sexual Assault I are more likely (131 or 24.8%) to be reported to sworn police officers than the overall statewide data reflects (20.2% statewide). This trend is likely the result of the fact that these incidents are criminal offenses. Title IX officers may choose to report them to law enforcement in an effort to launch a criminal investigation.

Differences emerge by classification when looking at data on the types of incidents involving non-student perpetrators. For example, persons not affiliated with the institution (such as a domestic partner or a visitor) represented nearly three-fifths (60.8% or 163) of the Sexual Assault I incidents perpetrators. By contrast, someone affiliated with the institution (e.g., faculty or staff) was involved in very few of these incidents. Most telling is the fairly high proportion of Sexual Assault I and II incidents in which details of the non-student perpetrator are unknown (34.0% and 44.6% respectively). Title IX staff report that often the lack of information in reports arises when the victim either does not know the affiliation of the perpetrator or will not reveal these details as part of the initial report.

²³ Due to differences in reporting by one institution, statewide totals by classification sum to 2,688 but the remainder of data reflects totals of 2,655 or a subset thereof. See footnote 19 for more details.

Data also show that victims of Sexual Assault I were more likely to be offered alternative housing (44 or 8.3%), referral to counseling/health services (383 or 72.4%), and referral to off-campus resources such as a rape crisis center (175 or 33.1%) as compared to the overall statewide figures. They were also more likely to receive other accommodations (98 or 18.5%), which might include tuition waivers and refunds, referrals to a crime victim advocate, and security escort services.

There were some notable differences by type of incident regarding outcomes of initial investigations when compared to the overall statewide data (Figure 1). A greater proportion of Sexual Assault I (101 or 19.1%) and Sexual Assault II incidents (63 or 18.1%) had a formal investigation completed and were much less likely, when compared to the statewide data overall, to be resolved by informal resolution (12 or 2.3% for Sexual Assault I and 13 or 3.7% for Sexual Assault II). In addition, incidents of Sexual Assault I were more likely to go unresolved because either the institution had no authority over the perpetrator (138 or 26.1%) or the victim did not want to move forward with a more formal process (134 or 25.3%).

Compared to the overall statewide data, a greater percentage of Sexual Assault I incidents resulted in formal complaints (143 or 27.0%) yet these formal complaints resulted in fewer cases in which the perpetrator was found responsible (49 or 34.3%). A much greater proportion (39 or 53.4%) of Sexual Assault II incidents resulted in a perpetrator being found responsible.

Outcomes for perpetrators of Sexual Assault I incidents were much more severe than other classifications of incidents. Perpetrators were more likely to be suspended (49.0%), expelled (38.8%), face a housing restriction (32.7%) and access restrictions (42.9%). In addition, they were more likely to appeal the finding of responsibility.

Table 2 summarizes the data by incident type for all 48 institutions that submitted data to MHEC.

Table 2: Aggregated Incident Data by Incident Type - All Maryland Colleges and Universities			
	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Total number of incidents classified reported to Title IX staff or other appropriate institution designee	533	350	1,805
# incidents reported:			
by complainant	173	109	546
by witness	*	*	59
anonymously	< 25	*	18
by responsible employee	254	184	899
other	82	43	255
Incidents reported within 24 hours	76	68	470
Incidents reported within the same semester	231	155	804
Incidents reported after the end of the semester or longer	154	75	239
Timing of incident report unknown	68	51	264
Incident location: On campus	187	162	470
Incident location: Off campus	*	< 25	804
Incident location: School-sponsored off-campus activity/event	251	104	239
Incident location: Undisclosed	< 100	< 100	264
# of incidents reported to sworn law enforcement officer (to knowledge of Title IX coordinator)	131	63	343
# that involved one or more non-student perpetrators	268	157	824
Of those that involved non-student perpetrators:			
# that involved faculty or staff (or otherwise affiliated with the campus)	*	< 50	251
# that involved persons not affiliated with the campus in any way (visitor, domestic partner, stranger)	163	61	360
# that involved both affiliated and unaffiliated individuals	*	*	113
# in which affiliation unknown	91	70	100
Accommodation: Alternative housing	44	18	70
Accommodation: Referral to counseling/health services	383	240	1,217
Accommodation: No-contact or stay order	124	73	376
Accommodation: Interim suspension	17	13	28
Accommodation: Off campus resources (e.g. rape crisis center)	175	71	268
Accommodation: Additional training or support	217	118	620
Accommodation: Academic accommodations (test rescheduling, class scheduling, etc.)	94	64	312
Accommodation: Other	98	40	194

