Allegany College of Maryland

SEXUAL HARASSMENT & SEX DISCRIMINATION POLICY

[Policy mandated by federal & state authorities]
Approved by Board of Trustees 5/11/15
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BACKGROUND AND PURPOSE

Allegany College of Maryland is committed to providing a healthy and safe community for learning and engagement for all students, employees, and guests. It is the responsibility of every person to ensure his/her actions do not compromise the health and safety of any person or the campus community. Allegany College of Maryland takes sexual harassment and sex discrimination in all their forms of seriously. This policy is designed to promote the prevention of such misconduct, to protect the well-being of the Allegany College of Maryland community, to stop misconduct when reported, and to respond to any allegation of such misconduct with fundamental fairness. The College will adopt and follow procedures to fully implement this policy and to comply with federal and state laws and regulations including Title IX of the Education Amendments of 1972 as amended ("Title IX"), Title VII of the Civil Rights Act of 1964 ("Title VII" - employment discrimination based on sex including sexual harassment in the workplace), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") which includes the Violence Against Women Act ("VAWA"), Maryland Education Article § 11-601 (2019), and the revised federal regulations enforcing Title IX at 34 CFR Part 106 (2020). For purposes of this policy and related procedures, **Title IX** shall be the term to capture all these laws which implicate sexual harassment and sex discrimination.

POLICY

I. Non-Discrimination Statement

Allegany College of Maryland does not discriminate on the basis of age, ancestry/national origin, color, disability, gender identity/expression, marital status, race, religion, sex, or sexual orientation in matters affecting employment or in providing access to programs and activities.

II. Prohibition of Sexual Harassment, Sex Discrimination, and Retaliation

Sexual harassment and sex discrimination are forms of discrimination prohibited by state and federal laws. Allegany College of Maryland prohibits all forms of sexual harassment and sex discrimination which includes but is not limited to sexual assault, stalking, relationship violence, *quid quo pro* sexual harassment, hostile environment sexual harassment, and gender-based discrimination. Attempts to commit these acts are prohibited. These acts may also constitute crimes which could be reported to local law enforcement. The College also prohibits retaliation in any form against a complainant, respondent, witness, investigator, or any other person associate with a report. The College complies with applicable state and federal laws as well as related regulations. Nothing in this policy shall be construed to permit other behaviors expressly prohibited by the Code of Student Conduct or Employment policies.

III. Scope of Policy

This policy and its procedures apply in the following circumstances:

A. What: sexual assault, stalking, relationship violence, *quid quo pro* sexual harassment, hostile environment sexual harassment, and gender-based discrimination – including attempts.
B. Who: *general* procedures apply to all students, all employees, and any person acting on behalf of the College or over whom the College has authority including but not limited to volunteers, graduate students, researchers, and independent contractors; there are some *specific* procedures which provide additional rights/protections to students only.
C. When: incidents which occur while the parties are formally affiliated with the College. At least one party must be enrolled, employed, and/or under the authority of the College at the time the reported incident occurs. It is not required for all parties to be formally affiliated, although the College's jurisdiction and ability to act over an unaffiliated party is limited. Incidents should be

reported in a timely manner; the College reserves the right to limit its actions to supportive measures if too much time has passed to conduct a fair and thorough investigation.

D. Where: incidents which occur on College property which includes all campuses, instructional sites, and any property owned or managed by the College including – but not limited to – buildings, parking lots, access roads, vehicles, and fields/lawns. The words "on campus" encompass all such properties. This policy applies to incidents which occur off-campus during an event, class, or other activity that is organized, controlled, or sponsored by the College or a recognized College group/entity with the exception of any incident which occurs outside the United States.

Acts of sexual harassment or sex discrimination that do not fall within the scope of this policy will be addressed by other appropriate institutional policies and procedures. (See Other Provisions, X, below.)

IV. Institutional Obligations

The College will take steps to prevent the occurrence of sexual harassment and sex discrimination. If sexual harassment and/or sex discrimination occurs, the College – upon receiving actual notice – shall take immediate, appropriate steps to end the harassment and/or discrimination, to prevent its recurrence, and to remedy its effects. Informal resolutions are possible as determined by relevant factors. Formal investigations shall be prompt, equitable, reliable, and impartial. The College will treat all persons with respect, dignity, and fairness. The College will follow all appropriate procedures as detailed in Title IX materials, the Code of Student Conduct, Human Resources Manual, other related institutional policies, state/federal mandates, and legal standards.

The College will provide notice of this policy to students, employees, applicants, and other relevant persons.

