

SECTION VIII: Other Services & Regulations

138.0 VI-1.20- UNIVERSITY OF MARYLAND SYSTEM POLICY ON SEXUAL HARASSMENT

(Approved by the Board of Regents, June 5, 1992)

The University of Maryland System is committed to creating and maintaining an environment in which every individual can work and learn without being harassed. All members of the academic community should support the principle that sexual harassment represents a failure in ethical behavior and that sexual exploitation of professional relationships will not be condoned. Sexual harassment is inconsistent with commitment to the goals of quality, access and choice that characterize the activities of the System and its constituent institutions. Sexual harassment is a form of discrimination prohibited by federal and state law.

Each institution of the University of Maryland System shall have procedures for implementation of the policy prohibiting sexual harassment, consistent with federal and state laws and policies.

Those procedures shall ensure that the community is educated about the problem and sanctions which can be imposed and is well informed concerning resources available to complainants, and informal and formal means of complaint resolution.

Procedures shall be designed to give due consideration to confidentiality, prevent retaliation, and achieve prompt and equitable resolution of complaints while protecting the rights of the person bringing the complaint and of the person accused of harassment.

VII-6.00(A) UMES POLICY AND PROCEDURES ON SEXUAL HARASSMENT

(Approved by the President on January 1, 1992)

A. POLICY

UMES is committed to maintaining a working and learning environment in which students, faculty, and staff can develop intellectually, professionally, personally and socially. Such an environment must be free of intimidation, fear, coercion, and reprisal. The Campus prohibits sexual harassment. Sexual harassment may cause others unjustifiable offense, anxiety, and injury. Sexual harassment threatens the legitimate expectation of all members of the campus community that academic or employment progress is determined by the publicly stated requirements of job and classroom performance, and that the campus environment will not unreasonably impede work or study.

Sexual harassment by University faculty, staff, and students is prohibited. This constitutes Campus policy. Sexual harassment may also constitute violations of criminal and civil laws of the State of Maryland and the United States. For the purpose of this Campus policy, sexual harassment is defined as: (1) unwelcome sexual advances, or (2) unwelcome requests for sexual favors; and (3) other behavior of a sexual nature where:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in a University –sponsored education program or activity; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or working environment.

In assessing whether a particular act constitutes sexual harassment forbidden under this policy, the standard shall be the perspective of a reasonable person within the Eastern Shore Campus Community. The rules of common sense and reason shall prevail.

Allegations of sexual harassment shall be judged with attention to the facts particular to the case and the context in which the alleged incident(s) occurred.

Conduct prohibited under this policy may manifest itself in many different ways. Sexual harassment may, for example, be as undisguised as a direct solicitation of sexual favors, or solicitation accompanied by over threats. Harassment may also arise from behavior which has the effect of creating an intimidating, hostile, or offensive educational or working environment. In this regard, the following types of acts, if pervasive and continuous, are more likely-than-not to result in allegations of sexual harassment: unwelcome physical contact, sexual remarks about a person's clothing, body or sexual relations, conversation of a sexual nature or similar jokes and stories, and the display of sexually explicit materials in the workplace or used in the classroom which are without defensible educational purposes.

Sexual harassment may occur within a variety of relationships. It may occur among peers. It may occur where no relationship exists between the parties other than being co-employees, or co-students. Especially injurious, on the other hand, is harassment in relationships characterized by inequality of power, where one party has institutional authority over the other. Inherent in these relationships is the power and fear of reprisal. Typically, such relationships are found between employer and employee; senior faculty and junior faculty; graduate teaching assistant and undergraduate; and faculty and student, when the student is enrolled in a faculty member's class or when the student is in a continuing position to require evaluation of work or letters of recommendation from the faculty. Such relationships can be immediate, here and now, or based upon future evaluations references.

Sexual harassment may occur between persons of the same or different genders.

Education and awareness are the best tools for the elimination of sexual harassment. The Campus is committed to taking appropriate action against those who violate the provisions of the policy. The campus is committed to protecting targets of harassment from retaliation.

B. PROCEDURE

Individuals who believe themselves subjected to an incident of sexual harassment should be aware that there are many ways to bring it to the attention of the University, and, where proper, obtain redress or protection. There is an informal route. There are also more formal procedures of long-standing which are sufficiently broad to deal with sexual harassment. Preventing sexual harassment is a responsibility of the entire campus community.

The Campus has made this a priority, but ultimately, no satisfactory investigation or resolution of a complaint can occur without the initiative and continuous cooperation of the person who without feels injured. Similarly, allegations of sexual harassment are extremely serious, with potential for great harm to all persons if ill-conceived or without foundation. Procedures which implement campus policy recognize the potential. The Campus is committed to protecting the rights of the alleged offender as well as the offended.

1. Informal Consideration

An incident of sexual harassment may be reported to:

- a. any Campus or University official or faculty member, including an individual's supervisor, the department chair or dean
- b. the Director of Human Resources

When an individual receives a report of sexual harassment, he or she will notify the President's Office prior to taking any action to investigate or to resolve the matter informally. The President's Office in consultation with the Office of the Attorney General will normally manage and coordinate all matters relating to complaints. Complainants will be advised of relevant campus policies and procedures, and the informal and formal means of resolving the matter will be explained.

While a written complaint is not required to initiate an informal investigation, the President's Office must receive a signed complaint from the offended person before any sanctions of other action can be undertaken against an individual for sexual harassment. If the matter is to be investigated, consideration shall be given to the situation and the wishes of the complainant. The investigation of a complaint will include discussing the matter with the person accused of sexual harassment. The findings of the investigation shall be confidentially reported to the President and to the relevant Vice President, Dean, Chairperson, or supervisor for any necessary action. Sanctions for sexual harassment may range from reprimand to termination, depending upon the circumstances of the case.

2. Formal Complaints

Formal grievance procedures for resolving sexual harassment complaints are available based on the classification of the aggrieved person.

