

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

PROCEDURES: COMPLAINT FORM
SEXUAL MISCONDUCT & SEX DISCRIMINATION POLICY

If you have experienced or witnessed sexual misconduct or sex discrimination, the College wants to know so we can take appropriate action. See the last page for a general description of the process.

NOTE: Other illegal discrimination complaints are handled by a different (albeit similar) process.

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: _____

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

Address: _____

Phone: _____

Email*: _____

*If you are a student or employee, provide your ACM email as all college business is conducted via college email only.

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)?

NOTE: Reports should be made in a timely manner – preferably right after the incident .Delays in reporting hinder the investigation.

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

5. **Please type and attach a written statement describing the incident.**

6. **Are you safe now?** Yes / No » If not, it is extremely important that you notify the police and get to safety!

7. **Do you need medical treatment?** Yes / No » If so, it is extremely important that you get the care you need!

8. **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 any misconduct; to prevent its recurrence, and to remedy the effects of any misconduct.
2. Treat all persons with respect, dignity, and fairness.
3. Conduct an Intake Assessment to determine if the report is a Title IX matter which requires further action;
4. 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 (i.e., 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.
5. 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.
6. 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.
7. Encourage and support a report to local law enforcement for any criminal act; cooperate with any criminal investigation/prosecution.

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. 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; you are welcome to consult this person at any time in private. Students who are the Complainant or the Respondent have the right to an attorney; See Rights & Responsibilities for details. You must provide the name and title (if any) of your support person to the Title IX Coordinator one business day before any meeting.*