Table 2, continued

	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Of reported incidents:			
# in which formal investigation completed	101	63	203
# in which not enough information provided	117	119	581
# in which no authority over perpetrator	138	49	294
# in which complainant did not want to move forward	134	81	351
# in which informal resolution found	12	13	207
# in which formal investigation still in progress	15	12	36
# other	12	12	105
Formal complaint totals			
Total number of incidents resulting in formal complaints	143	73	323
# of formal complaints in which one or more perpetrators were found responsible	49	39	128
Outcome after perpetrator(s) found responsible:			
Suspension	24	*	23
Expulsion	19	*	18
Alternative resolution	*	*	11
Housing restriction	16	*	*
Disciplinary warning	*	*	20
Disciplinary probation	13	*	29
Access restrictions	21	12	32
Non-contact order	23	27	69
Administration of fines	*	*	0
Education/writing	11	15	32
Other	17	17	31
# of formal complaints in which finding of responsibility was appealed	23	11	11
Final result of appeal:			
# Affirmed	19	11	*
# Overturned	*	*	0
# Modified	*	0	*
# Other	*	0	*
# of formal complaints in which a finding of non-responsibility was appealed	*	*	*

Table 2, continued

	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Final result of appeal:			
# Affirmed	*	*	*
# Overturned	*	0	*
# Modified	*	0	*
# Other	0	0	0
# of formal complaints in which a sanction was appealed	< 25	*	15
Final result of appeal:			
# Affirmed	< 25	*	11
# Overturned	0	0	0
# Modified	*	*	*
# Other	*	*	*

Note: All figures of ten or fewer are indicated with *; complementary suppression is applied where needed to protect privacy. The number of accommodations totals more than the number of incidents because multiple accommodations were made for each incident; the count of results of formal complaints by type exceeds the total number of formal complaints because more than one outcome could occur for each formal complaint.

Incident data for Maryland’s public and state-aided independent institutions can be found in the appendices. In Appendix B, Tables 3 through 5 contain aggregated incident data for public four-year institutions, community colleges, and state-aided independent institutions respectively.

In addition, MHEC received submissions from seven private institutions that are not state-aided. These seven institutions include religious institutions and for-profit institutions. These institutions, combined, reported fewer than 10 incidents of sexual assault or other sexual misconduct. The majority of cases involved one or more non-student perpetrators, and were reported as occurring off campus. Few of the incidents resulted in formal complaints. These results reflect the unique nature of these institutions (e.g., vocational, religious) and their small enrollment size. Although their aggregated data is not summarized in a separate table, their incident report data are aggregated with the statewide totals, and their survey data were analyzed and included in the previous findings section of this report.

Conclusions

As discussed earlier, the statewide total number of reported incidents for the 2016-2018 cycle was 2,688. From this, a statewide annual average of 1,344 incidents can be calculated. This constitutes 0.003% of the 2017 Maryland college student enrollment for the reporting institutions (468,348 undergraduate and graduate students).²⁴ Put another way, these data reflect that

²⁴ 2017 IPEDS 12-month Enrollment: Unduplicated Headcount by Level of Student.

approximately three out of every 1,000 students reported a sexual assault or other instance of sexual misconduct in an academic year.²⁵

The annual average of 1,344 incidents is higher than the number of incidents reported in the 2016 cycle (1,057).²⁶ This increase in reported incidents could be the result of a number of factors, including increases in the prevalence of sexual assault and other sexual misconduct.

State and federal data bears this latter point out. Statewide, crime statistics show an increase in reported rapes for its most recent years of reporting.²⁷ This is despite an overall decrease in other crimes over the same time.²⁸ National data on campus safety and security from the U.S. Department of Education reveals that reports of incidents of rape, dating violence, domestic violence, sexual assault, fondling, and stalking increased from 2015 to 2016 on Maryland's college and university campuses.²⁹

Another driver of the increase in the number of reported incidents may be because victims are more confident about reporting incidents to proper authorities and are more knowledgeable about and more comfortable in seeking support from campus services. The survey data supports this theory in that, overall, institutional reports reflect an increase in the awareness of resources on campus the processes involved in reporting an incident to authorities.

