

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS – Title IX

PROCEDURES: REPORTING GUIDELINES & FORM
SEXUAL MISCONDUCT & SEX DISCRIMINATION POLICY

FROM THE POLICY:

I. The College complies with applicable non-discrimination state and federal laws including Title IX as well as regulations prohibiting discrimination against any individual or group of individuals subject to legal protections. Title IX provides that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Sexual harassment and sexual misconduct are forms of sex discrimination under Title IX.

IX. Any employee with information about sexual misconduct and sex discrimination shall report it promptly to Title IX Coordinator, Campus Security, other identified Title IX official, and/or the Office of Student & Legal Affairs. Any person with information about sexual misconduct and sex discrimination may report it to any Allegany College of Maryland official who shall promptly forward the report to Title IX Coordinator, Campus Security, other identified Title IX official, and/or the Office of Student & Legal Affairs. **The College strongly encourages any person who is a victim of or who witnesses any crime to contact law enforcement / call 911 immediately.**

REPORTING:

WHO MAY FILE A REPORT/COMPLAINT? Any person

WHO IS *REQUIRED* TO REPORT ANY KNOWLEDGE OF SEXUAL MISCONDUCT OR SEX DISCRIMINATION TO THE TITLE IX COORDINATOR? All Employees

RESPONSIBLE EMPLOYEE: any employee who (1) has the authority to take action regarding discrimination or sexual misconduct; (2) is an employee who has been given the duty of reporting discrimination or sexual misconduct, or (3) is someone another individual could reasonably believe has this authority or duty. At ACM, all employees are deemed Responsible Employees. Resident assistants, as quasi employees, are also deemed responsible employees.

TO WHOM IS A REPORT/COMPLAINT GIVEN? Title IX Coordinator, Campus Security, members of the Title IX team, or the Office of Student & Legal Affairs

HOW MAY A PERSON FILE A REPORT/COMPLAINT? By telephone, email, reporting form*, or in person. Reports can also be made anonymously online; however, such reports are typically very difficult upon which to act, so providing a name and contact information is strongly recommended. Privacy will be protected to the greatest extent possible.

*The reporting form is attached to this Procedure document.

DO I HAVE TO GIVE MY NAME? If you are an employee forwarding a report/complaint from a complainant or other person with knowledge, your name and contact information is required. If you are a complainant or other person with knowledge, providing your name and contact information will help the College take the appropriate action; anonymous reports will be accepted but are much more difficult to resolve. Privacy will be protected by the Title IX Coordinator and/or Title IX investigators and team members to the greatest extent possible. ACM employees are required to forward reports/complaints as described above. (Confidentiality, which is a *legal* protection limited to certain professionals and which is not the same as privacy, only exists here if disclosure is made to an ACM counselor.)

CAN I GET IN TROUBLE FOR REPORTING? **No.** Allegany College of Maryland prohibits retaliation in any form and against any person. Also, the College will not initiate disciplinary action against a complainant or witness who was under the influence of drugs or alcohol at the time of the reported sexual misconduct or sex discrimination. If another person makes a report/complaint against you, the College will apply the same policy/procedures to the new report/complaint.

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

PROCEDURES: COMPLAINT FORM
 SEXUAL MISCONDUCT & SEX DISCRIMINATION POLICY

This form shall be submitted to the Title IX Coordinator to make a complaint of sexual misconduct or sex discrimination. See the last page for a general description of the process. NOTE: Other illegal discrimination complaints are handled by a different (albeit similar) process.

Allegany College of Maryland prohibits sexual misconduct and sex discrimination by or against all students, employees, and campus guests. If you have any questions or concerns or if you need to make a complaint, contact ACM's Title IX Coordinator, Dr. Renee Conner in CC-152, by email at rconner@allegany.edu, or by phone at (301) 784-5206. For detailed information about policy, procedures, and prevention education, see www.allegany.edu/titleIX.

Directions: Complete this form in its entirety. Attach a typed statement and any supporting documentation. (Incomplete complaints may be returned to the submitter.) Then send everything to Dr. Renee Conner, Title IX Coordinator. CC-152 via hand-delivery, postal mail, email (rconner@allegany.edu) or fax (301) 784-5068.

