Allegany College of Maryland

SAFETY RISK POLICY

(A mix of mandated, non-mandated policy related to admissions and campus access/restrictions.)

Adopted 2005
Revised 2018 (not adopted)
Revised 2020
Approved by Board of Trustees 08/17/20
Implementation Fall 2020

Original Policy - Adopted, Board of Trustees 10/17/05

ADMISSIONS

"Allegany College of Maryland strives to provide quality education and services in a safe and comfortable environment at a reasonable cost. Anyone who satisfies our admissions criteria and who is at least sixteen year of age is admitted to Allegany College of Maryland. ACM reserves the right to refuse admission or re-enrollment or to place conditions on admission or re-enrollment of applicants and former students who ACM determines represent a safety risk to students, faculty, or staff."

VISITORS/PUBLIC

"Allegany College of Maryland strives to promote a college that enhances lives and the community through education and service. We welcome the public and service providers to our campus. All visitors are expected to conduct themselves appropriately and lawfully at all times. ACM reserves the right to deny entrance to the College or to remove persons from the College grounds who pose a safety risk to our students, faculty, staff, other visitors, or property."

BACKGROUND AND PURPOSE

In 2005, the College adopted a Safety Risk Policy with multiple purposes: to permit the screening of credit applicants for admission if the applicants had prior criminal and/or disciplinary histories and to permit the removal or prohibition of dangerous non-students from college property. Implementation of the Admissions piece was assigned to the Application Review Committee, and implementation of the Visitors/Public piece was assigned to Student & Legal Affairs and Campus Security (now Campus Safety/Special Police).

In 2018, the Maryland General Assembly passed legislation that became law which prohibits all institutions of higher education from asking about prior criminal history on admissions applications but permits inquiry and consideration of prior criminal history for specific academic programs and for campus housing. Allegany College of Maryland has been fully compliant with "Ban the Box" since 2018. This policy revision reflects the College's compliance with this law (Maryland Fair Access to Higher Education Act) and adds additional measures to promote safety at the College.

POLICY

I. Scope of the Policy

This policy applies to employees, current students, prospective students, applicants to the College whether classes are taken for credit or non-credit, and campus visitors. Unless otherwise indicated, where the word "student" is used, it encompasses current credit students and prospective credit students. Acts prohibited and permitted by this policy apply to all College employees and/or any person authorized to act on behalf of the College in any capacity.

II. Prohibited Acts

Allegany College of Maryland will not inquire about a student's criminal background on its credit admissions application.

Allegany College of Maryland may not remove or ban from its property any credit student or employee without due process afforded under the appropriate College policies/procedures such as the Code of

Student Conduct and/or Personnel/HR rules. Exceptions may be made in *bona fide* emergencies with due process to be afforded as soon thereafter as possible.

Allegany College of Maryland may not remove or ban from its property any other person without just cause.

III. Permitted Acts

Admission/Acceptance

Allegany College of Maryland may inquire about and consider a student's disciplinary history at any institution on its credit admissions application. The Application Review Committee may approve admission, approve admission with restrictions, or deny admission.

Allegany College of Maryland may consider information independently known to College Officials regarding a credit admission applicant's history of behavior which would present a safety risk. The Application Review Committee may approve admission, approve admission with restrictions, or deny admission.

Allegany College of Maryland may inquire about and consider a student's criminal and/or disciplinary history for admission or acceptance to certain academic programs where there is a relationship between the criminal history and the program. The program may approve admission, approve admission with restrictions, or deny admission.

Allegany College of Maryland may inquire about and consider student's criminal and/or disciplinary history for admission or acceptance to campus housing, specifically Willowbrook Woods or any future campus owned/operated residences where there is a relationship between the history and housing. Housing personnel may approve acceptance, approve acceptance with restrictions, or deny acceptance. Acceptance may be rescinded or approved with restrictions if relevant information is discovered after the acceptance.

Where criminal history is inquired or considered, the process shall include consideration of these factors:

- the age of the student at the time any aspect of the student's criminal history occurred;
- the time that has elapsed since any aspect of the student's criminal history occurred;
- the nature of the criminal history;
- any evidence of rehabilitation or good conduct produced by the student; and
- other factors permitted by law.

It shall be the responsibility of the applicant to provide this information upon request.

This policy may not be construed to prohibit Allegany College of Maryland from considering other relevant factors for admission or acceptance to certain academic programs and/or campus housing including but not limited to requirements pursuant to the Academic Regulations, payment obligations, or the Code of Student Conduct.