In addition, the increased number of reported incidents could be tied to the role responsible employees play. The incident data revealed that the majority of incidents reported were done so by responsible employees. The survey narrative reports indicated institutions had focused training and support on the staff and faculty who fulfill this role. Therefore, it is possible that the improved training for responsible employees helped drive up these numbers for the 2016-2018 cycle as well.

The results of analysis of the incident data and survey narrative reports show that most respondents report feeling safe on campus and believe that their institutions tries to keep them safe. Of those who are victims of sexual assault and other sexual misconduct, the majority of them are victimized by acts of domestic and dating violence, stalking, harassment and intimidation. These findings mirror research that shows that a greater number of students report being victims of harassment or other forms of misconduct at higher rates than sexual assault.³⁰

²⁵ This figure does not take into account that one student could report more than one incident of sexual assault or other sexual misconduct in an academic year.

²⁶ The 2016 reporting cycle was approximately 11 months long for most institutions; the legislation went into effect July 1, 2015 and most institutions ended their reporting cycle in May 2016, in advance of the June 1, 2016 deadline.

²⁷ The latest years of data available are 2015 and 2016.

²⁸ GOCCP (Governor's Office of Crime Control and Prevention) Data Set obtained July 30, 2018 at <https://data.maryland.gov/Public-Safety/Violent-Crime-Property-Crime-Statewide-Totals-1975/hyg2-hy98>.

²⁹ These data are collected and reported by institutions of higher education as required by the Violence Against Women Reauthorization Act of 2013 (VAWA) and the Clery Act; they include incidents that occur on campus, off campus, on public property, and in campus housing.

³⁰ See AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct (2015) at <http://www.aau.edu/sites/default/files/%40%20Files/Climate%20Survey/Executive%20Summary%2012-14-15.pdf> and Fedina, Lisa, Jennifer Lynne Holmes, and Bethany L. Backes. "Campus sexual assault: A systematic review of prevalence research from 2000 to 2015." *Trauma, violence, & abuse* 19, no. 1 (2018): 76-93 at <http://journals.sagepub.com/doi/abs/10.1177/1524838016631129>.

That said, estimates of prevalence of sexual assault on college campuses are difficult to determine. The variability is due, in large part, to differences in measurement and definitions of sexual assault among studies. Many studies involve a single campus or a set of campuses; no national study has been conducted.

Despite the absence of national data, much can be gleaned by research that has been conducted. The findings from most studies of sexual assault and sexual misconduct suggest that these offenses are underreported for a variety of reasons. As noted above, some students may not report incidents because they believe that the incident is no business of the institution or they may not know the perpetrator. In other cases, a survivor's feelings of shame or a fear of re-victimization may affect their choices. Scholarly research and the results of surveys bear this out.³¹

The analysis also reveals that not all incidents that are reported result in formal complaints, and even fewer are known to be reported to sworn law enforcement. While Title IX coordinators are required to investigate all reported incidents of sexual assault and other sexual misconduct, the survivor, in most cases, has a say in the post-investigation outcomes such as filing a formal complaint and imposing sanctions. In fact, the incident data from this cycle revealed that a number of reported incidents did not move forward because the survivor chose not to pursue a formal complaint. For those that do, they may opt not to have the perpetrator face such sanctions as expulsion or suspension. Survivors often have full say as to whether the incident is reported to law enforcement and investigated formally by the police. This trauma-informed approach allows institutional officials to best meet the needs of the survivor and reduces the chances of re-victimizing him or her or causing further harm. It also illustrates the complexity of sexual assault on college campuses and the difficulty colleges face in preventing violence that may be widespread but not reported to authorities.

Within this environment, Maryland's colleges and universities report implementing prevention and education efforts aimed at both reducing the prevalence of incidents and increasing awareness of the role all students and employees play in maintaining a safe, supportive environment. All institutions see training and education as a key component of their comprehensive strategy on addressing sexual assault and misconduct. Much of the work seems to be driven by the Title IX office, often with partners across campus from student affairs, campus safety, and health services.

