

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

TITLE IX PROCESS – DISMISSALS
SEXUAL HARASSMENT & SEX DISCRIMINATION POLICY

DISMISSAL SUMMARY

Pursuant to the federal regulations, if a formal, written complaint has been submitted, there are circumstances in which the Title IX Coordinator **must** dismiss the complaint and in which the Title IX Coordinator *may* dismiss the complaint. Upon dismissal of the complaint the Title IX grievance procedure is over; however, the matter may be referred to a different institutional policy/process.

Mandated Dismissal Grounds

1. If the conduct did not occur against a person in the United States; and/or
2. If at the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed; and/or
3. If the conduct did not occur in the recipient's education program or activity; and/or
4. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined even if proved.

Discretionary Dismissal Grounds

1. If at any time during the investigation or hearing, a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 2. The respondent is no longer enrolled or employed by the recipient; and/or
 3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.
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