Restrictions, Access, and Due Process

Allegany College of Maryland may remove or ban from its property and/or from a specific campus location any credit student or employee with due process afforded under the appropriate College policies/procedures such as the Code of Student Conduct and/or Personnel/HR. Exceptions may be made in *bona fide* emergencies with due process to be afforded as soon thereafter as possible.

Allegany College of Maryland may remove or ban any non-credit student or visitor from its property if that person demonstrates a safety risk. The following individuals are authorized to determine whether to remove or ban such a person: Director of Campus Safety/ Special Police Director (or designee), Dean of Student & Legal Affairs, Human Resources Director (or designee), Dean of Continuing Education Dean (or designee), and/or College President (or designee). When possible, written notice will be provided to the person who may challenge his/her removal or ban in writing to the Dean of Student & Legal Affairs.

Allegany College of Maryland may remove or ban any non-contracted resident from Willowbrook Woods property as appropriate for the safety and peaceful enjoyment of the living/learning community. Unlike the main campus, Willowbrook Woods is not open to the public, and access is restricted to contracted residents, designated staff, and registered guests. The following individuals are authorized to determine whether to remove or ban such a person: Director of Campus Safety/ Special Police Director (or designee), Dean of Student & Legal Affairs, Director of Residence Life Director (or designee), and/or College President (or designee). When possible, written notice will be provided to the person who may challenge his/her removal or ban in writing to the Dean of Student & Legal Affairs.

Allegany College of Maryland may remove or ban any person from a specific campus location for good cause if the access to such location is deemed a privilege and not a right. "Good cause" includes but is not limited to behavior that demonstrates a safety risk and behavior that disrupts learning or operations. Locations to which a student has a right of access include classrooms/labs designated for a class in which the student is enrolled, offices/spaces providing academic support services needed by the student, and Willowbrook Woods if the student is a contracted resident (who has not been suspended or expelled). Access to locations deemed a right may be restricted or denied pursuant to due process. The College Official with oversight authority of the location is authorized to determine whether to remove or ban such a person. When possible and appropriate, less restrictive alternatives should be considered. When possible, the person should be notified in writing. The person may challenge his/her removal or ban in writing to the authorized and designated College Official.

IV. Other Provisions

Nothing in this policy shall be construed to make Allegany College of Maryland liable for any acts which constitute a crime, a violation of the Code of Student Conduct, or a violation of personnel/HR policy by any person, even if that person has a prior criminal history.

Nothing in this policy shall be construed to prohibit any person from reporting an unsafe condition or safety concern. All students, employees, and campus visitors are strongly urged to promptly report any unsafe condition or safety concern to Campus Safety/Special Police.

Nothing in this policy shall be construed to prevent the College from inquiring and considering other information on its credit admissions application including, but not limited to, demographic data and academic data.

Nothing in this policy shall be construed to prevent the College from imposing restrictions to the admission or acceptance to certain academic programs, to the admission or acceptance to campus housing, and/or to campus access (in general or a specific location) for a safety reason(s).

Nothing in this policy shall be construed to prevent the College from conducting background checks for hiring or personnel decisions.

Allegany College of Maryland will comply with orders issued by any court of competent jurisdiction. Examples of such orders include, but are not limited to, protective orders, peace orders, conditions of probation, conditions of parole, and conditions of sex offender registry. Any student, employee, or other person who has knowledge of a court order restricting another person from being on campus or in proximity to a particular person or group of persons (for example, minor children) should promptly notify Campus Safety/Special Police or the Dean of Student & Legal Affairs – providing a copy of the court order when available.

A list of persons who have been banned from campus shall be maintained by the Dean of Student & Legal Affairs in consultation as necessary with the Director of Campus Safety/Special Police and Director of Human Resources. The list shall be made available to other College personnel as needed, may be posted on campus, and may be shared with non-College personnel as needed. When possible, photos of banned persons shall be kept on file or in electronic data systems.

A list of persons who have been banned from Willowbrook Woods shall be maintained by the Dean of Student & Legal Affairs (or designee) in consultation as necessary with Director of Campus Safety/Special Police and Director of Residence Life. The list shall be made available to other College personnel as needed, may be posted on campus, and may be shared with non-College personnel as needed. When possible, photos of banned persons shall be kept on file or in electronic data systems.

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. If the application of this policy conflicts with the application of another institutional policy, College will make a good faith effort to comply with all mandates. Related policies: Code of Student Conduct, Title IX Policy, Willowbrook Woods Housing Guide, Personnel/HR policies, Non-Discrimination Policy, Workplace Violence, Admissions Policy, Academic Regulations, FERPA Policy, Employee Complaint Policy, and First Amendment Policy.

V. Procedures

Allegany College of Maryland shall adopt procedures to implement this policy.

VI. 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.