- a. Faculty members may file with the Dean of their academic unit under the Faculty Grievance Procedure contained within the Faculty Handbook of the Eastern Shore Campus, University of Maryland.
- b. Associate Staff employees may file under the Associate Staff Grievance Procedure contained within Personnel Policies and Rules for Associate Staff Employees of the University of Maryland, Office of Human Resources.
- c. Classified employees may file with the Employee Specialist under the Classified Grievance Procedure contained within the Handbook of Classified Employees, Office of Human Resources.
- d. Students may file under the Code of Student Conduct.
- e. Complaints may be filed externally through the Equal Employment Opportunity Commission within 180 calendar days of the occurrence, the Maryland Commission on Human Rights within six months of the occurrence and/or the US Department of Education (Office of Civil Rights) within 180 days from the last date of the incident.

(Approved by the Board of Regents, December 1, 1995, Replacement for Board of Regents Interim Policy on Sexual Assault, Approved August, 27, 1993; Change Approved by the Board of Regents, December 4, 1999)

I. Purpose and Applicability

The University of Maryland System and its constituent institutions adopt this policy on sexual assault, consistent with the requirements of (i) Section 484 (f) of the Higher Education Act of 1965, as amended by Section 486 (c) (2) of the Higher Education Amendments of 1992, and (ii) Section 11-601 of the Education Article of the Annotated Code of Maryland. This policy applies to all students and employees, both faculty and non-faculty, of the University of Maryland System or its constituent institutions.

II. Definitions

The following policy recognizes two levels of sexual assault.

Sexual Assault I.

By stranger or acquaintance, rape, forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening with any object. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

Sexual Assault II.

By stranger or acquaintance, the touch of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them) or forcing an unwilling person to touch another's intimate parts. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

III. Responsibilities of the Chief Executive Officer

Each Chief Executive Officer of a constituent institution shall have the following responsibilities pursuant to this policy:

- (i) identification of the person responsible for coordinating the constituent institution's educational program to promote awareness of sexual assault;
- (ii) identification of the person who will serve as the initial contact after an alleged sexual assault has occurred; and
- (iii) adoption of procedures to be followed should a sexual assault occur, including the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offence should be reported.

IV. Educational Programs to Promote Awareness of Sexual Assault

Each institution in the University of Maryland System shall make available to its students, faculty and employees programs to promote awareness of what constitutes sexual assault, how to prevent it, and what the institution's procedures are for handling reports of alleged sexual assault. In addition to general educational programs for the campus community, each institution shall provide specialized training on the topic of sexual assault and the provisions of sexual assault procedures to those individuals who might be involved in providing services to or interacting with alleged victims so as to ensure timely, accurate and sensitive assistance to all concerned. The UMS policy, together with the institution's procedures concerning sexual assault, shall be distributed to all students, faculty members and employees and shall be posted in appropriate locations at the institution and published in appropriate institution and System publications.

V. Off-Campus Reporting of Sexual Assaults

When a report of sexual assault is made to the institution's initial contact, that person will encourage the alleged victim to contact law enforcement or medical personnel as soon as possible following the incident to receive guidance in the preservation of evidence needed for proof of criminal assaults and the apprehension and prosecution of assailants. Campus authorities will assist in notification of off-campus authorities at the request of the alleged victim.

Additionally, campus personnel will retain the right to contact law enforcement personnel directly where an issue of campus security is involved. Campus personnel will also assist the alleged victim in obtaining medical attention, if the victim chooses, including providing transportation to the hospital or other emergency medical facility. Each institution shall designate one or more nearby hospitals which are equipped with the Maryland State Police sexual assault evidence collection kit.

VI. Campus Disciplinary Procedures

1. Student Disciplinary Procedures.

- a. In addition to any criminal or civil remedies available under the law, any act of sexual assault is a violation of this University of Maryland Policy on Sexual Assault and is subject to disciplinary proceedings under the institution's judicial system.

The range of judicial system penalties for students shall include, but not be limited to, one or more of the following: alteration of class schedule, disciplinary reprimand, loss of privilege, restitution, disciplinary probation, disciplinary suspension, disciplinary dismissal, and disciplinary expulsion.

- b. The on-campus procedures shall provide

- (1) the accuser and the accused are afforded the same opportunities to have others present during a campus disciplinary proceeding;
- (2) both the accuser and the accused are informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault;
- (3) the offense must be reported according to federal reporting mandates and Maryland State law.

2. Faculty and Employee Disciplinary Procedures.

In addition to any criminal or civil proceedings available under law, any act of sexual assault is a violation of this University of Maryland System Policy on Sexual Assault and is subject to appropriate faculty and employee disciplinary procedures. The range of employment penalties for faculty and employees shall include, but not be limited to, one or more of the following: counseling, reprimand, suspension, or termination of employment.

VII. Services for Victims

Faculty, employees and students who are victims of sexual assault shall be offered access to counseling through mental health services available at the institution, other victim service entities in the surrounding community, or the nearest state designated rape crisis program. Each institution shall designate existing counseling, mental health and student services, both on campus and in the community, which are available to victims of sexual assault.

After a sexual assault has been reported at the institution, and upon the request of the alleged victim, the victim shall be offered an alternative academic, living or employment situation if such alternative is available, feasible, and appropriate to the facts of the sexual assault reported.

VIII. Implementation and Reporting Procedures

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; and shall forward a copy of such designations and procedures and any subsequent changes in such designations and procedures to the Chancellor.

Institutional procedures that are part of this policy are on file in the Office of the Chancellor.

VI-1.30(A) - UMES SEXUAL ASSAULT POLICY AND PROCEDURES

(Approved by the President July 1, 1995)

I. Introduction

These procedures are adopted pursuant to the UMS Interim Policy on Sexual Assault VI-1.30, approved by the Board of Regents August 27, 1993.

UMES is committed to educating students about the nature and consequences of sexual assault. Although the primary focus is preventative, UMES has programs and procedures in place to assist sexual assault victims, provide information about and referrals to the criminal justice system, and appropriate University administrative procedures.

For purposes of these procedures, the definitions of sexual assault found in the UMS Interim Policy shall apply. These definitions are:

Sexual Assault I

By stranger or acquaintance, rape, forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening with any object. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused is aware or should have been aware.

