

Annual Security Report

The Student Right-to-Know and Campus Security Act, (Public Law 101-542) requires colleges and universities to report the following: (1) an annual campus security report to include crime prevention issues and sex offense policies (2) statistics on the number of specified crimes (murder, forcible or nonforcible sex offenses including rape, robbery, aggravated assault, burglary and motor vehicle theft) and the number of arrests for liquor law violations and weapons possessions, which have occurred on campus or reported to local police authorities. Paper copies of the report are available by request to the Office of Student Life and a pdf copy is available here

https://mycapitol.captexu.edu/ICS/icsfs/2021_Annual_Security_Report_with_2020_Crime_Statis.pdf?target=c8ac1d3a-a5f6-4d13-8490-b0e2e5d6db51

1. Crime Statistics

Offense	Year	On-campus Property	Residential Facilities	Non-campus Residential Facilities	Public Property
Murder/ Non-negligent manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Negligent manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Rape	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Fondling	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Incest	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Robbery	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Aggravated assault	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Burglary	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Motor vehicle theft	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Arson	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

VAWA Offenses

Offense	Year	On-campus Property	Residential Facilities	Non-campus Residential Facilities	Public Property
Domestic Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Dating Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

Stalking	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

Hate Crimes

2018: One on-campus vandalism or destruction of property incident characterized by gender bias.

2019: None

2020: None

There were no hate crimes in the Residential Facilities, Non-campus Residential Facilities, or Public Property in 2018, 2019, or 2020.

Arrest Statistics

Offense	Year	On-campus Property	Residential Facilities	Non-campus Residential Facilities	Public Property
Illegal weapons possession	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug law violations	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Liquor law violations	2015	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Disciplinary Action Statistics

Offense	Year	On-campus Property	Residential Facilities	Non-campus Residential Facilities	Public Property
Illegal weapons possession	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug law violations	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Liquor law violations	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

Fire Reports

Name of Facility	Year	Fires	Injuries	Deaths
Campus Apartments	2018	0	0	0

Name of Facility	Year	Fires	Injuries	Deaths
Innovators Hall	2019	0	0	0
	2020	0	0	0

2. Policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus.

Emergencies requiring police, fire or medical aid can be reported in person or by dialing 911 from any phone on campus. Telephones located on the campus (private or public) are tied to the 911 emergency system. In order to report a crime or public safety emergency, contact the campus security staff at 301-938-2928 every day of the week. Security patrols the campus and often is posted at the entrance of the campus by in the guard booth. Residential life staff can be reached any time of the university is open at 301-655-2116 for incidents that occur in the residence halls.

In response to a call or report, a security guard or staff member will take the necessary action, which can include calling 911, gathering staff members, or contacting the Prince George's County police or fire department. After any initial emergency or immediate response is concluded, the staff member involved must complete an incident report and provide it to the director of student life. The director of student life can file the report for informational purposes, including inclusion in the annual security report, or can initiate campus conduct proceedings including an investigation based on the report.

For the purpose of providing timely warnings to the campus community, occurrences of murder and non-negligent manslaughter, negligent manslaughter, forcible sex offenses, nonforcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson and arrests for liquor law violations, drug law violations and illegal weapons possession should be reported to Jason Kilmer, dean of students, (deanofstudents@captechu.edu or 240-965-2497); security; director of student life and residential services, Jaycee Kusko (studentlife@captechu.edu or 240-965-2491) and the assistant director of residential services, Alexis Daniels (residencelife@captechu.edu 240-965-2488).

The Office of Student Life is responsible for the timely warning of the campus community of occurrences of murder and non-negligent manslaughter, negligent manslaughter, forcible sex offenses, nonforcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson and arrests for liquor law violations, drug law violations and illegal weapons possession. In the event that such an offense is alleged to have occurred on campus, the vice president of student engagement or her designee will use the campus email system, campus mail system and fliers to notify campus of the alleged occurrence. If there is reason to believe there is an ongoing and immediate threat to the campus community the text notification system, Business Notifier, will be used to notify registered users.

The dean of students is responsible for the compilation of the annual security report. The dean of students maintains a log tracking the number of reported occurrences of murder and non-negligent manslaughter, negligent manslaughter, forcible sex offenses, nonforcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson and arrests for liquor law violations, drug law violations and illegal weapons possession. The vice president of student engagement also monitors public information about crime within 5 miles of campus to provide statistics based on reports made to the local police and arrests made on campus. The final report is reviewed and revised by the executive council and distributed to the campus community.

A report of a criminal offense should be made to at least one of the following: vice president of student engagement; security; and the director of student life and residential services; assistant director of residential services; director of human resources.

Victims or witnesses may make a confidential report of a crime for inclusion in the annual disclosure of crime statistics by submitting a Confidential Crime Report Form. This form is available on the Student Life tab of MyCapitol and hardcopies are available in the Office of Student Life and outside of the Office of Registration and Records. The university will investigate all reports of crimes which occurred on campus or in university controlled locations. However, no effort will be made to determine the identity of any individual who made the confidential report. Without identifying information from the victim or witness the investigation is expected to be substantially impeded.

