

# **Report on Campus Climate and Sexual Violence at Maryland Colleges and Universities #10622**

## **Executive Summary**

Education Article §11–601 puts 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. For the 2020-2022 cycle, all institutions were required to submit incident data and the survey narrative report on or before June 1, 2022, as mandated by law. Of the 52 institutions of higher education in the state that were required to submit reports and data to MHEC, 47 were fully compliant.

Institutions reported 2,528 incidents of sexual assault or other sexual misconduct during the 2020-2022 cycle. Of them 20.8% were Sexual Assault I, 17.0% were Sexual Assault II and the remaining 62.1% were Other Sexual Misconduct. The proportion of these incidents vary by institutional segment.

Of the 2,528 incidents reported, over 96% of them were from the State’s four-year institutions (63.2% at Maryland’s public four-year institutions and 33.7% at Maryland’s state-aided and other private institutions). A much smaller proportion of the incidents were reported at the community colleges (3.1%). These patterns are consistent across incident types.

The statewide data for the 2020-2022 cycle are consistent with the previous two cycles. Overall counts of incidents are slightly lower than the previous cycle, and that change is due to a decrease in reports of other sexual misconduct. The statewide decrease could be due to the COVID-19 pandemic, which likely resulted in decreased reporting within campus communities.

## **Report**

Education Article §11–601 puts 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.

Every two years institutions must submit to MHEC:

- A report on school-specific results of a sexual assault campus climate survey; and
- A report aggregating the data collected by the institution regarding sexual assault complaints made to the institution, including the:
  - Types of misconduct;
  - Outcome of each complaint;
  - Disciplinary actions taken by the institution;
  - Accommodations made to students in accordance with the sexual assault policy; and

- Number of reports involving alleged nonstudent perpetrators.<sup>1</sup>

The following statewide report addresses survey narrative and incident data, as required by the legislation.<sup>2</sup>

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### **Statewide Incident Data**

MHEC implemented a standardized data collection template starting with the 2016-2018 reporting cycle, and this tool continued for the 2018-2020 cycle and the 2020-2022 cycle. This keeps the data collections consistent and allow institutions and the State to report trend data using the same standard measures.

According to the MHEC guidelines, an “incident” is defined as an allegation of sexual assault or other sexual misconduct involving a student which is reported or referred to the institution’s Title IX coordinator or other appropriate institution designee.<sup>4</sup> An incident does not have to result in a formal complaint or investigation to be reported.

To ensure consistent reporting of the incident data by institutions, MHEC uses a standard set of definitions. These terms 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. These definitions are broader and more inclusive than those in state criminal law, thereby allowing for a more robust collection of incident data.

These definitions are:

- (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

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<sup>1</sup> Institutions are also required to provide a link to their most recent data, per the federal Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

<sup>2</sup> The reports for the 2016, 2018 and 2020 cycles can be found at MHEC’s research website <https://mhec.state.md.us/publications/Pages/research/index.aspx> under Periodic Reports.

<sup>3</sup> Three institutions did not submit narrative reports nor incident data by the mandated deadline of June 1 (Washington Adventist University, Collegium Sanctorum and Reid Temple Bible College), one institution provided incident data but no narrative report (Maryland Institute College of Art), and one institution, Yeshiva College of the Nation’s Capital, provided a narrative report but no incident data. All are noncompliant with the law.

<sup>4</sup> Institutions are instructed, in complex cases, to have their data reflect only one category of sexual assault or other sexual misconduct. In addition, institutions are 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.

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.

- (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 to the incident type, institutions are required to provide information on a number of other elements. First, institutions are asked to report on the primary source of the reported incident. These could be reported by complainants<sup>5</sup>, witnesses, responsible employees (e.g., faculty, student affairs staff, coaches), or anonymously.<sup>6</sup> Data are 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.<sup>7 8</sup>

Second, institutions also report 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.<sup>9</sup>

Third, institutions report 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 report 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 report those incidents in which the victim did not want to move forward.

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<sup>5</sup> Complainants refers to persons who have experienced sexual assault, sexual misconduct, and other forms of sexual violence.

<sup>6</sup> 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.

<sup>7</sup> Sworn law enforcement officers are defined as persons formally authorized to make arrests while acting within the scope of explicit legal authority.

<sup>8</sup> 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.

<sup>9</sup> A respondent is an individual who is reported to have committed act(s) of sexual assault or other sexual misconduct.

Fourth, the data also holds information on the outcomes of formal complaints.<sup>10</sup> 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 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 the constraints posed by jurisdictional limitations, 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*

Institutions reported 2,528 incidents of sexual assault or other sexual misconduct during the 2020-2022 cycle.<sup>11</sup> Of them 20.8% were Sexual Assault I, 17.0% were Sexual Assault II and the remaining 62.1% were Other Sexual Misconduct. The proportion of these incidents vary by institutional segment. See Tables 1 and 2.