Institutions acknowledge that the more complicated work of improving the overall campus climate requires a more comprehensive and long-term strategy. Perceptions of campus climate

³¹ Krebs, Christopher P., Christine H. Lindquist, Tara D. Warner, Bonnie S. Fisher, and Sandra L. Martin. "The Campus Sexual Assault (CSA) Study." US Department of Justice (2008) at http://www.innovations.harvard.edu/sites/default/files/Presentation-Krebs_0.pdf; Holland, Kathryn J., and Lilia M. Cortina. "'It happens to girls all the time': Examining sexual assault survivors' reasons for not using campus supports." *American Journal of Community Psychology* 59, no. 1-2 (2017): 50-64 at https://deepblue.lib.umich.edu/bitstream/handle/2027.42/136479/ajcp12126_am.pdf?sequence=2&isAllowed=y; Sinozich, Sofi and Lynn Langton. "Rape and Sexual Assault Victimization among College-Age Females, 1995 – 2013." [www.bgs.gov. http://www.bjs.gov/content/pub/pdf/rsavcaf9513.pdf](http://www.bjs.gov/content/pub/pdf/rsavcaf9513.pdf).

include the attitudes and beliefs held by members of the institutional community (students, faculty, and staff) regarding the issues of sexual assault and sexual violence. As this analysis revealed, perceptions of institutional climate can be affected by incidents occurring in the larger community, statewide, or nationally. Those incidents that make the national news such as school shootings, violent protests on college campuses, and student-on-student violence may increase student anxiety and fear overall, making them less trusting of those on college campuses whose role is to protect them. Institutions cannot stop these national incidents from happening but can work to create an environment in which students feel that they can share how they feel and see the important role they can play in confronting injustices and helping keep fellow students safe. Communicating that all can play a role in creating an inclusive supportive environment can help improve the overall campus climate for all students.

Campus climate surveys can help improve understanding of the campus community and its needs. The data that result from these efforts are of greatest help at the institutional level because the findings can affect immediate change and help in longer-term planning. As an assessment tool, surveys can help the institution determine whether the policies and practices implemented have made a difference, allowing for faster adaptation.

In sum, the institutional survey narratives and incident data collected from the 2016-2018 cycle continue to assist both the institutions and the State in addressing the issue of sexual assault and violence on college campuses. Institutions continue to improve programming, education, and training, while addressing longer term issues tied to the larger campus climate and students feelings of support and care. The State of Maryland and its colleges and universities continue to be a leader in the nation's in efforts to address the issues of sexual violence on campuses.³²

³² ³² Maryland Coalition Against Sexual Assault (MCASA). "2018 Legislative Priorities." Accessed September 4, 2018. <https://mcasa.org/law-public-policy/legislative-agenda/>.

Appendix A - Survey Methods Employed by Institutions

For the 2018 cycle, institutions were given the discretion to choose the survey instrument, the population to survey, and the methods by which to administer the survey. Over half of the institutions reported using the instrument MHEC provided, making modifications as needed to tailor the survey to their institutional needs. Other institutions chose to purchase survey instruments from vendors, utilize their own instruments, or join a national consortium (e.g., the Higher Education Data Sharing Consortium or HEDS) that offer a standard instrument and additional comparative analysis. Due to the discretion institutions were given regarding their survey instrument selection and the resulting differences in data, MHEC did not require institutions to share their survey data. Instead, institutions were required to ensure their instrument would enable them to provide a thorough report to MHEC in regard to the major areas of the narrative report.

The majority of institutions surveyed solely undergraduate students, but a handful included graduate students, faculty, staff, and/or administrators in the survey population as well. Some institutions randomly selected their survey sample and others distributed the survey to the entire population. Still others pinpointed specific targeted populations to survey such as all students enrolled in a series of entry-level classes or all students within a specific age range (e.g., 18 – 24 year old students only). Most institutions reported a response rate between 5% and 20%, with some obtaining response rates closer to 30% to 50%. Many reported improved response rates from the 2016 cycle, crediting improved marketing, increased incentives, and more strategic sampling methods as likely drivers of change.