3. Policies concerning the security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

Capitol is a very open campus that provides easy access to and from its buildings. Most buildings are open to members of the campus community during normal operating hours, 7:30 a.m. to 10:30 p.m., Monday through Thursday. On Friday and Saturday, buildings are open for classes from 9 a.m. to 5 p.m.

Capitol's campus residence, Innovators' Hall is secured 24 hours a day. All residents are issued an electronic key which provides access to the building and their personal apartment. The electronic key systems logs which key is used at entry to the building and entry to the

apartment units. Common areas of the residence hall (lounges, laundry rooms, hallways, stairwells, entry ways, etc...) are monitored by video cameras which record up to 30 days of activity. The building has 50 apartments, which open to common hallways. Apartment unit doors remain locked at all times, residents must use an electronic key to enter the apartment and guests must be admitted by a resident or an individual in the apartment. Residents are also issued a key to their room. Students are advised not to give their keys to other individuals and the improper use of keys is a violation of campus policy. It is against university policy to leave guests unattended in the residence hall, and all overnight guests must sign in with the resident assistant on duty.

Capitol maintains a strong commitment to the safety and security of its campus. The campus is designed to promote safety and reduce criminal opportunity. Every effort is made to ensure that campus buildings, facilities and grounds are well maintained and safe. By maintaining adequate exterior lighting in parking lots and on pedestrian walkways, the college strives to enhance the safety of its campus.

Campus safety is greatly enhanced by the services of the Capitol Physical Plant Department, which regularly surveys facilities and submits recommendations concerning security deficiencies such as defective locks on doors, open windows and lighting malfunctions. Members of the campus community are encouraged to report any deficiencies in lighting to the Physical Plant Department.

An unarmed security officer is on duty at the campus 24 hours a day, providing escort services at the request of students. This officer secures the main building at 11 p.m. checking all rooms and offices and locking all inside and outside doors. The security officer then patrols the campus on foot and continues these patrols once every half hour. The phone number for security is posted in each classroom and apartment. The phone number for the residence life staff is posted in each apartment.

4. Policies concerning campus law enforcement

Because of the size of the student body (about 700), the small number of administrators, faculty and staff (55), the relatively isolated campus site and a virtually crime-free history, there has been no need for a full-security force at Capitol. The university is sensitive to the safety needs of its students and employees and has worked with the county police to institute security policies that are best suited to this institution.

Capitol employs a security firm to patrol the campus. These individuals enforce Capitol's policies regarding student conduct on campus and ensure that the academic buildings are locked and secure at the end of the day. In addition, the resident assistants receive comprehensive training as part of the conditions of their employment. One module of this training includes dealing with crisis and the appropriate method for reporting safety and security violations. The professional staff from the office of student life is on call to the resident assistants should they need assistance in assessing any situation. Capitol does not employ anyone with the authority to arrest individuals participating in criminal action. Capitol's security officers, resident assistants, director of student life and residential services, assistant director of residential services or vice president of student engagement report any crimes committed against the university and encourage students to report any crimes committed against an individual to the Prince George's County Police Department. There are currently no memorandums of understandings between the university and local law enforcement regarding the investigation of crimes. Capitol will pursue crimes as violations of the Code of Community Standards and will encourage students to report crimes to local law enforcement.

Capitol does not provide pastoral or professional counseling; therefore, there are no policies in place directing such individuals to advise students of the procedures to voluntarily and confidentially report crimes.

5. A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

Capitol provides personal safety training, as well as, training related to responding to significant life threatening events which may occur on campus to students during Orientation each Fall.

6. A description of programs designed to inform students and employees about the prevention of crimes.

Each year during the residence hall meeting, resident assistants encourage residents to lock their doors at all times. The residence life staff discusses the potential loss of property and issues of personal safety, which can be prevented by simply locking all doors at all times and limiting key usage to those individuals who live in the apartment or room. Each year the residence life staff uses

passive programming such as fliers and random checks to reinforce the importance of locking doors. Additionally, each year during time periods that traditionally coincide with higher incidents of crime, memos and email are used to remind students, faculty and staff to be aware of the potential for crime and how to take responsibility for their own safety and security. Finally, during orientation and student leader training workshops on bystander intervention are presented to increase student confidence for intervening prior to the occurrence of crimes or conflict.

7. A statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at noncampus locations of student organizations officially recognized by the institution, including student organizations with noncampus housing facilities.

There are no officially recognized student organizations at off-campus locations.