Table 1: Number of Incidents Reported by Type: Statewide and by Segment, 2020-2022 Cycle

	All incidents of Sexual Assault and Other Sexual Misconduct	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Statewide	2,528	527	430	1,571
Community Colleges	78	14	6	58
Public Four-Year Institutions	1,597	332	334	931
MICUA + Other Privates	853	181	90	582

<sup>10</sup> 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.

<sup>11</sup> Each institution could choose, based on its institutional calendar, the appropriate date in spring 2022 for the reporting cycle to end. The institution’s cycle start date was based on the end date of their 2020 cycle, which could also vary.

Table 2: Incident Totals and Rates of Incident Types; Statewide and by Segment, 2020-2022 Cycle

	All incidents of Sexual Assault and Other Misconduct	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Statewide	2,528	20.8%	17.0%	62.1%
Community Colleges	78	17.9%	7.7%	74.4%
Public Four Year Institutions	1,597	20.8%	20.9%	58.3%
MICUA + Other Privates	853	21.2%	10.6%	68.2%

Of the 2,530 incidents reported, over 96% (Table 3) of them were from the State’s four-year institutions (63.2% at Maryland’s public four-year institutions and 33.7% at Maryland’s state-aided and other private institutions<sup>12</sup>). A much smaller proportion of the incidents were reported at the community colleges (3.1%). These patterns are consistent across incident types.

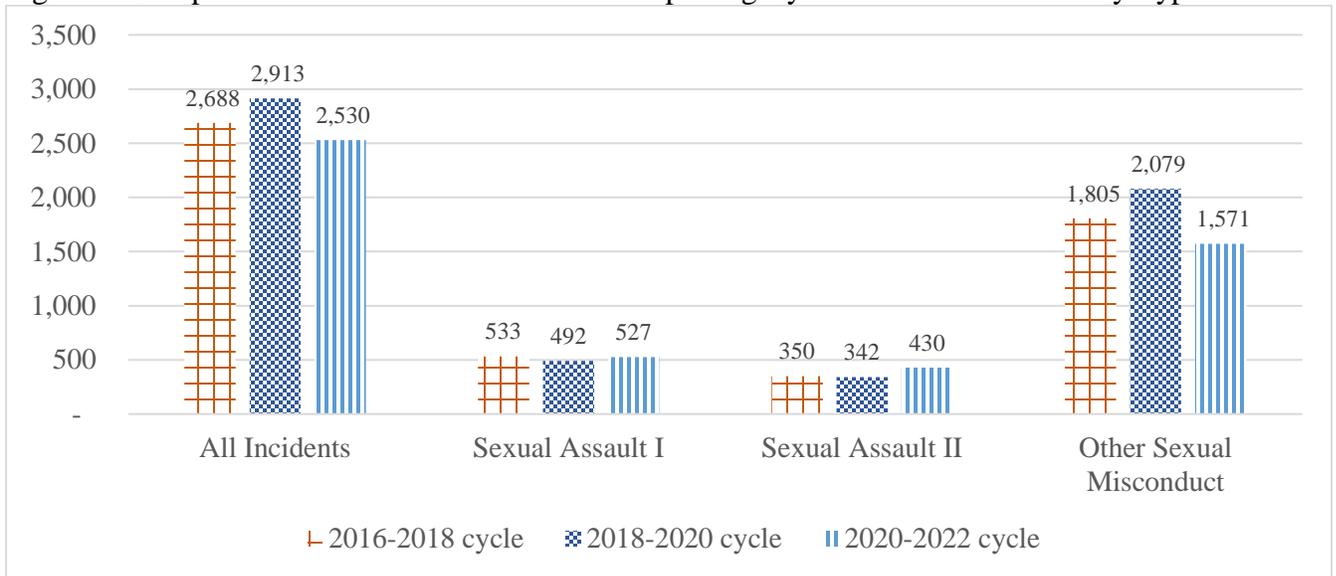
Table 3: Incident Totals and Rates by Segment: All Incidents and by Type: 2020-2022 Cycle

	All incidents of Sexual Assault and Other Misconduct	Sexual Assault I	Sexual Assault II	Other Sexual Misconduct
Statewide	2,528	527	430	1,571
Community Colleges	3.1%	2.7%	1.4%	3.7%
Public Four Year Institutions	63.2%	63.0%	77.7%	59.3%
MICUA + Other Privates	33.7%	34.3%	20.9%	37.0%

The statewide data for the 2020-2022 cycle are consistent with the previous two cycles (Figure 1). Overall counts of incidents are slightly lower than the previous cycle, and that change is due to a decrease in reports of other sexual misconduct. The statewide decrease could be due to the COVID-19 pandemic, which likely resulted in decreased reporting within campus communities

<sup>12</sup> Of the seven private institutions that submitted incident data, only one had incident data to report.