Sexual Assault II

By stranger or acquaintance, the touch of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them) or forcing an unwilling person to touch another's intimate parts. These acts must be committed either by force, threat, or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

II. Sanctions

Cases of alleged sexual assault are adjudicated under the procedures established in the UMES Judicial Code for students, and appropriate disciplinary procedures for staff. The standard sanction for any case in which there is a finding that sexual assault has taken place, including acquaintance rape, is expulsion, and/or termination of employment.

III. Procedures to Follow in Case of Sexual Assault

Initial Contact Person

The Director of the Counseling Center is the Initial Contact Person for reporting cases of sexual assault. The telephone number is 651-6449. The Counseling Center is located in the Student Service Center.

Police

Police 911	Campus Police	- emergency	651-3300
		- non-emergency	651-6590

Students are encouraged to report all sexual assaults, including acquaintance rape to the Campus Police.

It is important that you do everything possible to reserve any evidence of the assault. In this regard, you should:

- immediately seek medical attention
- refrain from bathing, showering, or douching
- avoid disturbing any clothing, bed linens, anything around the vicinity of the assault (since evidence can be collected from this area)
- avoid brushing teeth, eating, drinking or smoking if the assault involved oral/genital contact
- try not to urinate
- take a change of clothing with you, as it may be necessary to retain clothing worn during the assault. If survivors change clothes, they should be placed in a paper bag (plastic destroys evident).*

Victims should be aware that they have a right to file criminal charges. The campus police will assist a victim in filing criminal charges.

Medical Assistance

Health Center 651-6140

Medical attention for victims of sexual assault is provided by the Health Center. The Health Center will work in cooperation with Campus Police to collect evidence, to provide transportation to Peninsula Regional Medical Center, which is equipped with the Maryland State Police sexual assault evidence collection kit, and to inform students of the right to file criminal charges with the appropriate law enforcement official. The physical and emotional well being of sexual assault victims is the first concern. It is important they receive prompt medical attention. Medical care is important to assess physical trauma, to diagnose sexually transmitted disease, and to provide emergency contraception. Victims may be in a state of shock, which means they may not realize the extent of their injuries. Evidence collection is also important should a decision be made to pursue criminal and/or administrative sanctions.

The Peninsula Regional Medical Center is equipped with the Maryland State Police sexual assault evidence collection kit. Transportation is provided to the hospital at the request of the student.

A medical examination is always recommendation even if victims decide not to officially report the crime. Ideally, evidence should be collected immediately in case a decision is made at a later date to take legal action.

IV. Filing a Report

When a report of sexual assault is made to the Campus Police, the primary concern is the safety and well-being of the victim. All UMES police officers have completed a course, which trains them in dealing with sexual assault.

It is the position of UMES that persons who report a sexual assault are to be treated in the following manner:

- Victims and witnesses will be treated with dignity, courtesy, and respect; and each case will be treated seriously and professionally.
- The police office will meet with the victim in private in a place of the victim's choice. Victims may choose to have friend or family member with them.
- The police officer will notify anyone the victim would like to be notified.
- The police will not release the victim's name to the press.
- Victims will have their case fully investigated, and be kept reasonably informed of the case status and the arrest of any suspects.

Victims should be aware that Campus Police and University officials have the responsibility to actively investigate any incident of sexual assault that is reported.

V. Prevention

Police Emergency Response Telephones recognized by a blue light, are located throughout the campus. These phones connect the caller directly to the Campus Police dispatcher who is immediately aware of the location of the phone.

Trained Student Security Staff are on duty throughout the campus to provide assistance to other students as needed.

Counseling

Victims of sexual assault are encouraged to seek counseling through the Counseling Center. The Counseling Center provides assistance from psychologists and counselors trained to provide assistance to students with emotional-social concerns. Services include individual counseling to all registered students and staff, consultation and outreach, and referrals for medical and psychological services. The contact number for the Counseling Center is 651-6449.

Education

The Director of Human Resources is responsible for coordinating sexual assault education programs. Incoming students receive information concerning sexual assault during orientation.

VI. Report to the Chancellor

The Director of Public Safety shall keep a record of all reported sexual assaults, including the nature and disposition of the complaint. This information shall be provided to the President by July 15. The President will review the information and prepare a report for the Chancellor by August 1 of each year.

156.0 VI-8.00- POLICY ON THE USE OF ALCOHOLIC BEVERAGES AT UNIVERSITY SYSTEM
INSTITUTIONS AND FACILITIES

(Approved by the Board of Regents on January 11, 1990)

Each President shall be responsible for adopting rules governing the use of alcoholic beverages at each institution and unit of the University System consistent with State regulations.

VI-8.00 – (A) UMES POLICY CONCERNING THE USE OF ALCOHOLIC BEVERAGES

(Approved by the President January 1, 1992)

I. POLICY

The University of Maryland Eastern Shore is committed to having a campus that is free of the illegal or abusive use of alcohol. In keeping with this commitment, it is the policy of UMES that the illegal or abusive use of alcohol by students or employees is prohibited on University property or as part of University activities.

II. PROHIBITED CONDUCT

A. The Code of Student Conduct prohibits the violation of published University regulations or policies regarding the possession, use or distribution of alcoholic beverages, as approved and compiled by the Vice President for Student Affairs. These policies are described below and are available for public inspection in the Judicial Programs Office.

1. Resident Life Alcohol Policy

The Resident Life Alcohol Policy controls the use, possession or distribution of alcohol by students in campus residence halls. This policy prohibits the possession or use of alcohol by any student under the age of 21 or the furnishing of alcohol to a person known to be under the age of 21. It prohibits kegs, the sale of alcohol, and parties involving alcohol. Students of legal drinking age may consume alcohol in their rooms, suites or apartments only.

2. Office of Campus Activities

The Office of Campus Activities Alcohol Policy controls the use, possession or distribution of alcohol by students on University premises or at University sponsored functions. This policy prohibits the possession or use of alcohol by any student under the age of 21 or the furnishing of alcohol to a person known to be under the age of 21. Alcoholic beverages otherwise may not be possessed, consumed or distributed at events occurring on University premises or at University sponsored events unless advance written approval has been obtained from the Office of Campus Activities.