8. A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.

The student conduct code of Capitol considers any violation of state liquor laws to be a violation of campus policy. Capitol's policy reads:

Alcohol

- a. Maryland law provides that a person commits an offense if he or she being less than 21 years of age, attempts to purchase, purchases, consumes or possesses any alcoholic beverages;
- b. It is unlawful for any person to sell, furnish or give any liquor or permit any liquor to be sold, furnished or given to anyone under 21 years of age;
- c. The consumption of alcoholic beverages in public places, including hallways and common areas or buildings on university grounds without authorization;
- d. Beer kegs, beer balls, any similar type of common source and their equivalent in volume of beer or alcohol content are not permitted in the residence halls or on campus without authorization;
- e. The use or possession of grain alcohol is prohibited;

Illegal/Addictive Drugs

- a. Capitol enforces drug policies which are consistent with state and federal statutes.
- b. The use, possession, manufacturing, sale or distribution of any illegal or controlled substance is prohibited.
- c. The use and possession of drug paraphernalia, including but not limited to blow tubes, rolling paper, pipes, etc., and items which promote the use of drugs is also prohibited.

All reported violations of campus policy are referred to the director of student life and residential services for conduct proceedings.

9. A description of any drug or alcohol-abuse education programs, as required under 120 (a) through (d) of the HEA, otherwise known as the Drug-Free Schools and Communities act of 1989

Capitol provides each employee and student with information regarding drug and alcohol abuse. This information includes the annual distribution of a document that states the college's drug and alcohol policy as stated above, a description of legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol, a description of health risks associated with drug and alcohol abuse, a description of counseling and treatment options. In addition, the following statement is included: "Capitol has standards of conduct that clearly prohibit the unlawful possession, use, or distribution of drugs and alcohol by students and employees on college property or as any part of the college's activities, and will impose sanctions for violations of such, up to and including expulsion or termination of employment and referral for prosecution."

All incoming campus students are required to participate in an opioid awareness and addiction prevention program. This program is provided in person during orientation. All incoming distance learners are provided with information regarding opioid awareness and addiction prevention.

10. A statement of policy regarding disclosure of results of disciplinary proceedings

The alleged victim of a crime of violence or a non-forcible sex offense or the alleged victim's surviving family may submit a written request for the disclosure of the results of any disciplinary proceeding related to the alleged crime or offense conducted by the University against a student who is the alleged perpetrator of such crime or offense.

In cases of domestic violence, dating violence, sexual assault or stalking the alleged violation(s) will be classified as a Community Standards Matter including Victimization. The conduct facilitator will notify both the respondent and complainant in writing of the panel's decision and the sanctions when matters are classified as a Community Standards Matter including Victimization. No written request for results will be necessary.

Disciplinary proceedings which do not meet either of the above policies will result in the disclosure of the results to the respondent and members of the faculty and staff who need to know the results in order to complete their duties.

11. A statement of policy regarding emergency response and evacuation procedures

An emergency is an incident or situation that threatens the loss of life or injury; the loss or destruction of property; and the disruption of normal operations. This can include man made or natural disasters. Emergency incidents are evaluated by the Emergency Response Team and classified according to their severity and potential impact. During life threatening emergencies the Emergency Response Team will work with local law enforcement to address the situation and mitigate risk.

An evacuation is defined as the emptying of an occupied areas and the transference of its occupants to a safe location. An evacuation is implemented under conditions when it is no longer safe for students, employees and visitors to remain in a building or a specific areas in a building. This situations requires occupants to move out and away from a building to a designated building are of refuge, or out and away from a specific areas within a building. An evacuation is commonly used when there is a suspected fire, hazardous material spill in a building. Evacuation procedures may also be used if the decision is made to evacuate after a Bomb Threat has been made.

Evacuation Procedures

- a. If fire or smoke is detected in the building, the nearest fire alarm should be pulled and 911 called.
- b. When the fire alarm sounds all occupants will follow the evacuation route, leave the building immediately and proceed to the pre-determined assembly area as outlined. After leaving the building, no one will be allowed to reenter until given permission by a member of the Emergency Team or the Fire Department.
- c. Elevators will not be used during an evacuation. Disabled persons requiring assistance will be taken to the fire exit stairwell and remain on the landing. Fire Department officials will be notified and will assist with the evacuation of these individuals.
- d. If smoke is encountered during an evacuation, stay low and crawl, if necessary.
- e. Predetermined Assembly Areas

Building	Assembly Area
MCI Hall	Center of Field
Telecom Hall	Center of Field
Avrum Gudelsky Auditorium	Center of Field
McGowan Academic Center	Parking lot in Rear of Building
MA-Com Hall	Center of Field
Innovators' Hall	Center of Field

In cases where campus operations will be disrupted for an extended period of time or the loss of utility service exacerbates the risk of injury the entire campus may be evacuated. Students who are able to will be encouraged to join their family's emergency plan and students who are unable to will evacuate campus to a designated location with a staff member.

Shelter-In-Place means to seek immediate shelter and remain there during an emergency rather than evacuate the areas. Shelter in place is only used when evacuation is not safe. Shelter-In-Place will be communicated by text message via Business Notifier and through other means of communication.

