

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

TITLE IX PROCEDURE – QUICK REFERENCE GUIDE
SEX-BASED HARASSMENT & SEX DISCRIMINATION POLICY

POLICY SUMMARY

Allegany College of Maryland prohibits sexual assault, sex-based harassment, domestic violence, dating violence, stalking, and gender discrimination both on and off-campus by any person; the College applies policy and procedures in compliance with all Title IX federal/state regulations. Detailed information is available at <https://www.allegany.edu/title-ix/index.html>

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 they can safely continue participating in College programs and services. Based upon this conversation, Title IX Coordinator must determine:

- » if the person alleged to have engaged in the misconduct (known as the **Respondent**) can be identified,
- » if the incident includes any act(s) that, if proven, are prohibited by Title IX, and
- » 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 **Complainant** will discuss what can/should happen next.

Here are the options:

- (a) Complainant should 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 and/or 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.
- (c) Complainant may request 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 continue participating in programs and services. When appropriate, the Title IX Coordinator may meet informally with the Respondent to discuss the reported behaviors, to educate the Respondent, and to issue verbal/written directive(s). (See Informal Resolutions)
- (d) Complainant may submit a formal complaint to the Title IX Coordinator which signals their wish for a full investigation by the College with written notification to the Parties. In some circumstances, Coordinator may dismiss the complaint – subject to process appeal. (See Formal Resolution)

Formal Resolution / Basics:

- Investigators (2) conduct a full, thorough, and unbiased investigation with a final, written report that will be provided to the Parties for review and response. Parties will also have access to all evidence collected including interview transcripts or video and written statements.
 - Complainant and Respondent are treated equally with the same rights/responsibilities. Both Parties may receive supportive measures – subject to process appeal.
 - Respondent is presumed innocent.
 - In rare situations where danger exists, the Respondent may be suspended from campus or restricted from certain locations during the investigation, subject to process appeal.
 - Parties may be accompanied to any proceeding by an Advisor of their choosing. (Advisors do not participate.)
 - Upon receiving the investigation report, Title IX Coordinator will determine if any violations occurred and, *if so*, determine the appropriate consequence(s). Standard of proof is preponderance of the evidence. Findings may be appealed by either Party.
 - Title IX Team officials must remain neutral and unbiased.
- (e) 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 complaint which initiates a formal investigation.