B. Purchase of Alcoholic Beverages

Alcoholic beverages may not be purchased with Federal, State or other funds under the University's administrative control. The only exceptions to this are:

1. Alcoholic beverages purchased strictly for resale i.e. paid for from an individual or group's private funds, not from a University or State assigned account number. Strict accounting procedures must be maintained to ensure that University funds advanced to pay for such beverages are repaid from sale of the beverages.
2. Alcoholic beverages purchased from funds, which have been paid into a University, or State assigned account for the express purpose of purchasing alcoholic beverages, for example, a non-credit short course in wine and cheese tasting. Such expectations must be approved in writing, and in advance, by the Office of the Vice President for Administrative Affairs.

III. DISCIPLINARY ACTIONS

Sanctions for violations of University alcohol policies include expulsion, suspension, disciplinary probation, disciplinary reprimand, restitution, dismissal from University housing, work or research projects, and restrictions on further use of University facilities. Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident are pending.

167.0 VI-11.00 - UNIVERSITY OF MARYLAND SYSTEM POLICY ON AIDS

(Approved by the Board of Regents, June 21, 1990)

- A. The University of Maryland System Board of Regents recognizes that in many cases it will not be necessary or appropriate to deny any individual access to academic, social or employment opportunities because they have AIDS or are infected with HIV. The Board of Regents also recognizes that in some cases it will be necessary and prudent to limit or deny such opportunities to protect the health of the HIV-infected individual or to avoid inappropriate risk of transmission of the HIV virus in the course of study or employment.
- B. In all matters relating to persons who have AIDS or who are infected with HIV, the University of Maryland System will observe requirements of applicable federal and state laws.
- C. Faculty members, employees or students with any form of HIV infection will be permitted to continue their activities at an institution or unit without change to the extent
 - (1) permitted by their health status, including their risk of contraction of infectious diseases from others; and
 - (2) consistent with the University's interest in preventing infection of others.
- D. Although current knowledge indicates that there is no health risk from living quarter contact with persons with AIDS or HIV infection, requests to change living arrangements (a) to minimize contact with persons with AIDS or (b) to minimize contact of the HIV-infected with other persons having infectious diseases will be considered.
- E. Confidentiality will be observed by each institution or unit as to information about individuals who know or suspect that they have AIDS or HIV infection unless an exception is granted by the affected person, a report of infection is required by law, or a report of possible infection of others is required by law or infection control policy. However, such information will be shared among institution officials and the University's legal counsel on a need-to-know basis.
- F. A program of education about AIDS and HIV prevention and transmission will be provided to students and employees by the institution or unit.
- G. Each president or unit head may adopt infection control policies for his institution or unit dealing with the activities of HIV-infected faculty members, employees or students. Such policies are encouraged for institutions having faculty, students and employees involved in health care. For cases not falling under an infection control policy, each president or unit head shall appoint a committee to examine the matter, evaluate the risks presented to the faculty member, employee or student and to others, and recommend any reasonable measures to reduce or avoid risk of transmission of the HIV virus or unreasonable exposure of the HIV-infected individual to other contagious illnesses.
- H. Each institution shall develop a policy, to include a procedure to deal with exposure to blood-borne pathogens, for the education and protection of employees at risk to infection from blood-borne diseases. All employees and students who handle human blood or other tissues will be provided personal protective equipment necessary to perform their jobs with minimum risk of infection.
- I. Each institution and unit of the University of Maryland System shall designate an individual or office which will have responsibility for maintaining a current roster of agencies and organizations to which persons seeking further information about AIDS, including persons concerned that they may have AIDS or are infected with HIV, may be referred for counseling and other related services.

Replacement for: BOR III-22.00

VI-11.00(A) - UMES POLICY AND PROCEDURES CONCERNING HIV INFECTION AND AIDS

(Approved by the President January 1, 1992)

I. POLICY

University of Maryland Eastern Shore recognizes that current knowledge indicates that a person with any form of Human Immunodeficiency Virus (HIV) infection does not pose a direct or indirect health risk to other students or employees in an academic setting or related activities, which involve only casual, non-intimate contact. The University views this illness as a serious social and personal tragedy, and seeks to address all ramifications of this policy with sensitivity toward all who may be involved or affected. Every effort will be expended to avoid the influence of false or ill-founded prejudices on official actions, or the tolerance of any personal harassment toward and individual who is affected by the disease.

The following guidelines are based on the best currently available medical information and are compatible with statements by the United States Public Health Service and the Centers for Disease Control and the American College Health Association (ACHA). All matters relating to HIV infection including, but not limited to AIDS education, testing, and counseling shall be the responsibility of the Director of the University Health Center.

II. GENERAL GUIDELINES

A. Application

These guidelines shall apply to all UMES students and employees.

B. Admissions to the University

The existence of any form of HIV infection/AIDS infection shall not be considered in the initial admission decision for any otherwise qualified person applying to attend the University.

C. Attendance

Students with HIV infection, whether they are symptomatic or not, shall be allowed regular classroom attendance without restriction as long as they are physically able to attend class.

D. Access to Facilities

Students and employees with HIV infection shall not be restricted from the use of any facilities including the student union, theaters, restaurants, snack bars, gymnasiums, swimming pools, saunas, recreational facilities, or other common areas.

E. Residential Housing

Decisions about housing for students with HIV infection shall be made on a case by case basis, based on the best currently available medical information and in consultation with the Director of the University Health Center. Particular concern shall be paid to the psychosocial, emotional and social welfare of the infected student and his or her roommates or suitemates.

The provision of clinical services for those infected shall include consideration of medical history, medical and psychological follow-up, the possibility of HIV people more easily contracting contagious diseases, and the special requirements needed for immunizations for persons with poorly functioning immune systems.

F. HIV Antibody Testing

The University of Maryland Eastern Shore has no mandatory HIV testing requirements. No attempt to identify a person's HIV status will be made either as a precondition for employment in an academic program.

Confidential or anonymous HIV testing, including pre/post test counseling, will be provided (or appropriate referrals made) to students, faculty and staff at the University Health Center. Additionally, educational materials, programs and access to other campus and community resources will be made available through the University Health Center.