The College will encourage and support a report to local law enforcement for any criminal act. The College's institutional response to sexual harassment and/or sex discrimination shall be independent of any law enforcement and/or court action. The College will comply with all Clery mandated data collection and reporting requirements. Designated College employees are required to report any sexual harassment and/or sex discrimination in accordance with the policy provision specified below.

V. Maryland Law/Regulation

The College shall comply with Maryland Education Article § 11-601 regulating institutional disciplinary procedures. Students who allege a policy violation of or who respond to an allegation of a policy violation shall have the rights as described in accompanying procedures, and the College shall adopt and follow the disciplinary procedures described in accompanying procedures.

VI. Procedures

Allegany College of Maryland shall adopt comprehensive procedures to implement this policy. Such procedures shall include but are not limited to the following elements: definitions of terms, how to file a complaint, parties' rights and responsibilities, presumptions, standard of evidence, the role of advisors, amnesty, confidentiality, notifications of parties, formal investigation and hearing practices, timelines, possible supportive measures, possible resolutions/consequences including the availability of informal resolutions, appeals, the role of law enforcement/crime reporting, resources, Title IX team training, and record-keeping.

VII. Title IX Coordinator

Allegany College of Maryland's Title IX Coordinator is responsible for the College's compliance with federal and state laws and/or regulations related to Title IX and the Clery Act as enacted in this policy and accompanying procedures. The Title IX Coordinator shall be the Dean of Student & Legal Affairs whose name and contact information shall be included in accompanying Procedures as well as publications and educational/training materials for students, faculty, and staff. The College may identify additional College employees to function as Title IX team members to assist with the implementation of this policy, to conduct investigations, to serve as advisors, to hold administrative hearings as needed, and to adjudicate appeals. Inquiries concerning the application of this policy may be referred to the Title IX

Coordinator, and complaints that the College has discriminated on the basis of gender may be made to the United States Department of Education's Office for Civil Rights and/or the Maryland State Department of Education's Equity Assurance & Compliance Office.

VIII. Education and Training

Allegany College of Maryland shall provide prevention and awareness education to students, faculty, staff, and other relevant parties. This education shall be designed to inform the campus community about what constitutes sexual harassment and sex discrimination, how to reduce the occurrence of sexual harassment and sex discrimination, safe bystander interventions, consequences of engaging in sexual harassment and sex discrimination, and how to report sexual harassment and sex discrimination. The College shall also secure or provide annual training for College employees who are charged with responding to, investigating, and/or adjudicating sexual misconduct and sex discrimination; materials and/or information about this training shall be posted to the College's website.

IX. Reporting

Any person with information about sexual harassment or sex discrimination is strongly encouraged report it promptly to Title IX Coordinator or Campus Safety/Special Police, and/or the Office of Student & Legal Affairs. College employees who are designated as authorized to initiate corrective measures on behalf of the College are required to report sexual harassment or sex discrimination to the Title IX Coordinator; this report must be made promptly upon the employees' having notice of sexual harassment or sex discrimination. The College will assist any person needing assistance to make a report or complaint, and reports may be made anonymously online at www.allegany.edu . **The College strongly encourages any person who is a victim of or who witnesses any crime to contact law enforcement /call 911 immediately**.

X. Other Provisions

The College reserves the right to initiate, continue or to close its action under this policy under the following circumstances:

- A party is no longer formally affiliated with the College at the time a complaint is made.
- A party's formal affiliation with the College is severed after a complaint is made. If a party graduates, transfers, withdraws, ceases employment, is dismissed pursuant to another institutional process or otherwise terminates their formal affiliation, a determination shall be made whether the College's action shall continue after gathering the relevant information.
- The Complainant withdraws the complaint in writing.
- Circumstances prevent the collection of evidence sufficient to make a determination.

Application of this policy may directly or indirectly require the application of other institutional policies; nothing in this policy shall be construed to prohibit the application of related policies which include, but are not limited to the policies listed here. Related policies include: Code of Student Conduct, Personnel/HR policies, Non-Discrimination Policy, Admissions Policy, Safety Risk Policy, FERPA Policy, and First Amendment Policy.

Nothing in this policy shall be construed to limit any party's pursuing criminal or civil remedies.

If another College policy or state law conflicts with this policy, the College shall make reasonable efforts to resolve the conflict without violating any policy or law. If such resolution is not possible, the College shall apply the relevant policy or law in this order: constitutional protections, federal law, federal regulations, institutional policy to implement federal law/regulations, Maryland law, Maryland regulations, institutional policy to implement Maryland law/regulations, other state law, other state regulations, institutional policy to implement other state law/regulations, institutional policy unrelated to a federal or state law/regulation.

XI. Policy Changes

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.