Predetermined Assembly Areas

Building	Assembly Area
MCI Hall	1 st Floor Hallway
Telecom Hall	1 st Floor Hallway
Avrum Gudelsky Auditorium	Lower Level of Auditorium
McGowan Academic Center	1 st Floor Rear Hallway
MA-Com Hall	MCI Hall, 1 st Floor Hallway
Innovators' Hall	1 st Floor Hallway

A lockdown is defined as an emergency course of action taken by officials to contain a problem or incident. A lockdown will may be implemented in the face of a hazardous or life threatening situations. A lockdown will be communicated by text message via Business Notifier and through other means of communication. When a lockdown is declared, everyone is to seek shelter in the nearest room unless they are immediately adjacent to the dangerous situation and take the following actions:

- Close, lock and/or barricade all doors.
- Shut windows and close blinds.
- Stay low on the floor behind a desk.

The building or campus will have restricted access until the All Clear is given.

The Emergency Response Team will coordinate recovery following an emergency and will use email, the university web site, and social media to communicate with constituents.

12. A statement of policies, procedures, and program: Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Educational Programs

Capitol uses passive programs to support campus awareness in the form of flyers, posters and public service announcements to draw attention to the issues of dating violence, domestic violence, sexual assault and stalking. Additionally Capitol requests all students complete an online primary prevention training course which addresses the issues of dating violence, domestic violence, sexual assault and stalking. All incoming campus students participate in a primary prevention program focused on bystander intervention during orientation. All employees complete online primary prevention training.

Capitol Technology University Community Standards Policies relevant to dating violence, domestic violence, sexual assault and staling are as follows:

The University prohibits -

Hazing/Bodily Harm

- Intentionally inflicting bodily harm upon any person; this is not limited to but expressly includes dating violence* and domestic violence*.
 - Taking any action for the purpose of inflicting bodily harm; this is not limited to but expressly includes dating violence and domestic violence.
 - Taking any reckless, but not accidental, action that could result in bodily harm to any person;
- *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.
- *domestic violence: violence committed by a family or household member; a current or former spouse or intimate partner; a person with whom the victim shares a child; a person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner.

Hazing/Mental Harm

- intentionally inflicting mental harm upon any person; this is not limited to but expressly includes dating violence* and domestic violence*.
 - Taking any action for the purpose of inflicting mental harm; this is not limited to but expressly includes dating violence and domestic violence.
 - Taking any reckless, but not accidental, action which demeans, degrades or disgraces any person.
- * dating violence and domestic violence: see the definition under 6. Hazing/Bodily Harm.

Harassment

- Harassment is verbal or physical conduct that is a threat to the well-being of a person or group. Such conduct includes: verbal or written communication, communicated directly or through contact by telephone, computer or third party; invasion of privacy; or actions which restrict the freedom or movement of another person or endanger the health and safety of another person. Harassment includes conduct directed at individuals, as well as, conduct which is based on race, color, sex/gender, disability, religion, national or ethnic origin.
- Retaliatory Harassment is adverse action, such as those stated above, taken against a person because of the person's participation in a grievance, complaint or investigation. Such behavior may include but is not limited to retaliation against a grievant, victim or witness involved in an investigation of discrimination or sexual misconduct; retaliation against grievant, victim or witness by a respondent or the respondent's friends or others who are sympathetic to the accused; includes retaliation directed toward a third party because of his or her participation in the conduct or grievance process or for supporting a grievant, victim or witness.
- Stalking is engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress.

Destruction of Property

- a. Intentionally or recklessly, but not accidentally damaging, destroying, defacing or tampering with university property or the property of another are all prohibited, as is the attempt or conspiracy to damage, destroy, etc; this is not limited to but expressly includes dating violence and domestic violence.

* dating violence and domestic violence: see the definition under 6. Hazing/Bodily Harm.

Sexual Misconduct

- a. Harassment including unwelcome verbal or physical conduct that is gender- based or of a sexual nature
- b. Sexual Exploitation, which is when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, or to the detriment of the exploited individual. Exploitation includes; invasion of sexual privacy; non- consensual video of breasts, buttock, groin, genitals, or audio-taping of sexual activity; exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals.

Sexual Assault

- a. Non-consensual sexual contact which is any intentional sexual touching, however slight, with any object or body part by one person upon another person that is without consent and/or by force. Sexual contact includes contact with breasts, buttock, groin, genitals, mouth or other orifice and includes making another touch you or themselves with or on any of these body parts. This is not limited to but expressly includes dating violence* and domestic violence*.
- b. Non-consensual sexual intercourse which is any sexual intercourse, however slight, with any object by one person upon another person that is without consent and/or by force. Sexual intercourse includes: vaginal penetration by a penis, object, tongue, or finger, and mouth to genital contact, no matter how slight the penetration or contact. This is not limited to but expressly includes dating violence* and domestic violence.*

*consent is informed or knowing, voluntary or freely given, active, clear words or actions, indicating permission to engage in mutually agreed on activity (in the above context, this is sexual activity).

*dating violence and domestic violence: see definitions under 6. Hazing/Bodily Harm.