G. Confidentiality of Information

1. Standards

The University shall follow the American College Health Association's guidelines (except as noted elsewhere in the policy) as follows:

"In general, it is recommended that no specific or detailed information concerning complaints or diagnosis be provided to faculty, administrators, or even parents, without the expressed written consent of the patient in each case."

2. Release of Information

Except as otherwise required by law or court order, no person, group, agency, insurer, or institution shall be provided any medical information of any kind without the prior written consent of the patient.

3. "Need to Know"

The number of people within the University who are aware of the existence and/or identify of students or employees who have the HIV infection should be kept to minimum in order to protect the confidentiality of and privacy of infected persons, and avoid the generation of fear and anxiety among other students and staff. There is no medical necessity to advise other students living in the same residence halls, classroom, or other shared facility of the presence of students or employees with HIV infection.

III. PROCEDURES – HEALTH CARE CENTER

Each department is responsible for assuring that all employees, including newly assigned personnel, faculty and students, receive HIV information and safety precautions guidelines/procedures appropriate to the employee's responsibilities.

Each research laboratory will maintain current policies and procedures pertaining to universal blood and body fluid precautions. A policy for the proper disposal of needles, syringes, and other contaminated equipment, should be supplemental with additional requirements specific to each laboratory setting.

A. Universal Blood and Body Fluids Precautions

The following universal precautions are to be used at the University Health Care Center with all patients where the potential for blood/bodily fluids exposure exists as described below.

Body fluids to which Universal Precautions apply include: body fluids containing visible blood; cerebrospinal fluid; semen and vaginal secretions; pleural fluid; internal tissues; pericardial fluid; synovial fluid; amniotic fluid, peritoneal fluid.

1. Gloves should be worn for touching blood and bodily fluids, mucous membranes, or non-intact skin of all patients, for handling items or surfaces soiled with such fluids, and for performing laboratory procedures, housekeeping tasks involving potential contact with such fluids, venipuncture and other invasive procedures. Gloves should be changed after contact with each patient and hands should be washed. Masks and protective eyewear or face shields should be worn during procedures that are likely to generate droplets of blood or other body fluids to prevent exposure of mucous membranes of the mouth, nose and eyes. Gowns or aprons should be worn during procedures that are likely to generate splashes of blood or other body fluids.

2. Hands and other skin surfaces should be washed immediately and thoroughly following contact with blood and/or other body fluids/substances. Hands should be washed immediately after gloves are removed. If a person has a significant exposure to another person's blood or body fluids, which are potentially infectious (as cited above), follow UHC guidelines pertaining to blood or bodily fluids.
3. All health-care workers should take precautions to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures; when cleaning used instruments; used during procedures; during disposal of used needles; and when handling sharp instruments after procedures. To prevent needlestick injuries, needles should not be recapped, purposely bent or broken by hand or removed from disposal syringes. Tubex syringe holders should be avoided as studies indicate significant increased needlesticks when using such devices. Needles, scalpel blades, and other sharp items should be placed in puncture-resistant containers for disposal.
4. Puncture resistant containers should be located in all areas where patient care is provided. The method of disposal for these containers as well as all other biological hazardous wastes is into labeled hazardous waste bags and placement into appropriate fiber cartons for shipping/incineration off campus. These wastes are never to be disposed of in the general trash disposal system. Areas such as laboratories having additional disposal requirements.
5. To minimize the need for emergency mouth-to-mouth resuscitation, mouthpieces, resuscitation bags, or other ventilation devices should be available for use in areas in which the need for resuscitation is predictable.
6. Health-care workers who have exudative lesions or weeping dermatitis should refrain from all direct contact with patient care without gloves and from handling patient care equipment without gloves until the condition resolves.
7. Pregnant health-care workers are not known to be at greater risk of contracting HIV or HBV infection than other health care workers. Pregnant health-care workers should be familiar with and strictly adhere to precautions to minimize the risk of HIV or other blood-borne infections as should every health-care worker.

B. Protocol for Treatment After an Exposure to Potentially Infected Blood/Bodily Fluid

1. Indications for Testing

- a. Anyone who has parental (needle stick or cut) or mucous membrane (splash to the eye or mouth) exposure to blood or other body fluids.
- b. Anyone who has any skin contact involving large amounts of blood or prolonged contact with blood, especially when the exposed skin is chapped or abraded.

2. Testing Procedures

- a. Within as short a time as possible after blood exposure (especially due to the urgency of prompt initiation of drug therapy) a person should select a physician. The physician – either a UHC physician, a private physician or Health Department Physician – will arrange for appropriate medical treatment, provide or arrange for HIV pretest counseling and test results, provide medical follow-up and educational and counseling needs and referrals as indicated.
- b. It is recommended that an exposed person have a voluntary baseline test for hepatitis and HIV as soon as possible after an exposure. It normally takes two (2) to twelve (12) weeks following exposure for the body to produce antibodies to the HIV sufficient to show up in testing. Follow-up HIV testing is recommended at three (3), six (6) and twelve (12) months following a significant exposure.

- c. For Worker's Compensation purposes it is recommended that employees obtain a baseline HIV test immediately so that it is recorded in the event that it becomes necessary to show proof that HIV or other infection occurred as a result of job-related exposure. If the test results are negative, the employee should be retested at appropriate three-month intervals after exposure.
- d. At this time, specimens collected for HIV testing will be sent to the Maryland State Laboratory for analysis.

3. Recommended Procedures to Follow After Exposures

- a. Wash the exposed area thoroughly with your usual cleansing agent except eyes or mouth, which should be rinsed thoroughly with normal saline solution or water.
- b. Notify the shift supervisor/physician of the incident for further medical direction. (Tetanus toxoid, Hyper immune globulin or other medication as recommended refer to MDHD 12/90) Hepatitis B vaccine may be initiated at this time.
- c. Inform the person who was the source of contamination that his /her being tested for Hepatitis and HIV will be valuable to the person exposed. In no way should the source person be made to feel harassed or coerced into being tested.
- d. If the source person and/or the person exposed agree(s) to testing, the person should:
 - Received pretest counseling covering information on the HIV and Hepatitis information sheets.
 - Sign the HIV consent form.
 - Set up an appointment for results and additional testing/counseling needs.
 - Obtain blood test(s) using proper procedure to maintain requested confidentiality or anonymity. A source person who refuses to be tested should indicate so on the consent form and sign the consent form where indicated.

