

ALLEGANY COLLEGE OF MARYLAND
POLICY ON SEXUAL HARASSMENT

Allegany College of Maryland does not discriminate on the basis of race, age, sex, color, national origin, religious belief or handicap, in employment or educational matters.

The College, like the State of Maryland, is dedicated, in spirit and in law, to a strong policy against discrimination based upon sex. This policy is founded on state and federal laws, the U.S. Constitution, and the Maryland Constitution and Declaration of Rights.

The College is committed to having a positive learning and working environment for its students and employees and will not tolerate sexual harassment or sexual violence. As an educational institution, we strive to provide an environment conducive to both the performance of duties and to the learning experience, and free from intimidation or coercion in any form. It is imperative that all members of the College community--administrators, staff, faculty and students--are assured of a working and educational atmosphere free from sexual harassment.

SEXUAL HARASSMENT - is an abuse of power which is demeaning and interferes with the ability to work or participate in an educational setting. Under State law, sexual harassment is a form of sex discrimination and is illegal.

Sexual harassment consists of:

- **unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement or submission to or ejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual;**
- **verbal or physical conduct which interferes with an individual's work, professional or academic performance, productivity, and physical security.**

As a matter of College policy sexual harassment will not be tolerated. Such misconduct on the part of any employee of the College, at any level, will result in appropriate disciplinary action, up to and including dismissal. **Faculty, students, supervisors,** professional and support staff members are required to maintain a work place and educational atmosphere free of harassment, intimidation, hostility or offensiveness.

Peer sexual harassment, between two students, is addressed, along with appropriate disciplinary measures, in each edition of the College's Student Handbook.

CONSENSUAL RELATIONSHIPS BETWEEN ADULTS:

Allegany College's educational mission is promoted by professionalism in faculty-student, supervisor-employee relationships. This professionalism is fostered by an atmosphere of trust and

respect. Actions that tend to disrupt this atmosphere, undermine professionalism and hinder fulfillment of the institution's mission. Trust and respect are diminished when those in positions of authority abuse, or appear to abuse their power.

Therefore, Allegany College, strongly discourages amorous relationships (consensual or otherwise) with students who are enrolled in the faculty member's classes or subject to a faculty member's supervision. The College also discourages these relationships with regard to supervisors who have authority over an employee's work atmosphere.

NOTE: "Consensual" sexual relationships between an adult and a minor is commonly known as statutory rape and is illegal.

PROCEDURES:

An initial course of action for any member of the faculty, staff, or student body who feels that he or she is being sexually harassed is for that person to inform the harasser that the conduct is unwelcome and must stop. However, in some circumstances this course of action may not be feasible, may be unsuccessful, or the individual may be uncomfortable dealing with the matter in this manner. To provide persons experiencing alleged sexual harassment to present their allegations, the College provides several channels of communication and both informal and formal complaint resolution procedures.

INFORMAL RESOLUTION

Anyone may seek advice, information or counseling on matters related to sexual harassment without having to file a formal complaint. Persons who feel they are being harassed, or are uncertain as to whether what they are experiencing is sexual harassment, are encouraged to talk with whomever they feel comfortable. Such informal discussion can be handled departmentally by deans, department chairs, immediate supervisors, the Personnel Coordinator, the Vice-President of Instructional Affairs, or the Dean of Student Services. At this state of the informal resolution process, the person seeking information and advice will be counseled as to the options for action available under this policy. To the extent possible, information disclosed through this advising process will be held in confidence, unless and until the initiating individual agrees that additional people must be informed in order to facilitate a solution. The purpose of the informal complaint resolution is not to determine whether there was intent to harass but to ensure that the matter is resolved promptly. No disciplinary action is taken in resolving informal complaints.

FORMAL COMPLAINT RESOLUTION

The filing of a written complaint is required within four months of the alleged event to be formally investigated and a determination made as to whether a violation of the College policy prohibiting sexual harassment has occurred.

Formal complaints of sexual harassment against a member of the faculty or staff are filed with the Office of Personnel who will bring the complaint to the President. The President will form a panel of

inquiry or appoint one individual to conduct a full, impartial, and timely investigation.

The respondent will be provided with a written statement of the allegations, to which he/she will be required to respond in a timely manner. During the course of the investigation the complainant and the respondent will be heard and any witness identified by each party. To the extent possible, complaints will be handled confidentially, with the facts made available only to those who have a need to know for purposes of investigation or resolution.

At the conclusion of the investigation of a complaint against a faculty or staff member, the panel or the appointed individual will present to the President a written report which will include allegations, the investigatory process, the evidence in the case, the witnesses' names and credibility. The President will make the determination as to whether College policy was violated and what action will be taken. Once the President has made a determination and a course of action, he/she will inform the complainant and the respondent of the final disposition of the complaint. The decision of the College President is final. In a case involving a complaint against a student the Dean of Student Administration will prepare the written report and will take the appropriate action according to the Student Handbook.

* Disciplinary files (employees, students) will be voided if the employee or student is determined to be innocent of the alleged violations.

NOTE: Counseling through the College Employee Assistance Program will be made available to Part-time staff on a case by case basis approved by the President.