Capitol Technology University has an Amnesty Policy

- a. Victims of assault, violence, domestic or dating violence, or sexual assault will not be charged with violations of the university's alcohol or drug policies related to possible violations which coincided with the events leading up to, the incidence of, or events closely following the assault, violence, domestic or dating violence or sexual assault or which are revealed during the reporting or investigation of assault, violence, domestic or dating violence, or sexual assault.
- b. Witnesses of assault, violence, domestic or dating violence, or sexual assault will not be charged with violations of the university's alcohol or drug policies related to possible violations which coincided events leading up to, the incidence of, or events closely following the assault, violence, domestic or dating violence or sexual assault.
- c. Alleged perpetrators of assault, violence, domestic or dating violence, or sexual assault will not be charged with violations of the university's alcohol or drug policies related to possible violations which coincided events leading up to, the incidence of, or events closely following the assault, violence, domestic or dating violence or sexual assault.
- d. Students who report a suspected medical emergency will not be charged with violations of the university's alcohol or drug policies related to possible violations which coincided events leading up to, the incidence of, or events closely following the potential medical emergency.
- e. Students meeting the criteria above may be treated as having a serious but not life threatening health concern. The student will be required to seek evaluation and the university will ensure that the student does not suffer financial hardship as a result.

Dating Violence Definition

Maryland does not define "dating violence" separately, but includes it in the offense of domestic violence.

Domestic Violence Maryland Definition

The term "domestic violence" includes but is not limited to abuse occurring between: current or former spouses or cohabitants; persons who have a child in common; persons related to the respondent by blood, marriage, or adoption; or persons currently or formerly involved in a dating relationship; where "abuse" means any of the following acts: an act that causes serious bodily harm; an act that places a person eligible for relief in fear of imminent serious bodily harm; assault in any degree; rape or sexual offense or attempted rape or sexual offense in any degree; false imprisonment; or stalking.

Stalking Maryland Definition

The term "stalking" means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear: of serious bodily injury; of an assault in any degree; of rape or sexual offense or attempted rape or sexual offense in any degree; of false imprisonment; of death; or that a third person likely will suffer any of these acts.

Sexual Offenses

Maryland Definition

Consent

Maryland does not have a separate criminal statute for “consent.”

Sexual Assault

Sexual assault means rape or a sexual offense in any degree that is specified in § 3-303 through 3-312, § 3-314, or § 3-315 of the Maryland Code, Criminal Law Article. In summary, rape and sexual offenses in the first, second and third degrees are as follows (other degrees are not summarized here; please visit the Maryland Code, Criminal Law Article, § 3-303 through 3-312, § 3-314, or § 3-315 to review these (<http://www.mgaleg.maryland.gov/webmga/frmStatutes.aspx?pid=statpage&tab=subject5>)):

Rape and Sexual Offense and Attempted Rape and Sexual Offense in the First Degree

A person may not engage in or attempt vaginal intercourse or a sexual act with another by force, or the threat of force, without the consent of the other; and

- employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;
- suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;
- threaten, or places the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;
- commit the crime while aided and abetted by another; or
- commit the crime in connection with a burglary in the first, second, or third degree.

Rape and Sexual Offense and Attempted Rape and Sexual Offense in the Second Degree

A person may not engage in or attempt vaginal intercourse or a sexual act with another:

- by force, or the threat of force, without the consent of the other;
- if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or
- if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim, or if a person is 18 years of age or older and the victim is a child under the age of 13 years.

Sexual Offense in the Third Degree

A person may not:

- engage in sexual contact with another without the consent of the other; and, do one of the following:
 - employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;
 - suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;
 - threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or
 - commit the crime while aided and abetted by another;
- engage in sexual contact with another if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual;
- engage in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim; engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; or
- engage in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.

Sexual Act

A “sexual act” means any of the following acts, regardless of whether semen is emitted:

- anilingus;
- cunnilingus;
- fellatio;
- anal intercourse, including penetration, however slight, of the anus; or
- an act: in which an object or part of an individual’s body penetrates, however slightly, into another individual’s genital opening or anus; and that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

A “sexual act” does not include:

- vaginal intercourse; or
- an act in which an object or part of an individual’s body penetrates an individual’s genital opening or anus for an accepted medical purpose.

Sexual Contact

A “sexual contact” means an intentional touching of the victim’s or actor’s genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.

A “sexual contact” does not include:

- a common expression of familial or friendly affection; or
- an act for an accepted medical purpose.

Risk Reduction

Recognizing that abusers are responsible for their abusive behaviors and victims are never at fault for another's abusive actions, the following are some strategies taken from the Rape, Abuse, & Incest National Network, www.rainn.org, to reduce one's risk of sexual assault or harassment:

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend have been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong. It is the person who is making you uncomfortable that is to blame.
 - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave rather than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. 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.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Response to Dating Violence, Domestic Violence, Sexual Assault and Stalking

Reporting Concerns or Violations

If you witness or are a victim of behavior inconsistent with the community standards or have concerns related to treatment you have received you are encouraged to report the behavior in order to preserve the values of our community. The university will accept reports from a victim, complainant, a witness, bystander, or other third party. Behaviors inconsistent with community standards should be reported to the vice president of student engagement, the director of student life and residential services or the assistant director of residential services, a security officer, your immediate supervisor, an academic dean or academic department chair. Matters that are urgent including any form of violence, assault or sexual assault should be reported by calling Security (301) 938-2928 or the Residence Life Staff (301) 655-2115. Victims may choose to contact local law enforcement directly by dialing 911. If the victim chooses to contact local law enforcement university staff will assist if assistance is requested. The victim may choose to receive assistance from university staff and not to notify local law enforcement.

