

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

CODE OF STUDENT CONDUCT PROCEDURE: STANDARDS OF CONDUCT (VII) DEFINITIONS

The following actions/behaviors (and attempts to commit them) committed in any medium including in person, through third persons, via postal mail, or via any form of technology/media, are strictly prohibited. The Code of Student Conduct adopts definitions which are in accompanying Procedures.

A. Personal Interaction

1. Assault and Battery/Assault: unlawful physical touching of another without justification or excuse often (but not always) done in anger or with aggression / injury to another person without actual touching as well as attempts to commit Assault and Battery can constitute assault
2. Aggravated assault: unlawful assault by one person upon another resulting in severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Includes attempts to kill or murder, poisoning (including the use of date rape drugs), assault with a dangerous or deadly weapon, maiming, mayhem, assault with explosives, assault with disease (as in cases when the offender is aware that he or she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).
3. Sexual Assault: Rape, Sexual Assault I, Sexual Assault II
 RAPE: Per Uniform Crime Report by Federal Bureau of Investigation as required for the annual Clery Crime Report. "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."
 SEXUAL ASSAULT I – NON-CONSENSUAL SEXUAL INTERCOURSE: any act of sexual intercourse with another individual without consent. Sexual intercourse include vaginal or anal penetration, however slight, with any body part or object or oral penetration involving mouth to genital contact.
 SEXUAL ASSAULT II – NON-CONSENSUAL SEXUAL CONTACT: any intentional touching of the intimate parts of another person causing another to touch one's intimate parts, or disrobing or exposure of another without consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.
4. Sexual Harassment: any unwelcome advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when (1) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of an ACM program or activity; (2) submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation related decisions affecting an individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance (ie., it is sufficiently severe and pervasive to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment).
5. Sexual Exploitation: taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.
6. Sexual Intimidation: (1) threatening to sexually assault another person; (2) gender or sex-based stalking, including cyber-stalking, or (3) engaging in indecent exposure.
7. Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.
8. Relationship Violence: Dating Violence and Domestic Violence

DATING VIOLENCE: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based upon a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE: violence committed by a current or former spouse or intimate partner of the complainant by a person with whom the complainant shares a child in common, by a person who is cohabiting with or has cohabited with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant, or by any other person against an adult or youth complainant protected from those acts by domestic or family violence laws of Maryland.

9. Title IX offenses: sexual assault, stalking, relationship violence, *quid quo pro* sexual harassment, hostile environment sexual harassment, and gender-based discrimination. See Title IX documents for details. Sexual exploitation and sexual intimidation as defined above may constitute sexual harassment for Title IX purposes.

Sexual Assault:

Stalking:

Relationship Violence:

Dating Violence:

Domestic Violence:

Quid quo pro Sexual Harassment:

Hostile Environment Sexual Harassment:

Gender-based Discrimination:

10. Registered Sex Offenders: Individuals who are listed in any federal or state sex offender registry are required to maintain their registration, to notify the Office of Student & Legal Affairs and Campus Safety/Special Police regarding their registry status, and to comply with all terms and conditions of the registration, the court, court officials, law enforcement, and the College.
11. Harassment: specific words or acts that are repeated multiple times and that have the intent or the effect of causing distress, anxiety, fear, or alteration of the behavior, habits, or conduct of the person at whom the words or acts is directed. See First Amendment Policy for speech protections.
12. Retaliation: intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or ACM policy or because an individual has made a report, assisted, provided information, or participated in any manner with an inquiry, investigation, hearing, or other proceeding. Retaliation includes retaliatory harassment.
13. Threat: words and/or act that communicate to another person that s/he will be harmed in some way and/or that violence against a person, entity, or the College is imminent or planned with the means to carry out the threat.
14. Intimidation: To place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
15. Bullying: unwanted, intentional, and aggressive behavior that involves a real or perceived power imbalance and that is repeated over time. The power imbalance can be physical strength, economic resources, intellectual capacity, authority, access to information, social standing/popularity. Bullying includes but is not limited to actions such as making threats, spreading rumors, attacking someone physically or verbally, humiliating someone, and excluding someone from a group on purpose.
16. Cyberbullying: bullying that takes place over digital devices or electronic communication platforms. Cyberbullying can happen on phones, computers, tablets, SMS, texting, apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation.
17. Hazing (definition as mandated by federal law and supersedes Maryland's definition):
1. any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons)

