

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

**TITLE IX PROCEDURE: FORMAL RESOLUTION
 DECISION-MAKING**
SEX-BASED HARASSMENT & SEX DISCRIMINATION POLICY

FORMAL RESOLUTION

As permitted by the federal regulations, Allegany College of Maryland does not hold live hearings which are akin to trials. Formal resolution occurs when the investigation by Campus Safety/Special Police is completed. As permitted by the federal regulations, the Title IX Coordinator may be the College's decision-maker as long as the Title IX Coordinator did not participate in the investigation. Upon receiving the final investigation report with all evidence, the Title IX Coordinator must determine:

- 1.) whether the allegation occurred and
- 2.) if so, whether the conduct violates the Sex-based Harassment & Sex Discrimination Policy.

DECISION-MAKING BASICS:

- Investigators submit the final report with all evidence to the Title IX Coordinator who notifies the Parties that investigation is closed and decision-making is now underway.
- The Respondent is presumed innocent unless there is sufficient evidence to find the Respondent responsible applying the standard of proof: preponderance of the evidence.
- Amnesty applies for drug/alcohol violations by Parties and witnesses. See **Definitions** for the criteria.
- Title IX Coordinator reviews the entire report and all accompanying information.
- Title IX Coordinator may make a determination based upon the investigation report.
- Title IX Coordinator may conduct individual hearings with any person for a necessary purpose including, but not limited to, clarifying the Parties' positions on disputed issues and assessing credibility. The Parties will be notified of any pending hearings and be given the opportunity to offer any new questions to be asked of the person. The Parties and their Advisors do not attend hearings except their own.
- Parties who are invited to participate in a hearing may be accompanied by an Advisor of their choosing; Advisors may be present and may consult privately with the Party but may not participate.
- Any hearings shall be recorded. The Parties and their Advisors will be offered an opportunity to inspect and review the hearing transcripts/video and to offer any additional comments or information.
- Any new information obtained during the decision-making process will be noted in the findings. The investigation report will not be updated. (However, if a significant development arises which could reasonably affect the outcome, the Title IX Coordinator has discretion to order the investigation reopened. If that happens, the investigators conduct any relevant evidence gathering and update the investigation report accordingly. The Parties and their Advisors will be offered an abbreviated opportunity to inspect and review the report before it is submitted to the Title IX Coordinator.)
- Before making Final Determination, Title IX Coordinator may consult with either or both Deputy Title IX Coordinator to review the case materials, to consider the application of relevant institutional policies/practices -if any, and to discuss the findings.
- Title IX Coordinator makes the Determination based upon the report, any hearings, input by Deputy Title IX Coordinator(s), and/or any additional information obtained. Title IX Coordinator issues written findings for each allegation simultaneously to the Parties.
 - 1) description of the allegation
 - 2) how the allegation was evaluated applying policy/procedures
 - 3) affirmation that only relevant and permissible evidence was considered
 - 4) whether the allegation occurred.
 - (a) upon a finding that the allegation did not occur, the matter is dismissed;
 - (b) upon a finding that the allegation occurred, whether the allegation violated policy;
 - (c) upon a finding that the allegation did not violate policy, the matter is dismissed;
 - (d) upon a finding that the allegation violated policy, an appropriate sanction is assigned to the Respondent. Title IX Coordinator implements the sanction.
 - 5) whether remedies will be provided to the Complainant or any other person
 - 6) appeal information noting the fifteen (15) day appeal deadline.