Victim\Survivor Amnesty Policy

Victim\Survivors of assault, violence, domestic or dating violence, or sexual assault will not be charged with violations of the universities alcohol or drug policies related to possible violations which coincided with the assault, violence, domestic or dating violence or sexual assault.

Care of Reported Victim

The primary goal of the university response is to secure care for the alleged victim. Any staff member who receives a report of domestic violence, dating violence, sexual assault or stalking should immediately contact the professional student life staff member on call to initiate the university response team. The victim should be encouraged to meet with a victim advocate prior to taking any action which may limit the ability to collect evidence.

If the victim is considering legal action, he or she should be encouraged to seek medical assistance prior to showering or changing clothes in order to preserve evidence.

If immediate medical assistance is deemed necessary, the victim should be assisted with transportation to the Prince George's County Sexual Assault Center in Cheverly, if acknowledging a sexual assault. If not acknowledging a sexual assault, then Laurel Regional Hospital, the Laurel Lakes or Medicare (Greenbelt) immediate care centers or a family doctor (if feasible) can be used. Prince George's County Sexual Assault Center is equipped to perform a Sexual Assault Forensic Evidence or SAFE exam.

The primary counseling for sexual assault, domestic violence, or dating violence should be done by the P.G. County Sexual Assault Center, if the victim agrees. Victims of other forms of violence will be referred to their health care provider or local resources for counseling. All victims of violence will receive written notification of available campus and community resources.

The vice president for student engagement or Title IX Coordinator will provide any follow-up assistance deemed necessary and appropriate to remediate a hostile environment created by sexual assault. Such action may include; transfer of housing for the victim\survivor or respondent, transfer of courses for the victim\survivor or respondent, assistance with academic or financial aid accommodations.

Special care will be taken to protect the privacy of the victim\survivor. Documents will be secured in the vice president of student engagement's office, required reporting will be in aggregate and any characteristics which would reasonably lead to identifying the victim\survivor will be redacted. Any accommodations provided or protective measures taken will be done in such a manner as to keep the reason for the accommodation confidential.

Rights of Victim

- Student and Employee victims will be provided a written explanation of the rights and options outlined here.
- The university will provide to students and employees written information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims within the university and surrounding community.
- The victim will be informed in writing of his or her right to request alternative classes, working situations, housing or transportation (or office location in the case of a nonstudent employee) if reasonable available.
- The victim will be informed in writing of his or her right to file a report with the PG County police or other appropriate law enforcement agency; to receive assistance from the university in filing a report with law enforcement; or to decline law enforcement notification. The university counselor or other appropriate official should assist with law enforcement contact, if desired and helpful.
- Such university officials should take care to protect the victim's identity from the university community and public at large.
- Victims have the right to contact the vice president responsible for security should they feel their case is not being handled appropriately.

Conduct Review Process for Matters including Victimization

All cases of domestic violence, dating violence, sexual assault or stalking will be classified as a Community Standards Matter including Victimization the conduct review process will be used as outlined. The conduct facilitator or Title IX coordinator will initiate the formal review by the conduct review panel or hearing officer.

Both complainant and respondent have the right to be treated with dignity, respect, and sensitivity by university officials at all times. Both complainant and respondent have the right to a fair and impartial investigation. Both complainant and respondent have the right to a prompt and equitable conduct review process and resolution which provides the opportunity for the both the complainant and the respondent to be heard.

A conduct facilitator or the Title IX Coordinator will make a written request to meet separately with both the complainant and respondent. The written request will include information about the right to have one advocate and one personal supporter present at any and all meetings and/or interviews.

An advocate can be another Capitol student, a friend, a Capitol faculty/staff/administrator, a family member, or legal counsel. Legal counsel can be one of the following: licensed attorney, an advocate supervised by an attorney, or trained legal advocate. Regarding matters of Title IX/Sexual Assault legal counsel may be paid by the Maryland Higher Education Commission. For a list of attorneys available to serve as advocates to student complainants or respondents and to review eligibility for legal fees please go to the Maryland Higher Education Commission website www.mhec.maryland.gov. Generally, an advocate is present to provide support. The advocate may consult with individual they are advocating for and interact privately with the individual they are advocating for during conduct proceedings, and may assist the complainant or respondent with exercising their rights in the process. The advocate is not permitted, however, to represent the complainant or respondent.