2. against another person or persons (regardless of the willingness of such other person or persons to participate),
3. that is connected with an initiation into, an affiliation with, or the maintenance of membership in a student organization and
4. that causes or creates a risk, above the reasonable risk encountered in the course of participation in the [College] organization of physical or psychological injury including –
 - (a) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or other similar activity;
 - (b) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - (c) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - (d) causing, coercing, or otherwise inducing another person to perform sexual acts;
 - (e) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - (f) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
 - (g) any activity that induces, causes or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.
18. Child Endangerment: activities that put any child at risk of physical, medical, sexual, or psychological harm. Additionally, all persons doing business on campus are reminded that they are responsible for any minor children in their care; children may not accompany the adult to a class and/or laboratory; and no unattended children are allowed on campus.
19. Child Abuse/Neglect: physical injury not (necessarily visible) of a child under circumstances that indicate that a child's health or welfare is harmed or at substantial risk of being harmed; failure to give proper care and attention to a child; leaving a child unattended where the child's health or welfare is harmed or a child is placed in substantial risk of harm; act or acts involving sexual molestation or exploitation whether physical injuries are sustained or not; identifiable and substantial impairment of a child's mental or psychological ability to function; and/or finding credible evidence that has not been satisfactorily refuted that physical abuse, neglect or sexual abuse occurred.
20. Murder and Non-Negligent Homicide: the willful (non-negligent) killing of one human being by another. Includes any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.
21. Manslaughter by Negligence: the killing of another person through gross negligence.

B. Respect for Property

1. Theft: the unlawful taking, carrying, or riding away of property from the possession or constructive possession of another.
2. Unauthorized Use: using or taking custody/control of property belonging to another person/entity without the express permission of that person/entity.
3. Trespassing: entry to or presence on property with in violation of a clear directive including signage, written notification, and/or verbal notification.
4. Unauthorized Entry: gaining access with or without force to a structure or physical location without consent by the person/entity authorized to grant entry. No one may demand entry to any physical location.
5. Burglary: the unlawful entry of a structure to commit a felony or a theft. Includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and forcible entry (all offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony).
6. Robbery: the taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
7. Motor Vehicle Theft : theft or attempted theft of a motor vehicle.

8. Vandalism/Destruction of Property: to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person/entity having custody or control of the property.
9. Tampering with Safety Equipment: any act which disables or prevents the ordinary function of any safety equipment including locks, doors, windows, smoke detectors, emergency alarms, fire extinguishers, sprinklers, or related devices.
10. Arson: any willful or malicious burning with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, one's own personal property, or other property.
11. Littering: Allegany College of Maryland provides trash cans receptacles; each person using College facilities is expected to dispose of his/her trash properly.

C. Health and Safety

1. Weapons: No one may possess or use on College property *any* firearms, guns (including BB guns), knives (except kitchen/culinary knives, a penknife without switchblade), other dangerous or deadly weapons of any kind, explosive ammunition, or incendiary/explosive material or device except as expressly permitted by the President or other College policy. Also, if an ordinary usage item is wielded as a weapon, then it will be treated as a violation of this standard.
2. Disregarding Fire Safety: non-compliance with requirements from the College and/or local officials including firefighters/fire marshal that create or worsen a fire safety hazard. Examples include (but are not limited to) playing with fire, being in possession of items banned due to risk of fire, using fireworks (including sparklers), and failing to evacuate a building when a fire alarm has sounded.
3. Alcohol: Allegany College of Maryland is a dry campus See the Drug and Alcohol Policy.
4. Drugs: Allegany College of Maryland is a clean campus. See the Drug and Alcohol Policy.
5. Tobacco/Smoking/Vaping: Allegany College of Maryland is a clear campus See the Tobacco Policy.
6. Disregarding Public Health Directives: non-compliance with any order, directive (verbal or written), law, or regulation issued by the College, authorized College Official, local government official, state government official, or federal government official that relates to public health including the campus and/or local community. Examples include orders related to a pandemic, natural disaster, water contamination, and the like.
7. Gambling: Illegal gambling is prohibited.
8. Reckless Endangerment: unsafe act(s) that place any person at risk of death or serious physical injury.
9. Enabling Banned Persons: the College sometimes designates certain individuals to be too dangerous or disruptive to be permitted onto campus or onto designated College locations. Such persons may be non-students or may be a current or former student whose presence on campus or certain locations on campus have been restricted. Students may not host, accompany, facilitate trespassing, or otherwise assist these persons to be in areas they have been denied or are prohibited.
10. Unauthorized Possession/Duplication of keys: only keys given to a student by an authorized College official may be used; keys may not be shared or duplicated.
11. Access Obstruction: roadways, sidewalks, hallways, doorways, and stairs must be free of obstruction for both vehicular and pedestrian traffic.
12. Unsafe driving: failure to follow the posted speed limits and other rules of the road when operating a motor vehicle on campus.
13. Unauthorized Parking: students are not permitted to park a motor vehicle in a location where parking is restricted or not permitted. Handicapped parking is designated for use only by persons with authorized handicapped tags/placards/stickers. Staff parking is designated for use only by faculty and staff
14. Prohibited Animals: With the exception of Service Animals, animals are generally prohibited on campus. See the Pets and Animals Policy.