Complete the following forms:

Health Center Incident Report by the end of the shift.

Supervisor's First Report of Injury within 72 hours.

HIV Testing Info/Consent Form after counseling.

Employees First Report of Injury

NOTE: The Health Center follows the current Department of Health and Mental Hygiene Management Recommendations after a Significant Blood/Body Fluid Exposure.

VI-11.00(A)-4

180.0 VII-1.10- UNIVERSITY OF MARYLAND SYSTEM POLICY ON A DRUG-FREE WORKPLACE

(Approved by the Board of Regents, January 2, 1989)

The University of Maryland System, as an employer, strives to maintain a workplace free from the illegal use, possession, or distribution of controlled substances*. Unlawful manufacture, distribution, dispensation, possession or use of controlled substances by University employees in the workplace is prohibited under University policy.

In addition to any legal penalties under federal and state law, employees found to be in violation of this policy may be subject to corrective action under applicable University personnel policies.

The University supports programs aimed at the prevention of substance abuse by University employees. Employees are encouraged to seek assistance for substance-dependency problems. Employee-assistance counseling and leaves of absence to attend rehabilitation programs are appropriate means for dealing with these problems.

***As defined pursuant to Controlled Substances Act, 21 U.S.C. Sections 801, et seq.**

Replacement for: BOT XIII-Q

VII-1.10(A) - UMES DRUG ABUSE POLICY

(Approved by the President January 1, 1992)

POLICY

The unlawful manufacture, distribution, possession, and use of unlawful drugs in the workplace at UMES are strictly prohibited.

- a. Any employee having a drug problem may, voluntarily on a confidential basis, report same to the campus Human Relations Officer in the Office of Personnel. The Human Relations Officer will refer the employee to the Employee Assistance Program (EAP). Any employee who voluntarily seeks assistance through the Human Relations Office may do so without fear of retribution.
- b. Any employee caught or suspected of possession or use of unlawful drugs in the workplace will be referred to the Employee Assistance Program (EAP) by way of the Human Relations Officer. Failure to successfully complete the EAP shall be grounds for dismissal.
- c. Any employee caught and suspected of the lawful manufacture and/or distribution of unlawful drugs in the workplace shall be turned over to criminal authorities. He/she shall remain an employee until, and unless, proven guilty in a court of law. A guilty verdict shall result in termination of employment.
- d. Any employee is required to notify the University, through his/her immediate supervisor, of any drug related criminal conviction, which resulted from unlawful conduct in the workplace, not later than five days following conviction. Failure to do so is grounds for conviction.
- e. The University shall notify the Federal Funding Agency whenever an employee is convicted of a drug related, work crime within ten days of the conviction.

ELKINS BUILDING NON-SMOKING POLICY

A non-smoking policy is in effect in the Elkins Building. Smoking and/or carrying any lighted tobacco product is prohibited at all times and in all locations within the building. Employees are strongly encouraged to refrain from smoking in State vehicles and may not smoke when other non-smoking passengers are present in the vehicle.

IMPLEMENTATION

- A. The Chancellor and the Vice Chancellors or their designees are responsible for assuring that this policy is communicated to all employees who report to them.
- B. Signs are to be strategically placed indicating "SMOKING PROHIBITED."
- C. The sale of tobacco products is banned within the Elkins Building.
- D. Opportunities will be examined and some programs may be available to smokers seeking assistance in changing to a non-smoking lifestyle through planned, time-tested educational and cessation programs.
- E. The Chancellor and the Vice Chancellors or their designees may grant administrative leave to employees to attend approved educational/information sessions and a cessation program should such programs or sessions be presented.

COMPLIANCE

- A. The policy extends to all System Administration employees and includes all visitors, consultants, temporary and contract personnel, and students.
- B. Violation of the policy will result in disciplinary action as outlined in Executive Order 01.01.1992.20 which may include suspension and/or termination of employment.

ATTACHMENT – EXECUTIVE ORDER 01.01.1992.10

REV. – 09/29/92

THE STATE OF MARYLAND

Executive Department

EXECUTIVE ORDER – 01.01.1992.20

Executive Agency Policy on Smoking

(Rescinds 01.01.1987.13)

WHEREAS, Scientific evidence documents that smoke from cigarettes, cigars, and pipes is harmful both to the health of individuals who do not smoke as well as those who do;

WHEREAS, Environmental tobacco smoke (second hand smoke) is a proven cause of cancer in nonsmokers;

WHEREAS, It is the responsibility of the State to promote a healthy and safe environment for all employees and individuals who conduct business in, live in, or visit State offices or facilities;

NOW, THEREFORE, I, WILLIAM DONALD SCHAEFER, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1987.13 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE OCTOBER 1, 1992:

- A. Smoking Policy. To provide a healthful environment in buildings and vehicles occupied by State of Maryland agencies and employees, all employees, clients, and visitors are expected to comply with the following:
- (1) Smoking Prohibited. Except as provided in paragraph A.(3)(a), smoking or carrying any lighted tobacco product is prohibited in all State buildings and facilities, in all space leased or rented by the State, and in government operated shuttle buses.
 - (2) State Vehicles. State employees are strongly encouraged to refrain from smoking in State vehicles and may not smoke when other nonsmoking passengers are present in the vehicle.
 - (3) Facilities Housing Clients, Patients, Inmates, and Wards of the State.
 - (a) A State official or employee in charge of a State facility may prohibit or limit smoking by residents of the facility if:
 - (i) The prohibition or restriction promotes fire safety, the protection of the health of employees, or otherwise contributes to the proper management of the facility; and
 - (ii) The prohibition or restriction is consistent with the safety and welfare of the residents, employees, or visitors.
 - (b) The State official or employee in charge of a State facility shall make reasonable accommodation for an employee who objects to working in an area where smoking by residents is permitted.
 - (4) Leased Housing. This order does not apply to any structure located on State property that is leased or rented as a residence to a State employee or other individual who is not the responsibility of the State.
 - (5) Legislative and Judicial Branches of State Government. This order does not apply to the ground and first floor of the State House and spaces assigned to the legislative and judicial branches of government. However, the legislative and judicial branches are called on to establish smoke free environments in those work spaces.
- B. Implementation and Enforcement of Smoking Policy.
- (1) Smoking Policy Implementation Committee. The Secretary or Director of each department or agency, including all Boards, Commissions, Departments, and State Colleges and Universities, shall establish a Smoking Policy Implementation Committee.