A personal supporter is an individual of the complainant or respondents choosing. The personal supporter is present to assist the complainant or respondent with emotional support. The personal supporter is not to serve as an advocate.

A single individual may serve as both advocate and personal supporter. However, no more than two individuals serving in either role may attend any meeting or interview.

The conduct facilitator or Title IX Coordinator will meet with the complainant and the respondent separately. During that meeting the conduct facilitator will review the incident and alleged violations. The first goal is to ensure the investigation notes clearly and accurately describe the incident; the second goal is to describe the complainant and the respondent rights in the conduct review process.

Depending on the nature and severity of the alleged incident or in order to address confidentiality, a hearing officer or a review panel of three to five members of the conduct review board may be assigned to review the alleged violation(s). An established pool of neutral faculty, staff and/or students trained to review potential policy violations is used to select a hearing officer or compose a conduct review pay.

The conduct facilitator or Title IX coordinator will establish a time for the review panel or hearing officer to meet. The complainant and the respondent will be notified in writing at least 5 business days in advance of the meeting of; the portions of the Code of Community Standards alleged to have been violated and the time, date and location of the review panel or hearing officer meeting; the date, time, and location of the alleged violations; the potential sanctions associated with the alleged violation; rights and responsibilities related to the sexual assault policy; information regarding civil and criminal options; the right to the assistance of an attorney and legal services organizations and referral services available to the complainant or respondent. In addition, the conduct facilitator will notify the review panel or hearing officer and any other members of the community believed to have information pertinent to the incident of the time, date and location of the review panel's or hearing officer's meeting.

Both complainant and respondent should prepare for the meeting. Both complainant and respondent may review the file that will be presented to the review panel or hearing officer prior to the meeting. Both complainant and respondent may ask additional eyewitnesses to attend the meeting. Witnesses must provide only eyewitness accounts and must be approved by the conduct facilitator 24 hours in advance of the meeting. Both complainant and respondent may submit suggested questions to be asked of the other. If either the complainant or respondent do not appear before the review panel or hearing officer and do not provide notice that he or she will be unable to attend, the incident will be reviewed and a decision made in his or her absence. Both complainant and respondent may review recordings of testimony of the other and all witnesses.

The review panel or hearing officer will be prohibited from considering either the complainant or the respondents sexual history except to prove the source of injury, prove prior sexual misconduct, support a claim that the complainant or respondent has an ulterior motive, or impeach the complainant or respondents credibility if an individual has put his or her own prior sexual conduct at issue. The review panel or hearing officer will be prohibited from considering the complainant or respondents history of mental health counseling, treatment or diagnosis without that individual's consent.

The conduct facilitator will be available throughout the meeting to act as a resource for the review panel or hearing officer and both complainant and respondent, but the conduct facilitator will not participate in the decision-making process. For Community Standards Matters including Victimization, a statement describing the process will be read three times; once to the respondent, once to the complainant, and once to all other witnesses. This statement includes introductions of all involved and the fact that all witness statements are recorded. After the introductory statement is made, respondent or complainant will remain with the review panel or hearing officer and make a brief statement in response to the alleged violations. The review panel or hearing officer will then have the respondent or complainant step out and speak to each available witness in turn. After speaking to all witnesses, the panel or hearing officer will have the opportunity to speak to the respondent or the complainant again to clarify any questions.

After all statements are heard, the panel will discuss the case or the hearing officer will consider the matter. All conduct proceedings use the same standard for determining responsibility. The panel or hearing office will determine if the respondent "more likely" did or did not violate the Code of Community Standards. This discussion will not be recorded; the panel chair will summarize this discussion or the hearing officer will summarize his or her considerations in a written report. Once the determination is made, the panel or hearing officer will notify the conduct facilitator or Title IX Coordinator. If the respondent is found not responsible for violating the Code of Community Standards, both the respondent and the complainant will receive written notification from the conduct facilitator and the letter will be placed in the respondents discipline file. If the respondent is found responsible for violating the Code of Community Standards, the respondents entire discipline file will be provided to the conduct review panel or hearing officer by the conduct facilitator or Title IX Coordinator for review. The panel will determine sanctions and may consider the information the panel reviewed via statements and written reports, the respondents conduct file, minimum sanction guidelines, the conduct facilitator's recommendations, and other information, as the conduct review panel or hear officer deems appropriate. The panel chair or hearing officer will notify the conduct facilitator or Title IX Coordinator in writing of the findings as to the incident, sanctions and summary of panel's discussion. The conduct facilitator or Title IX Coordinator will notify both the respondent and complainant in writing of the panel's decision (final determination) and the sanctions, if appropriate; this letter will be kept in the respondents conduct file.

Either the complainant or the respondent may appeal the decision to the vice president for student engagement, if the vice president for student engagement played a direct role in the investigation or adjudication the president will appoint another vice president to review the appeal. The appeal must be based on the university's failure to follow the outlined procedures. Or clear

demonstration that there was not a fair opportunity to have the incident reviewed by an unbiased board, or new information that was not available at the first meeting of the review panel or hearing officer must be provided. If the vice president approves the appeal, members of the Capitol community will be appointed to a committee. Additional information about the appeal process can be obtained from the vice president for student engagement.

