

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS – Title IX

PROCEDURES: INSTITUTIONAL OBLIGATIONS
SEXUAL MISCONDUCT & SEX DISCRIMINATION POLICY

Standards & General Procedures:

- ✓ Sexual misconduct and sex discrimination are prohibited. These terms and specific acts are defined; regular prevention education and training will be provided to students and employees to help all persons understand what behaviors are prohibited, what happens if the behaviors occur, and how to help prevent sexual misconduct and sex discrimination at Allegany College of Maryland.
- ✓ Acts of sexual misconduct and sex discrimination should be reported immediately.
- ✓ Retaliation against any person is prohibited.
- ✓ Timeline: There is no fixed timeframe to complete an investigation; ACM shall make a good faith effort to conduct a fair, impartial investigation in a timely manner designed to provide all parties with resolution.
- ✓ Confidentiality: the College shall preserve confidentiality of all parties to the greatest extent possible in order to protect the privacy of the parties and the integrity of the investigation. Confidentiality cannot be guaranteed.
- ✓ Both the complainant and the accused person (respondent) will be provided with information about their rights and responsibilities.
- ✓ Both the complainant and the accused person (respondent) will be provided with information about resources.
- ✓ 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.”
- ✓ Institutional Process:

*These processes shall be detailed in “Procedures: Response Checklist” used by the Title IX Coordinator/Investigators.

Upon receiving a report of alleged discrimination and/or sexual misconduct, Allegany College of Maryland will

1. Conduct an Intake Assessment
 2. Take immediate and appropriate action to stop the misconduct; to prevent its recurrence for the safety, and to remedy the effects of the misconduct;
 3. Provide information to the identified complainant and to the accused perpetrator (if a student or employee) about their rights as well as available resources;
 4. Conduct a preliminary inquiry of the complaint;
 - » At the conclusion of the preliminary inquiry, the investigators shall determine if there is reasonable cause (i.e., sufficient substantiating evidence) to proceed and, if so, whether a formal or informal resolution is required.
 5. Conduct a prompt, adequate, reliable, and impartial investigation of the complaint where indicated;
 - » At the conclusion of any formal investigation, the investigators shall determine if the accused person violated the Code of Student Conduct (student) or HR policies (employees).
 - » The standard of proof shall be Preponderance of Evidence.
 - » If the accused person is found responsible, an appropriate consequence or sanction shall be imposed.
 6. Follow all appropriate procedures as detailed in the Code of Student Conduct, Human Resources Manual, and other related institutional policies;
 7. Encourage and support a report to local law enforcement;
 8. Cooperate with any criminal investigation/prosecution; and
 9. Comply with other legal and policy/procedure requirements.
- ✓ Two investigators (minimum) shall conduct preliminary inquiries and formal investigations.
 - ✓ The College’s process shall be independent of any criminal or civil proceeding (including investigations by law enforcement) and shall not depend upon the outcome of any criminal or civil proceeding.
 - ✓ Other institutional procedures provide greater detail.
 - ✓ **The Family Educational Rights Privacy Act** outlines the rights of students regarding their educational record(s). Generally, FERPA does not allow a college or its employees to release certain information to third parties without *either* written permission from the student *or* a recognized exception to the law such as an emergency. Compliance with Title IX and the provisions of the College’s Sexual Misconduct and Sex Discrimination Policy as well as accompanying procedures do not constitute a violation of FERPA.