- (2) Implementation of the Smoking Policy. The Smoking Policy Implementation Committees shall develop procedures for making employees and clients aware of the policy and for providing information on smoking cessation programs to smokers who wish to quit.
- (3) The Department of Personnel shall coordinate and offer smoking cessation classes throughout the State under the Club Maryland Program.
- (4) Enforcement of Smoking Policy.
 - (a) All employees share in the responsibility for adhering to and enforcing this policy, and have the responsibility for bringing it to the attention of visitors. Each agency or department shall designate an individual in the personnel unit to address any conflicts that may arise.
 - (b) An employee found to be in noncompliance shall:
 - (i) For a first offense, be directed to the personnel unit for counseling on the provisions of this Executive Order and referral to the Wellness Program;
 - (ii) For a second offense, be required to attend a smoking education program sponsored by Club Maryland;
 - (iii) For a third offense, receive a written reprimand; and
 - (iv) For a fourth or subsequent offense, be disciplined in accordance with State progressive discipline procedures.
 - (c) Employee or client concerns about their treatment under this policy or problems arising from the implementation of this policy shall be resolved by the personnel unit designee with the advice and assistance of the Smoking Policy Implementation Committee. In the development of specific guidelines or the resolution of specific problems relating to the State's smoking policy, the Committee shall give priority to the needs of nonsmokers.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 3rd day of September, 1992.

William Donald Schaefer
Governor

ATTEST:

Winfield M. Kelly
Secretary of State

X-4.00 - UMES POLICY CONCERNING SMOKING

(Approved by the President January 1, 1992)

I. POLICY

In compliance with Executive Order 01.01.1987.13, issued by the Governor of Maryland, it is the policy of UMES to provide a healthful working environment on the UMES campus. UMES has attempted to consider the needs and concerns of both smokers and non-smokers in the development of this policy which applies to all employees, students and visitors to the campus.

Smoking is prohibited in the following areas:

- A. areas where smoking is prohibited by federal, state or local law;
 - B. State owned and University operated vehicles occupied by more than one person when one is a non-smoker;
 - C. designated areas of loungers, cafeterias and dining rooms;
- II. classrooms, laboratories and auditoriums;
- III. offices shared by two or more people when one is a non-smoker;
- IV. any area where a no smoking sign is posted.

This policy does not apply to the following areas unless no smoking signs are posted:

- A. grounds outside the campus buildings;
 - B. private offices where occupied by one person.
- V. IMPLEMENTATION
- A. The Vice President for Administrative Affairs shall direct the Physical Plant Department to post no smoking signs where smoking is prohibited and place appropriate receptacles where smoking is permitted.
 - B. Each employee shall receive a copy of the policy through campus mail and each new employee shall receive the policy as part of the orientation process.
 - C. The smoking policy shall become part of the student and employee handbooks.
 - D. All members of the campus community share in the responsibility of implementing this policy, and are expected to bring it to the attention of visitors to the campus.

VI. ENFORCEMENT

A. Supervisors

Supervisory personnel shall handle conflicts arising from the implementation of the Smoking Policy using the same procedures used to address other conflicts.

Individuals who feel that there has been a violation of this policy shall notify the senior administrator in that facility.

B. Smoking Policy Review Committee

The President shall appoint a Smoking Policy Review Committee composed of not less than five or more than seven members. The committee shall consist of both smokers and non-smokers as well as supervisory and non-supervisory personnel and shall serve for two academic years.

The charge of the committee shall be to hear grievances concerning the implementation of the Smoking Policy which cannot be resolved at the supervisory level. The committee shall recommend a resolution to the President for any conflict brought before it. Reasonable priority shall be given to the needs and legitimate concerns of the non-smokers.

C. President

The decision of the President shall be final in all cases.

VI-9.00 - POLICY ON ESTABLISHMENT OF INSTITUTIONAL TRAFFIC REGULATIONS

(Approved by the Board of Regents on January 11, 1990)

Each President shall establish traffic rules for the institution subject to any Board policies and applicable federal, State, and local laws.

An institution may employ students in the enforcement of traffic rules on the institution's property.

Based on Senate Bill 459, Section 12-109(E) (16)
Replacement for: BOR VI-38.00, VI-38.01; and BOT X-R

VI-9.00(A) - UMES TRAFFIC REGULATIONS

(Approved by the President January 1, 1992)

I. POLICY

The University of Maryland Eastern Shore enforces Maryland State law, as set forth in the Maryland State Department of Transportation Article of the Annotated Code of Maryland, on the campus. Campus Police are authorized to issue Maryland State Uniform Summonses for moving violations.

Information concerning parking and motor vehicle regulations may be found in "The Eastern Shore Campus Motor Vehicle Regulations" pamphlet that is distributed to all students. These regulations have been established in order to expedite the safe and orderly conduct of University business and to provide parking facilities in support of this function. Additional information may be obtained from the University Police Department, which has responsibility for parking and traffic regulations.