MHEC asked institutions to compare their respondent pool to their survey sample, noting the representativeness of their respondents to their campus community. Some institutions indicating that their low response rates made them cautious to consider the respondent pool reflective of the larger survey population, and almost all institutions noted that their respondent pools had greater proportions of female and white respondents than the overall campus community. Despite these challenges, all institutions reported on the value of the survey data in better understanding students' perceptions of the campus climate and their knowledge of campus resources and the role of Title IX.

The vast majority of institutions implemented an electronic survey delivered via email to the survey sample(s) or population(s). Often, institutional leaders such as the president or the dean of students communicated to the selected population in advance of the survey, inviting students to participate and reminding recipients to complete the survey.

Institutions relied on a series of Likert scale prompts (e.g., asking students to score on a scale of “strongly disagree” to “strongly agree”) to obtain their survey results. To elicit perceptions of the general campus climate, Likert scale prompts such as “I feel valued in the classroom,” “the institution does enough to protect the safety of students,” and “I feel I am a part of this college” were used in the majority of surveys in an effort to elicit responses. Some institutions also added comment boxes to further understand the respondents' perceptions of the overall campus climate.

The same scaled questions were used to elicit responses regarding students' perceptions of institutions' readiness and ability to address issues of sexual violence. For many institutions, prompts included such items as "If a crisis happened on campus, the college would handle it well" and "College officials handle incidents in a fair and responsible manner" with a scale of strongly disagree to strongly agree presented. In addition, a number of institutions had specific items about perceptions of how the campus might handle situations of sexual assault and sexual violence. These included: "The college/university would take the sexual assault report seriously" and "If requested by the individual, the college/university would forward the report to criminal investigators (for example the police)."

Lastly, some institutions did ask about experiences of sexual assault or other sexual misconduct. These questions sought to find out more about the prevalence of incidents of sexual assault on campus and the reasons respondents may or may not have shared details of the incident with anyone. Several institutions used these results, in combination with their incident data, to more fully understand the complexity of reporting sexual assault on their campus and to better direct their resources and staff to address issues tied to underreporting.

A sample of the model survey distributed by MHEC is included in Volume 2.

Appendix B – Additional Statewide Tables

Table 3: Aggregated Incident Data - All Maryland Public Four-Year Institutions			
	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Total number of incidents classified reported to Title IX staff or other appropriate institution designee	295	230	1,059
# incidents reported:			
a. by complainant	75	46	265
b. by witness	*	*	< 50
c. anonymously	*	*	*
d. by responsible employee	145	137	527
e. other	62	39	226
Incidents reported within 24 hours	40	35	221
Incidents reported within the same semester	132	100	497
Incidents reported after the end of the semester or longer	77	49	129
Timing of incident report unknown	46	46	212
Incident location: On campus	94	91	487
Incident location: Off campus	*	*	20
Incident location: School-sponsored activity	138	69	303
Incident location: Undisclosed	< 75	< 75	249
# of incidents reported to sworn law enforcement officer (to knowledge of Title IX coordinator)	92	44	259
# that involved one or more non-student perpetrators	147	113	515
# that involved faculty or staff (or otherwise affiliated with the campus)	*	*	137
# that involved persons not affiliated with the campus in any way (visitor, domestic partner, stranger)	79	44	214
# that involved both affiliated and unaffiliated individuals	*	*	111
# in which affiliation unknown	58	62	53
Accommodation: Alternative housing	12	*	34
Accommodation: Referral to counseling/health services	198	140	786
Accommodation: No-contact or stay order	57	35	183
Accommodation: Interim suspension	*	*	*
Accommodation: Off campus resources (e.g. rape crisis center)	86	40	160
Accommodation: Additional training or support	70	54	323
Accommodation: Academic accommodations (test rescheduling, class scheduling, etc.)	18	16	84
Accommodation: Other	23	*	79