Figure 1: Comparison of the Past Three Incident Reporting Cycles: All Incidents and by Type



Of the “Other Sexual Misconduct” incidents reported (n=1,571), most were sexual harassment (see Table 4). Institutions report that “Other” incidents within this category can include reports of retaliation as well as reports of general sexual assault where information available was not specific enough to definitively categorize the matter as Sexual Assault I or Sexual Assault II.

Table 4: Statewide Incident Rates of Other Sexual Misconduct by Type 2020-2022 Reporting Cycle<sup>13</sup>

Sexual harassment	657	31.6%
Stalking	249	12.0%
Dating violence	233	11.2%
Domestic violence	199	9.6%
Other	161	7.8%
Sexual exploitation	70	3.4%

Additional statewide and segment data can be found in the appendix of this report.

### Survey Narratives

Each cycle MHEC distributes guidelines to institutions regarding the requirements for the survey narrative reporting. For this cycle, all institutions were required to report on the following four areas:

- Survey administration,
- Perceptions of safety and general campus climate,
- Perceptions of institution’s readiness and ability to address issues of sexual violence, and
- Institutional analysis and action steps.

<sup>13</sup> Values sum to 1,569 because one institution did not report any data on these specific categories of Other Sexual Misconduct and only provided overall counts.

Institutions were asked to report on their findings of prevalence of sexual assault and other sexual misconduct if they collected those data via their survey. Almost all institutions fulfilled the requirements put forth in the legislation and the guidelines for administering the sexual assault campus climate survey and reporting on the survey's findings.

All campus climate survey report narratives can be found later in this volume.

The institutional survey narratives and incident data collected from the 2020-2022 cycle continue to assist both the institutions and the State in addressing the issue of sexual assault and violence on college campuses. During the 2020-2022 reporting cycle, a great deal of activity occurred at the federal level that affected legislation, regulations, and guidance regarding Title IX. Amidst these changes, institutions continued to improve programming, education, and training, while addressing longer-term issues tied to the larger campus climate and students feelings of support and care. They navigated the impact that the COVID-19 pandemic had on students and campuses and pivoted services and practices to ensure a continuity of support. 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.

A review of the narrative reports provided these themes:

- For institutions that collected data on prevalence of sexual violence in their survey instruments, many found that the incidents of sexual misconduct reported to the college and university represent only a subset of the incidents experienced. In other words, the reports of incidents provided by the institutions for this mandate may underreport incidents of sexual violence.
- The COVID-19 pandemic forced campuses to provide online supports and training on issues of Title IX, sexual assault, and campuses student services. With institutions' move back to an on-campus presence, the colleges and universities have taken steps to increase in-person trainings, events, and environmental interventions to prevent sexual violence.
- The shifts in presidential administrations during the 2020-2022 cycle have created some uncertainty about federal requirements for reporting. The Trump administration had rolled back a number of actions taken by the Obama administration, and, as of the preparation of the institutions' narrative reports institutions report awaiting the Biden Administration's update to the Title IX regulations, which will result in changes to practices and policies across campuses.
- Many institutions reported an increased awareness of the presence of Title IX officers and of the services provided on campus, but reported gaps in this awareness and students' understanding of *how* to report incidents of sexual violence. As a result, institutions report their commitment to continued efforts to close this gap and make reporting processes clearer and easier to follow.
- A number of institutions are participating in a hotspot mapping initiative.<sup>14</sup> Per Maryland Coalition Against Sexual Assault (MCASA) "Hotspot mapping is an evidence-informed approach that can be used to determine where community members feel safe and unsafe in their communities. Using a map, participants identify spaces in a community that are

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<sup>14</sup> <https://publichealth.jhu.edu/2020/sexual-violence-prevention-through-hot-spot-mapping-creating-protective-environments-on-college-campuses>

“hot” or high-risk for safety concerns, and “cold” or low-risk for safety concerns. Often by identifying “hot” spaces, environmental safety can be improved upon.<sup>15</sup>

The Maryland Higher Education Commission continues to serve as a resource for institutions and the State when it comes to addressing issues of sexual assault and other sexual violence. Over the past two years, MHEC has partnered with the Maryland Department of Health (MDH) Rape and Sexual Assault Prevention Program (RSAPP) to provide additional survey questions institutions of higher education could use and report in their institution reports. These questions aimed to help institutions better capture data on community connectedness, social norms, community sanctions and bystander intervention. These additional questions will be provided in the upcoming reporting cycle as well. In addition, MHEC has a data sharing agreement with Dr. Tara Richards, Associate Professor, School of Criminology and Criminal Justice, at the University of Nebraska. Dr. Richards will use the data and narrative reports to help inform state and institutional policy and practice.

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<sup>15</sup> <https://mcasa.org/newsletters/article/college-consortium-hotspot-mapping-as-community-prevention-on-campus>