II. TRAFFIC REGULATIONS

The following are the UMES traffic regulations:

- A. Please, obey all uniformed police, posted speed limits, traffic and directional signs. Campus Police are authorized to issue State Summonses for moving violations, Safety equipment, Repair Orders, and Parking Violation Summonses.
- B. Traffic laws provided in Maryland Statutes shall apply in University property. Drivers are responsible for all moving violations.
- C. The maximum speed limit on campus roads is 20 miles per hour. Pedestrians shall have the right of way at all times.
- D. No person shall operate a vehicle at a speed greater than is reasonable and prudent by law.
- E. Exceeding the speed limit or otherwise operating a vehicle in a reckless manner is prohibited by law.
- F. Motor vehicle accidents that occur on University property should be reported to the University Police Department. University Police will investigate and file reports on all major accidents.
- G. It is impossible to mark with signs all areas of UMES property where parking is prohibited. The responsibility of finding a legal parking space rests with vehicle operator. "Lack of Space" is not considered a valid excuse for violation of regulations. Vehicle registration does not guarantee a convenient parking space.
- H. Any motor vehicle parked in violation of UMES Traffic Regulations or abandoned on campus is subject to removal and impounding at the expense of the operator.
- I. If an unregistered vehicle is used, upon arrival on campus, the operator is to report to the UMES Police Department to request a one-day permit.
- J. The fact that a vehicle is parked in violation of any parking regulation and does not receive a summons does not mean that the regulations are not in effect.
- K. A 15-minute time limit is allowed for loading and unloading.

IV. REGISTRATION OF VEHICLES

- A. All motor vehicle including motorcycles and scooters operated on campus by anyone associated with UMES must be registered with the University Police Department regardless of ownership.
- B. Vehicles must be registered for the current academic year during the applicable registration period.
- C. Stickers are only valid for vehicles registered and are not transferable.
- D. Temporary parking permits for an unregistered vehicle may be obtained through the University Police Department.
- E. Special parking permits for groups or individuals on campus should be requested in writing at least three working days in advance.
- F. UMES honors all current parking stickers from all Maryland public institutions for Higher Education.

VIII-7.10 - POLICY ON REPORTING SUSPECTED OR KNOWN FISCAL IRREGULARITIES

(Approved by the Board of Regents, June 21, 1990)

1. The Chief Executive Office of each institution and component of the University System shall establish a comprehensive internal control structure that ensures financial accountability.
2. As part of a comprehensive internal control structure, the Chief Executive Officer shall establish internal procedures concerning suspected or known fiscal irregularities such as embezzlement, theft, falsification of documents, and financial conflicts of interest. The procedures shall identify the institutional official responsible for determining the appropriate course of action when there is a report of suspected financial misconduct. The official so identified shall immediately notify the Chief Executive Officer, the Chancellor, the System Administration Internal Audit Office, the manager of financial operations where the fiscal irregularity allegedly occurred, and the Office of the Attorney General. Irregularities involving the loss of assets with a monetary or fair market value of \$100 or less need not be reported to the Chancellor and Internal Audit Office unless they occur in departments that routinely handle case or cash equivalents, occur in departments that routinely handle other valuable assets such as inventories, accounts receivable, and marketable securities, or involve personnel responsible for major fiscal functions such as payroll, procurement, accounts payable, or bookkeeping.
3. The responsible official shall immediately investigate the report of alleged misconduct. When a preliminary investigation has been completed, the responsible official will report the findings to the Chief Executive Officer who, in consultation with the Office of Attorney General, shall determine a course of action, e.g., discipline, restitution, or discharge. The determination of the Chief Executive Officer shall be reported to the System Administration Internal Audit Office and the Chancellor. The Office of the Attorney General will independently make a determination concerning criminal prosecution.
4. A person who suspects financial misconduct may initially report his suspicion to the Internal Audit Office of System Administration for investigation. Preliminary findings will be reported by the Internal Audit Office to the Chancellor and to the Chief Executive Officer for further action.
5. In no case may University System officials promise known or suspected offenders that the University System will forego criminal prosecution and in no case may the officials enter into written agreements that preclude criminal prosecution.
6. Federal requirements shall be followed if the financial misconduct involves federal grant funds.
7. Every effort shall be made to ensure the confidentiality of any person reporting the suspected financial misconduct, and every effort shall be made to ensure that no retaliation of any kind will be tolerated against any individual who, in good faith, furnishes information about known or suspected fiscal irregularities.

VIII-7.10(A) - UMES PROCEDURES CONCERNING REPORTING SUSPECTED THEFT OF UNIVERSITY PROPERTY OR FUNDS

(Approved by the President January 1, 1992)

I. RESPONSIBLE OFFICER

The Vice President for Administrative Affairs is the institutional official responsible for determining the appropriate course of action when there is a report of suspected financial misconduct.

II. PROCEDURES

A. Reporting

Any known or suspected embezzlement, theft, falsification of documents or financial conflicts of interest should be reported immediately either to the Department Chair and the Vice President for Administrative Affairs, or the System Administration Internal Audit Office.

B. Losses of Greater Than \$100

In cases of irregularities involving a loss of assets of greater than \$100 fair market value, or loss of assets of less than \$100 in departments that routinely handle case or cash equivalents or have major fiscal functions, the Comptroller shall:

1. Immediately notify the Vice President for Administrative Affairs, the System Administration Internal Audit Office, and the President's Office.
2. The Vice President for Administrative Affairs, the Comptroller, the auditors and a representative from the President's Office shall meet within twenty-four hours of notification to determine a recommended course of action.
3. The Vice President for Administrative Affairs shall, immediately upon completion of the meeting, notify the President of the facts and the recommended course of action.
4. The President, in consultation with the Office of the Attorney General shall determine a course of action which shall be reported to the System Administration Internal Audit Office and the Chancellor.
5. The Attorney General shall make an independent determination concerning criminal prosecution.

C. Losses of Less than \$100

Losses of less than \$100 fair market value shall be reported to the Comptroller, who shall determine the appropriate course of action. The System Administration Internal Audit Office and the Chancellor need not be notified.

III. CONFIDENTIALITY

Every effort shall be made to protect the confidentiality of any person reporting suspected financial misconduct.

Retaliation of any kind against a person making a report in good faith shall not be tolerated.

X-1.00(A) - UMES POLICY CONCERNING USE OF UNIVERSITY STATIONERY

(Approved by the President January 1, 1992)

It is the policy of UMES that University of Maryland stationery may be used only for official University business. Personal use of University of Maryland stationery may result in disciplinary action.

X-2.00(A) - UMES POLICY CONCERNING ON-CAMPUS MAIL

(Approved by the President January 1, 1992)

I. POLICY

Campus mail service is provided by the State through funds appropriated to the University and, as such, serves the University community for official use only. The use of the campus mail service for personal purposes is expressly forbidden.