Table 3, continued

	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Of reported incidents:			
# in which formal investigation completed	46	31	90
# in which not enough information provided	88	101	433
# in which no authority over perpetrator	63	33	156
# in which complainant did not want to move forward	74	44	180
# in which informal resolution found	*	*	99
# in which formal investigation still in progress	13	*	26
# other	*	*	75
Formal complaint totals			
Total number of incidents resulting in formal complaints	87	48	197
# of formal complaints in which one or more perpetrators were found responsible	27	21	63
Outcome after perpetrator(s) found responsible:			
Suspension	12	*	*
Expulsion	*	*	*
Alternative resolution	*	0	*
Housing restriction	*	*	*
Disciplinary warning	0	*	*
Disciplinary probation	*	*	16
Access restrictions	*	*	*
Non-contact order	11	13	25
Administration of fines	*	0	0
Education/writing	*	*	18
Other	*	*	17
# of formal complaints in which finding of responsibility was appealed	15	*	*
Final result of appeal			
# Affirmed	14	*	*
# Overturned	0	0	0
# Modified	*	0	0
# Other	*	0	0
# of formal complaints in which a finding of non-responsibility was appealed	*	0	*

Table 3, continued

	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Final result of appeal:			
# Affirmed	*	0	0
# Overturned	0	0	*
# Modified	0	0	0
# Other	0	0	0
# of formal complaints in which a sanction was appealed	*	*	*
Final result of appeal:			
# Affirmed	*	*	*
# Overturned	0	0	0
# Modified	0	*	*
# Other	*	0	0

Note: All figures of ten or fewer are indicated with *; complementary suppression is applied where needed. The number of accommodations totals more than the number of incidents because multiple accommodations were made for each incident; the count of results of formal complaints by type exceeds the total number of formal complaints because more than one outcome could occur for each formal complaint.

Table 4: Aggregated Incident Data - All Maryland Community Colleges			
	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Total number of incidents classified reported to Title IX staff or other appropriate institution designee	39	23	285
# incidents reported:			
by complainant	*	11	92
by witness	0	*	*
anonymously	*	0	0
by responsible employee	24	*	152
other	*	*	*
Incidents reported within 24 hours	*	11	119
Incidents reported within the same semester	13	*	116
Incidents reported after the end of the semester or longer	17	*	< 25
Timing of incident report unknown	*	*	*
Incident location: On campus	*	17	183
Incident location: Off campus	0	*	*
Incident location: School-sponsored off-campus activity/event	33	*	56
Incident location: Undisclosed	*	0	*
# of incidents reported to sworn law enforcement officer (to knowledge of Title IX coordinator)	13	12	48
# that involved one or more non-student perpetrators	30	12	82
Of those that involved non-student perpetrators:			
# that involved faculty or staff (or otherwise affiliated with the campus)	*	*	24
# that involved persons not affiliated with the campus in any way (visitor, domestic partner, stranger)	23	*	47
# that involved both affiliated and unaffiliated individuals	*	0	*
# in which affiliation unknown	*	*	*
Accommodation: Alternative housing	0	*	*
Accommodation: Referral to counseling/health services	25	17	129
Accommodation: No-contact or stay order	*	12	78
Accommodation: Interim suspension	*	*	21
Accommodation: Off campus resources (e.g. rape crisis center)	19	*	46
Accommodation: Additional training or support	25	*	43
Accommodation: Academic accommodations (test rescheduling, class scheduling, etc.)	*	*	20
Accommodation: Other	*	*	38

Table 4, continued

	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Of reported incidents:			
# in which formal investigation completed	*	11	61
# in which not enough information provided	*	*	58
# in which no authority over perpetrator	22	*	35
# in which complainant did not want to move forward	*	*	40
# in which informal resolution found	*	*	58
# in which formal investigation still in progress	*	*	*
# other	0	0	*
Formal complaint totals			
Total number of incidents resulting in formal complaints	*	13	78
# of formal complaints in which one or more perpetrators were found responsible	*	*	44
Outcome after perpetrator(s) found responsible:			
Suspension	0	*	11
Expulsion	*	0	*
Alternative resolution	0	*	*
Housing restriction	0	*	0
Disciplinary warning	0	*	*
Disciplinary probation	0	*	*
Access restrictions	0	*	19
Non-contact order	0	*	30
Administration of fines	0	0	0
Education/writing	0	*	*
Other	*	*	*
# of formal complaints in which finding of responsibility was appealed	0	*	*
Final result of appeal:			
# Affirmed	0	*	0
# Overturned	0	0	0
# Modified	0	0	*
# Other	0	0	0
# of formal complaints in which a finding of non-responsibility was appealed	0	0	0

