

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS – Title IX

PROCEDURE: QUICK REFERENCE GUIDE
SEXUAL MISCONDUCT & SEX DISCRIMINATION POLICY

You have been identified as a complainant or accused person in a serious incident of alleged sexual misconduct or sex discrimination which implicates the Code of Student Conduct and criminal law including (but not limited to) state criminal charges and federal Title IX, Title VII, Violence Against Women Act, and the Clery Act. The nature of the allegation mandates certain investigative and response procedures in addition to the standard process described in the Code of Student Conduct. (As noted in that document, where the Code of Student Conduct is inconsistent with federal or state regulatory requirements or laws, the College will comply with and defer to the appropriate federal or state regulatory requirement or laws. Similarly, where College Human Resources policies or procedures are inconsistent with federal or state regulatory requirements or laws, the College will comply with and defer to the appropriate federal or state regulatory requirement or laws.

READ THIS QUICK REFERENCE GUIDE, ANY LETTERS OR NOTICES YOU RECEIVE, THE CODE OF STUDENT CONDUCT (STUDENTS), AND HR POLICIES (EMPLOYEES) CAREFULLY. FOLLOW ALL DIRECTIONS.

Statement of Principles:

The College complies with applicable non-discrimination state and federal laws including Title IX as well as regulations prohibiting discrimination against any individual or group of individuals subject to legal protections. Title IX provides that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Allegany College of Maryland takes sexual misconduct and sex discrimination seriously. Sexual misconduct includes but is not limited to the following unacceptable behaviors: rape, sexual assault, harassment, stalking, relationship violence, and attempts to commit such acts. Any person found responsible for sexual misconduct will be properly sanctioned; options that must be considered include removal from on-campus housing, suspension from the College, and dismissal from the College. The College will not permit a hostile environment to exist and will not tolerate retaliation against any person who reports and/or cooperates with this investigation.

Process Summary:

I. Intake Assessment

» Determining whether the complaint is a Title IX case or whether another policy/process applies. First outreach to the Complainant is likely to occur unless the initial report is clearly not Title IX.

II. Immediate Action

» **If Title IX**, implementing corrective/safety measures (eg., interim measures), collecting basic information, determining Complainant’s wishes. Closure possible under certain circumstances.

III. Preliminary Inquiry

» Notification of the Accused person, interviews of parties and witness(es), collection of written statements, and collection of evidence. Then, review of all available information.

» Gatekeeper Determination:

- (a) Reasonable cause to support an accusation of Title IX violation?
- (b) If so, informal resolution OR Formal investigation? Informal resolutions are possible, particularly if both parties agree. Sometimes, informal resolution is not possible or recommended; then a Formal Investigation will occur.

III. Formal Investigation

» Disciplinary action (student) via Code of Student Conduct

Standard: preponderance of the evidence

» Disciplinary action (employee) via Human Resources Policies

Standard: preponderance of the evidence

PROCEDURES: RIGHTS & RESPONSIBILITIES

For *both* complainant *and* accused

Rights:

- For the sexual misconduct to be stopped
- To file a criminal complaint and/or to seek an order of protection from local authorities
- To receive interim protective and/or corrective measures. A detailed list of possible Interim Measures is available; Interim Measures are determined on a case-by-case basis and will be provided when possible.
- To receive counseling via the Student Counseling Program or Employee Counseling Program
- To receive written notification when a preliminary inquiry and/or disciplinary investigation commences, and to receive written information about the process(es) .
- Students: To consult a College Ombudsman for guidance about the **disciplinary** process of this matter reaches a formal disciplinary investigation.
 - » The Ombudsman's role is to answer questions about the process. The Ombudsman is NOT your advocate and will not know the details of the investigation. See the list below of qualified Ombudsmen; it is *your* responsibility to initiate contact and to accommodate the Ombudsman's schedule.
 - » **Joshua Getz @ 301-784-5129**
- To consult an advisor or support person of your choosing, who *may accompany* you to any college proceeding but who *may not participate* in the proceedings; you are welcome to consult this person at any time in private. You must provide the name and title (if any) of your advisor to the Title IX Coordinator one business day before any meeting. (Your advisor/support person should **not** be a party or witness in the matter.)
- To provide a statement, information, witnesses, documents, and other evidence
- To submit written questions for the Title IX Coordinator to ask the other party or witness(es) and to have the opportunity to ask follow-up questions.
- To have access to information that will be used in the proceedings / decision-making within reasonable boundaries of privacy and legal limitations. Contact the Title IX Coordinator if you have questions.
- To receive timely updates about the progress of the inquiry or formal investigation
- To have the inquiry or formal investigation concluded within a reasonable period of time
- To receive written notification of the findings – including any sanction(s)..
- To be free from retaliation or harassment by any person
- Parties and witnesses shall not be subject to disciplinary action for drug/alcohol violations IF (a) violation occurred during/near time of assault, (b) assault report/participation is in good faith, and (c) violation was “**not** an act that was reasonably likely to place the health or safety of another individual at risk”
- For your privacy/confidentiality and legal rights to be protected to the greatest extent possible
- Accused Student: To have escorted access to your on-campus housing as needed to retrieve personal property if you are suspended from campus or Willowbrook Woods (due to limited staffing, arrangements must be made in advance)
- Accused Employee: To have escorted access to your workplace as needed to retrieve personal property if you are suspended.

Responsibilities

- To cooperate with the investigation so it can be fair, accurate, and thorough.
 - To be truthful.
 - To comply with any directives/orders issued for safety reasons
 - To report any new concerns or problems – particularly any retaliation or harassment
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Resources & Suggestions: see separate, comprehensive document.