

Allegany College of Maryland  
**STUDENT & LEGAL AFFAIRS**

**TITLE IX PROCEDURE –SEXUAL HARASSMENT**  
**SEX-BASED HARASSMENT & SEX DISCRIMINATION POLICY**

Under the 2024 federal regulations, Title IX applies to “sex-based harassment” with this broad definition:

**Sex-based Harassment** is a form of sex discrimination and means **sexual harassment** and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

The definition of sexual harassment:

- 1) **Quid pro quo harassment:**
  - an employee agent, or other person authorized by the College,
  - to provide an aid, benefit, or service under the College ‘s education program or activity,
  - explicitly or impliedly conditioning the provision of such aid, benefit, or service,
  - on a person’s participation in unwelcome sexual conduct.
- 2) **Hostile Environment Harassment (modified by 2024 regulations):**
  - unwelcome sex-based conduct, that
  - based on the totality of the circumstances,
  - is subjectively and objectively offensive, and
  - is so severe or pervasive,
  - that it limits or denies a person’s ability to participate in or benefit from the College’s education program or activity

Miscellaneous issues:

- An effective institutional response to stop the behavior, prevent a recurrence, and remedy the effects is required; the standard for determining effectiveness = reasonableness.
- Incidents of sexual harassment and sex-based harassment can be combined to determine whether a hostile environment has been created.
- Sex-based harassment and gender-based harassment can be based on a person’s perceived failure to conform to stereotyped notions of masculinity and femininity.
- Sexual orientation: sex-based harassment can be by a person of any sexual orientation or gender identity.

EEOC – guidance specific to employees:

It is unlawful to harass a person ...because of that person’s sex. Harassment can include “sexual harassment” or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature... can include offensive remarks about a person’s sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Although the law doesn’t prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

The harasser can be the victim’s supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.