D. Peace and Order

1. Failure to Comply: when a student is given an order, direction, or instruction from a College official or a community authority (such as fire and rescue personnel) who is rendering assistance to the College, the student must follow the order, direction, or instruction. If the student objects to it, s/he must comply but may lodge a complaint with the appropriate official/authority or with the Dean of Student & Legal Affairs on the next business day.
2. Probation Violation: failure to satisfy a term or condition of disciplinary probation.
3. False Statement: making a false report or providing false information on a college document and/or during an investigation, proceeding, interview, hearing, or other institutional fact-finding process
4. Fraud: actions/behaviors that are intended to deceive another person/official or to gain access to facilities, equipment, offices, accounts, course materials/activities, college resources, or the property/resources belonging to another person/entity constitute fraud. No student shall engage in the forgery, adulteration, or falsification of any document or record. No student shall use College resources including funds, equipment, logo, etc. without proper authorization.
5. Disorderly Conduct: students shall not engage in actions/behavior that disrupt educational, administrative, or residential operations of the College or College sanctioned events, programs. Disruptions include (but are not limited to) making excessive noise in a learning or working space and using cell phone in a classroom, lecture halls, laboratory, library, other study/learning areas, events in the College theatre where hosts have requested that all cellular telephones be silenced, or other campus locations where cell phones are not permitted. Exception: cell phones may be used in these locations in an emergency or with the permission of a College Official.
6. Residence/Residency: Providing false, misleading, incomplete, or inaccurate information to solicit a change in legal residency is not permitted. Moving to Maryland and/or Allegany County solely for the purpose of obtaining a reduced tuition is not permitted. Also, each student is required to notify the Admissions/Registration Office of his/her permanent and local addresses – including any changes of addresses within a reasonable time. Willowbrook Woods may NOT be listed as a permanent address.
7. Photo Identification Cards: Students are required to have a photo ID on their person at all times. Willowbrook Woods residents are required to carry their ID at all times. Students are required to produce identification upon request of a College official. See Photo ID Policy for details.
8. Unauthorized Publication(s)/Sale(s): Except as authorized in College policy or one-time, private transactions involving personal property, students are not permitted to sell any merchandise, food, or other good without prior College approval. Entrepreneurs who wish to engage in the routine sale of goods shall obtain a local business license. See [Student Life] Policies on Publications and Fundraising/Sales. See also First Amendment Policy
9. Misuse of Technology: See the Technology Resources Policy and the Student Communication Policy

E. Hate – Bias

1. Hate Crime: an offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim on the basis of race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.
2. Hate-Bias Incident: a hostile act of conduct, speech, or expression motivated in whole or in part by intolerance, bias, or prejudice against another. Unlike a hate crime, the hostile act is not a criminal act; like a hate crime, the hostile act is motivated by prejudice.

F. On Campus Housing Regulations

1. Visitors: All residents and visitors to on-campus housing must follow Guest Policies and Procedures.
2. Noise: All residents and visitors must comply with Quiet and Courtesy Hours as detailed in the Housing Guide.
3. Banned Items: A list of prohibited items is provided to each resident. Guests should bring nothing on housing property without checking that the item is permitted.

4. Exceeding Occupancy: Per the fire marshal, no more than 10 people are permitted in an apartment at any time.
5. Vehicles: Residents' vehicles must be registered; unregistered cars will be towed.
6. Exceeding Contract dates/times: Residents may only be on Willowbrook Woods property during the dates/times specified in the housing contract or supplemental housing contract.
7. Cable/Internet fraud: each resident is responsible for entering his/her own service contract for any cable/internet service beyond what is provided by the College/Willowbrook Woods; residents are not permitted to "share" or otherwise manipulate the service.

G. Other Misconduct

1. Other act that violate any local, state, or federal law.
2. Other act that violate the personal, property, health, or safety rights of others.
3. Other acts that violate College policy.