

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

PROCEDURES: INSTITUTIONAL OBLIGATIONS
SEXUAL MISCONDUCT & SEX DISCRIMINATION POLICY

Standards & General Procedures:

- ✓ Sexual misconduct and sex discrimination are prohibited. These terms and specific acts are defined (see “Definitions”); prevention education and training will be provided to students and employees to help all persons understand what behaviors are prohibited, what happens if the behaviors occur, and how to help prevent sexual misconduct and sex discrimination at Allegany College of Maryland.
- ✓ Acts of sexual misconduct and sex discrimination should be reported immediately.
- ✓ Retaliation against any person is prohibited and will be addressed immediately by the College.
- ✓ Timeline: There is no fixed timeframe to complete an investigation; ACM shall make a good faith effort to conduct its investigation in a timely manner designed to provide all parties with resolution.
- ✓ Confidentiality: the College shall preserve confidentiality of all parties to the greatest extent possible in order to protect the privacy of the parties and the integrity of the investigation. Some information is required to be shared with the parties. Confidentiality cannot be guaranteed.
- ✓ Parties and witnesses shall not be subject to disciplinary action for drug/alcohol violations IF (a) violation occurred during/near time of assault, (b) assault report/participation is in good faith, and (c) violation was “not an act that was reasonably likely to place the health or safety of another individual at risk.”
- ✓ Institutional Process:

Upon receiving a report of alleged sex discrimination and/or sexual misconduct, the College will provide a prompt, equitable, reliable, and impartial investigation. The College will -

- ✚ Take immediate and appropriate action to stop any misconduct; to prevent its recurrence, and to remedy the effects of any misconduct.
 - ✚ Treat all persons with respect, dignity, and fairness.
 - ✚ Conduct an Intake Assessment to determine if the report is a Title IX matter which requires further action;
 - ✚ Where indicated by the Intake Assessment, conduct a Preliminary Inquiry of the report.
 - » Provide information to the identified Complainant and to any identified, Respondent (if a student or employee) about their rights as well as available resources;
 - » At the conclusion of the Preliminary Inquiry, the investigators shall submit a detailed report with their findings and possible recommendations: whether there is reasonable cause (ie., sufficient substantiating evidence) to proceed to a formal disciplinary hearing or whether an informal resolution is appropriate. The Parties will have an opportunity to review the report & respond.
 - ✚ Where indicated by the Preliminary Inquiry, conduct a disciplinary hearing of the report.
 - » Each party shall have the opportunity present testimony, evidence, and witnesses.
 - » The Hearing Officer shall determine if the Respondent violated the Sexual Misconduct and Sex Discrimination Policy
 - » The standard of proof shall be Preponderance of Evidence.
 - » If the Respondent is found responsible, an appropriate consequence or sanction shall be imposed; options that must be considered include suspension and dismissal from the College.
 - ✚ 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.
 - ✚ Encourage and support a report to local law enforcement for any criminal act; cooperate with any criminal investigation/prosecution.
- ✓ Two investigators (minimum) shall conduct preliminary inquiries.
 - ✓ The College’s process shall be independent of any criminal or civil proceeding (including investigations by law enforcement) and shall not depend upon the outcome of any criminal or civil proceeding. Parties are free to pursue criminal and/or civil remedies if they choose. Information about how to do so is in the “Resources & Suggestions” and “Quick Reference Guide” information sheets.
 - ✓ Other institutional procedures provide greater detail.
 - ✓ **The Family Educational Rights Privacy Act** outlines the rights of students regarding their educational record(s). Generally, FERPA does not allow a college or its employees to release information to third parties without *either* written permission from the student *or* a recognized exception to the law. Compliance with federal/state Title IX regulations and the provisions of the College’s Sexual Misconduct and Sex Discrimination Policy as well as accompanying procedures will not constitute a violation of FERPA.