Your Name (Complainant): _____

Complaints may be submitted anonymously, but please understand that anonymous complaints are much more difficult to investigate.

Address: _____

Phone: _____

Email: _____

1. **What** type of sexual misconduct or sex discrimination is being alleged?

- | | |
|--|---|
| <input type="radio"/> Rape | <input type="radio"/> Gender-based Discrimination |
| <input type="radio"/> Sexual Assault (non-consensual sexual contact) | <input type="radio"/> Gender Identity- based Discrimination |
| <input type="radio"/> Sexual Exploitation | <input type="radio"/> Stalking |
| <input type="radio"/> Sexual Intimidation | <input type="radio"/> Relationship Violence |
| <input type="radio"/> Sexual Harassment | |

2. **Who** is the person you are accusing?

3. **When** did the act(s) being alleged occur? (ie., date, time) Reports should be made in a timely manner.

4. **Where** did the act(s) being alleged occur? (ie., location)

5. **Please type and attach a written statement.**

6. **What** do you want to happen next? *Be specific* with any requests or how you would like this complaint to be handled; your wishes are not determinative but are important. Must be typed.

Upon receiving a report of alleged sexual misconduct or sex discrimination, Allegany College of Maryland will:

1. Take immediate and appropriate action to stop the misconduct;
2. Take immediate and appropriate action to prevent its recurrence;
3. Take immediate and appropriate action to remedy the effects of the misconduct;
4. Provide information to the identified complainant and to the accused perpetrator (if a student or employee) about their rights as well as available resources;
5. Encourage and support a report to local law enforcement;
6. Cooperate with any criminal investigation/prosecution;
7. Conduct a prompt, adequate, reliable, and impartial inquiry of the complaint;
8. Follow all appropriate procedures as detailed in the Code of Student Conduct, Human Resources Manual, and other related institutional policies; and
9. Comply with other legal and policy/procedure requirements.

NOTE: No particular outcome is guaranteed.

**** Complainant Confidentiality ****

All complainant requests for confidentiality or requests not to initiate College action shall be considered; whether the complainant's request can be honored shall be based upon the following factors:

- ❖ immediate safety and well-being of the complainant
- ❖ immediate safety and well-being of the campus or local community (eg., prior history of accused, potential for repeated behavior, predatory behavior, weapon, ongoing threat, multiple accused persons,)
- ❖ whether the misconduct or discrimination can be eliminated and remedied via other means
- ❖ whether other evidence is available that permits action without the complainant's participation
- ❖ whether the complainant's concerns can be addressed (identify and resolve barriers)
- ❖ the process is confidential up to the point any allegations are contested.

The complainant cannot be compelled to participate in any process; however, even if the complainant declines to participate, the College must implement interim measures and take reasonable steps to prevent future acts.

**** Complainant Amnesty ****

Complainants and witnesses shall not be subject to disciplinary action for drug/alcohol violations IF

- ❖ violation occurred during/near time of assault,
- ❖ assault report/participation is in good faith, and
- ❖ violation was "not an act that was reasonably likely to place the health or safety of another individual at risk."

Withdrawing a complaint: *Any person who has submitted a Complaint Form has the option to subsequently withdraw the complaint without penalty or consequence. Circumstances may change or, as the complaint process unfolds, an acceptable resolution is reached. Such an "exit" from the complaint process may occur at any stage. If that occurs, the complainant should notify the Title IX Coordinator. Written confirmation may be requested.*

Third Party Communication: *Only the persons involved in the complaint will receive any communication about the complaint; third parties will not be given information regarding any of the specifics related to a complaint or information that compromises the integrity of the process or the confidentiality and dignity of any person.*

Support person: *This process is NOT a legal proceeding, and legal standards do not apply. Lawyers are neither necessary nor may participate. However, you have the right to consult an advisor or support person, who may accompany you to any college proceeding but who may not participate in the proceedings; you are welcome to consult this person at any time in private. You must provide the name and title (if any) of your advisor to the Title IX Coordinator one business day before any meeting.*