Table 4, continued

	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Final result of appeal:			
# Affirmed	0	0	0
# Overturned	0	0	0
# Modified	0	0	0
# Other	0	0	0
# of formal complaints in which a sanction was appealed	0	*	*
Final result of appeal:			
# Affirmed	0	*	*
# Overturned	0	0	0
# Modified	0	0	*
# Other	0	0	0

Note: All figures of ten or fewer are indicated with *; complementary suppression is applied where needed. Due to changes in the reporting template in the 2018 reporting cycle, one community college was unable to provide complete data. Therefore, segment totals by classification sum to 347, but detailed breakouts reflect a total of 314. The number of accommodations totals more than the number of incidents because multiple accommodations were made for each incident; the count of results of formal complaints by type exceeds the total number of formal complaints because more than one outcome could occur for each formal complaint.

Table 5: State-Aided Independent Colleges and Universities

	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Total number of incidents classified reported to Title IX staff or other appropriate institution designee	199	97	454
# incidents reported:			
a. by complainant	92	52	184
b. by witness	*	*	15
c. anonymously	*	*	15
d. by responsible employee	85	38	219
e. other	17	*	21
Incidents reported within 24 hours	33	< 25	130
Incidents reported within the same semester	86	47	186
Incidents reported after the end of the semester or longer	60	24	95
Timing of incident report unknown	20	*	43
Incident location: On campus	92	54	281
Incident location: Off campus	*	*	11
Incident location: School-sponsored activity	80	31	100
Incident location: Undisclosed	< 50	*	62
# of incidents reported to sworn law enforcement officer (to knowledge of Title IX coordinator)	26	*	35
# that involved one or more non-student perpetrators	91	32	221
# that involved faculty or staff (or otherwise affiliated with the campus)	*	11	86
# that involved persons not affiliated with the campus in any way (visitor, domestic partner, stranger)	61	15	97
# that involved both affiliated and unaffiliated individuals	*	*	*
# in which affiliation unknown	29	*	< 50
Accommodation: Alternative housing	32	*	32
Accommodation: Referral to counseling/health services	160	83	302
Accommodation: No-contact or stay order	64	26	115
Accommodation: Interim suspension	*	*	0
Accommodation: Off campus resources (e.g. rape crisis center)	70	24	61
Accommodation: Additional training or support	122	58	254
Accommodation: Academic accommodations (test rescheduling, class scheduling, etc.)	74	43	208
Accommodation: Other	74	31	77

Table 5, continued

	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Of reported incidents:			
# in which formal investigation completed	52	21	51
# in which not enough information provided	24	16	90
# in which no authority over perpetrator	53	15	101
# in which complainant did not want to move forward	56	30	131
# in which informal resolution found	*	*	50
# in which formal investigation still in progress	*	*	*
# other	*	*	< 50
Formal complaint totals			
Total number of incidents resulting in formal complaints	51	25	47
# of formal complaints in which one or more perpetrators were found responsible	21	*	21
Outcome after perpetrator(s) found responsible:			
Suspension	12	*	*
Expulsion	*	*	*
Alternative resolution	0	0	*
Housing restriction	*	*	*
Disciplinary warning	*	0	*
Disciplinary probation	*	*	*
Access restrictions	14	*	*
Non-contact order	12	*	14
Administration of fines	*	0	0
Education/writing	*	*	*
Other	*	*	*
# of formal complaints in which finding of responsibility was appealed	*	*	*
Final result of appeal			
# Affirmed	*	*	*
# Overturned	*	0	0
# Modified	*	0	0
# Other	*	0	*
# of formal complaints in which a finding of non-responsibility was appealed	*	*	*
Final result of appeal:			
# Affirmed	*	*	*
# Overturned	*	0	*
# Modified	*	0	0
# Other	0	0	0

Table 5, continued

	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
# of formal complaints in which a sanction was appealed	*	*	*
Final result of appeal:			
# Affirmed	*	*	*
# Overturned	0	0	0
# Modified	*	0	*
# Other	*	0	*

Note: All figures of ten or fewer are indicated with *; complementary suppression is applied where needed. The number of accommodations totals more than the number of incidents because multiple accommodations were made for each incident; the count of results of formal complaints by type exceeds the total number of formal complaints because more than one outcome could occur for each formal complaint.