Conduct may result in university action, legal action or both for behavior in violation of laws or community standards. University action in these incidents will proceed and will likely be prior to the completion of legal proceedings. University actions will not be subject to challenge based on the outcome of legal proceedings.

Disciplinary Actions

- A perpetrator found responsible in a campus conduct proceeding would face at a minimum sanction of suspension of a specific length with probable additional sanctions or expulsion.
- If the responsible perpetrator is a university employee (non-student), an administrative decision, based on the administrative and/or civil judicial proceedings, will likely result in termination of employment or other such appropriate disciplinary action.
- The alleged perpetrator and the alleged victim will be made aware of the outcomes of any institutional conduct proceeding. This notice will include a final determination with respect to the alleged sex offense and the sanctions imposed where the alleged perpetrator is found in violation of the sexual-assault policy.
- Action by the university will not be delayed due to civil or criminal proceedings.

Title IX Coordinator and Deputy

Melinda Bunnell-Rhyne
Assistant Vice President for Student Engagement and University Development
Title IX Coordinator
11301 Springfield Rd.
Laurel, MD 20708
deanofstudents@CapTechU.edu

Description of Range of Protective Measures available to victims of dating violence, domestic violence, sexual assault, or stalking

To obtain protective measures contact the Title IX coordinator or deputy. Protective measures may be implemented on an interim basis pending conduct action. Possible protective measures include: security escorts on campus, issuing no contact orders banning contact between two parties, issuing stay away orders banning an individual's presence on campus or a subpart of campus, modifications to class schedules such as switching sections or providing access to the course from a distance, modifications to housing assignments.

Conduct actions will be taken within a reasonable amount of time and are designed to conclude within three months of the report. Conduct actions will follow the outlined procedures in manner that is prompt, fair, and impartial. Adjudicators who participate in the conduct process will not have a conflict of interest or bias toward or against the complainant or respondent. Adjudicator will have had training on issues related to domestic violence, dating violence, sexual assault, and stalking and on steps to take to protect the victim and promote accountability.

13. A statement advising the campus community where law enforcement agency information provided by a state under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 concerning registered sex offenders may be obtained,

The state of Maryland maintains a Sex Offender Registry which can be searched at this URL <http://www.dpscs.state.md.us/sorSearch/>.

14. A statement of policy regarding missing student notification procedures

The Guide to Residence Life encourages residents to report when they have not seen their roommate or apartment mate for an extended period of time. Residents report their concern about a potentially missing student to the Residence Life Staff. When the Residence Life Staff receives this types of report they will begin a process of trying to confirm the student is whereabouts and/or safety. The Residence Life Staff will work to confirm with friend of the resident to determine their location, will use social media and electronic communications to connect with the resident, will attempt to reach the student by phone or ideally make face to face contact. If Residence Life Staff is unable to confirm the resident's whereabouts and/or safety in 6 hours or exhausted options for finding the resident in fewer than 6 hours they will contact the on call professional staff member. The professional on call will contact either the Missing Person Contact for resident students or an emergency contact for non-resident students or law enforcement. If the missing person contact or emergency contact is unable to verify the students whereabouts law enforcement will be contacted to file a missing persons report.

15. A description of on-campus housing fire safety systems

Capitol's campus residence hall has 51 apartments, housed in a four story residential building. Each floor has fire pull stations positioned throughout the hallways, which residents are encouraged to use in the event of a fire. Each floor is equipped with 4 fire extinguishers, 16

for the building. Fire pull stations and public area smoke detectors are on a system that is monitored by an off-campus vendor. The monitoring service alerts the local fire department in the event of an alarm. Fire pull stations and public areas smoke detector alarms are audible throughout the entire building. The building and each apartment is equipped with a sprinkler system. In addition, each unit has smoke detectors in the common areas and individual bedrooms which alert those within the apartment of a potential fire. Fire evacuation drills are scheduled for the fall and spring academic terms.

16. Policies on portable appliances, open flame, and smoking in on-campus housing.

All apartments are equipped with a full-size refrigerator, stove, dishwasher and garbage disposal. Students are welcome to bring microwave ovens, toaster ovens, toasters, blenders, food processors, and other small kitchen appliances. With the exception of a microwave oven, these items may only be used in the kitchen area. Students are permitted to keep a small (less than 5 cubic feet) refrigerator in their room.

Smoking on campus, improperly disposing of smoking items, candles, oil lamps, incense, open-flame apparatus, electrical or kerosene heaters, hot plates, outdoor grills, and any other materials that are inherent fire hazards are prohibited in or near the residence halls. The Office of Residence Life must approve the use of candles for religious purposes or other special circumstances before use.

Motorcycles, mopeds, or gasoline engines are NOT permitted within any residence hall.

Fireworks, explosives, chemicals, firearms and other weapons are strictly prohibited in and around all residence facilities.