

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

TITLE IX PROCESS – QUICK REFERENCE GUIDE
SEXUAL HARASSMENT & SEX DISCRIMINATION POLICY

POLICY SUMMARY

Title IX, a federal law, prohibits discrimination against any person on the basis of sex in any education program or activity; it is enforced via federal regulations. Prohibited behaviors include sexual assault, sexual harassment, domestic violence, dating violence, stalking, and gender discrimination. The College's policy and procedures relating to sexual harassment and sex discrimination include requirements under Title IX, Clery Act, Violence Against Women Act, and other federal/state laws commonly referred to – collectively – as “Title IX”.

PROCESS STEPS AFTER AN INCIDENT OCCURS AND IS REPORTED

As required by the U.S. Department of Education regulations.

STEP ONE / INTAKE ASSESSMENT

Title IX Coordinator contacts the person, known as the **Complainant**, who reportedly experienced a possible violation of policy and provides basic information about Title IX. Title IX Coordinator requests a meeting to gather more information, to offer supportive measures, and to discuss options. The primary focus of this conversation is to learn what happened and to understand the Complainant's needs/wellbeing so s/he can safely continue participating in College programs and services. Based upon this conversation, Title IX Coordinator must determine:

- (a) if the incident is one of the behaviors prohibited by Title IX and
- (b) if the College has jurisdiction.

If so, then Title IX applies, and the Title IX Coordinator advances to **Step Two**.

If not, then the Title IX Coordinator will refer the matter to another College policy/process.

STEP TWO / ACTIONS AND OPTIONS

Where Title IX applies, the Title IX Coordinator and the person who experienced the behavior (called the **Complainant**) will discuss what can/should happen next. Here are the options:

- (a) Complainant may seek medical treatment if needed for any injury – including a free rape kit at a hospital if the Complainant was sexually assaulted.
- (b) Complainant may seek an order of protection from their local court. This process is separate from any action by the college and can happen simultaneously.
- (c) Complainant may file a police report with local law enforcement if the incident is also a crime. This process is separate from any action by the college and can happen simultaneously.
- (d) Complainant requests no formal action by the College. Title IX Coordinator will make sure any concerns or barriers are addressed. Title IX Coordinator will provide supportive measures so Complainant can safely continue participating in programs and services.
Examples of **supportive measures** include counseling, Cease & Desist notification, No Contact Order (mutual), No Negative Contact Order (mutual), Security escort on campus, class changes, on-campus housing room assignment change, and work assignment change. When appropriate, the Title IX Coordinator may meet informally with the Respondent to discuss the reported behaviors and issue verbal/written directive(s).
- (e) Complainant may submit a formal, written complaint to the Title IX Coordinator which initiates formal grievance procedure by the College. **See Step Three.**
- (f) If the incident involves a pattern of reported behavior, a weapon, or continued risk to campus safety, the Title IX Coordinator may submit the formal, written complaint which initiates a formal investigation.
- (g) There are circumstances in which the Title IX Coordinator must dismiss a complaint and in which the Title IX Coordinator may dismiss a complaint. See the dedicated information sheet (Dismissals).

STEP THREE / FORMAL GRIEVANCE PROCEDURES

- Title IX Coordinator provides written notifies to the Parties: Complainant and Respondent (the person accused of conduct which may violate Title IX policy).
- In rare situations where danger exists, the Respondent may be suspended from campus or restricted from certain locations during the investigation.
- Investigators conduct a full, thorough, and unbiased investigation with a final, written report.
- Complainant and Respondent are treated equally with the same rights/responsibilities.
- Respondent is presumed innocent.
- There is a live hearing similar to a trial (with advisors/attorneys); Hearing Official(s) decide if allegations are proven and if policy was violated; the standard of proof is preponderance of the evidence.

The Title IX Coordinator oversees these steps and must remain neutral throughout the process.