

Allegany College of Maryland  
**SEXUAL MISCONDUCT & SEX DISCRIMINATION POLICY**

[Policy mandated by federal & state authorities]  
Approved by Board of Trustees 5/11/15  
Implementation Date 7/1/15  
Updated per MD law 7/1/19  
Approved by Board of Trustees 07/15/19

## **BACKGROUND AND PURPOSE**

Allegany College of Maryland is committed to providing a healthy and safe community for learning and engagement for all students, employees, and guests. It is the responsibility of every person to ensure his/her actions do not compromise the health and safety of any person or the campus community. Allegany College of Maryland takes discrimination, sexual misconduct, gender discrimination, and all forms of exploitation, harassment, relationship violence, and other forms of misconduct seriously. This policy is designed to promote the prevention of such misconduct, to protect the well-being of the Allegany College of Maryland community, to stop reported misconduct, and to respond to any allegation of such misconduct with fundamental fairness. This policy incorporates both the civil rights and due process models for managing and investigating the forms of misconduct to which the policy applies. The College will adopt and follow procedures to fully implement this policy and to comply with federal and state laws and regulations including Title IX of the Education Amendments of 1972 as amended (“Title IX”), Title VII of the Civil Rights Act of 1964 (“Title VII” - employment discrimination based on sex including sexual harassment in the workplace), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) which includes the Violence Against Women Act (“VAWA”), and Maryland Education Article § 11-601 (2019). For purposes of this policy and related procedures, **Title IX** shall be the term to capture all these laws which implicate sexual misconduct and sex discrimination.

## **POLICY**

### **I. Non-Discrimination Statement**

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. (See the College’s general non-discrimination policy.) 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.

### **II. Prohibition of Sexual Misconduct, Sex Discrimination, and Retaliation**

Allegany College of Maryland prohibits all forms of sexual misconduct and sex discrimination which includes but is not limited to sexual violence, sexual harassment, gender-based harassment, dating violence, domestic violence, sexual exploitation, sexual intimidation, and stalking. Sexual misconduct is a form of sex discrimination prohibited by state and federal laws. These acts may also constitute crimes which could be reported to local law enforcement. College also prohibits retaliation in any form against a complainant, respondent, witness, investigator, or any other person associate with a report. The College complies with applicable state and federal laws including the Clery Act as well as related regulations. Nothing in this policy shall be construed to permit other behaviors expressly prohibited by the Code of Student Conduct or Employment policies.

### **III. Institutional Obligations**

The College will take steps to prevent the occurrence of sexual misconduct and sex discrimination. If sexual misconduct and/or sex discrimination occurs, the College – upon receiving notice – shall take immediate, appropriate steps to end the misconduct and/or discrimination, to prevent its recurrence, and to remedy its effects. The College shall encourage any crime to be reported to the appropriate law enforcement agency; the College shall cooperate with criminal investigations to the greatest extent permitted by law; and the College shall comply with all Clery mandated data collection and reporting requirements. The College’s institutional response to sexual misconduct and/or sex discrimination shall

be independent of any law enforcement and/or court action. All College employees are required to report any sexual misconduct and/or sex discrimination in accordance with the policy provision specified below.

#### **IV. Maryland Law/Regulation**

The College shall comply with Maryland Education Article § 11-601 regulating institutional disciplinary procedures. Students who allege a policy violation of or who respond to an allegation of a policy violation shall have the rights as described in accompanying procedures, and the College shall adopt and follow the disciplinary procedures described in accompanying procedures.

#### **V. Procedures**

Allegheny College of Maryland shall adopt comprehensive procedures to implement this policy. Such procedures shall include but are not limited to the following elements: definitions of terms (particularly any terms by federal and/or state authorities), how to file a complaint, responsible employees, the role of law enforcement/crime reporting, interim measures, amnesty, confidentiality, notifications of parties, prompt and fair preliminary inquiry and investigation practices, prohibited investigation activities, timelines, students' rights, disciplinary procedures, possible remedies, possible resolutions/consequences, resources, and record-keeping.

#### **VI. Title IX Coordinator**

Allegheny College of Maryland's Title IX Coordinator is responsible for the College's compliance with federal and state laws and/or regulations related to Title IX and the Clery Act as enacted in this policy and accompanying procedures. The Title IX Coordinator shall be the Dean of Student & Legal Affairs whose name and contact information shall be included in accompanying Procedures as well as publications and educational/training materials for students, faculty, and staff. The College may identify additional College employees to function as Title IX officers or team members to assist with the implementation of this policy and to conduct investigations/hold administrative hearings as needed; contact information for these employees will also be published in appropriate materials. Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator, and complaints that the College has discriminated on the basis of gender may be made to the Office for Civil Rights.

#### **VII. Education and Training**

Allegheny College of Maryland shall provide ongoing prevention and awareness education to students, faculty, staff, and other relevant parties. This education shall be designed to inform the campus community about what constitutes sexual misconduct and sex discrimination, how to reduce the occurrence of sexual misconduct and sex discrimination, safe bystander interventions, consequences of engaging in sexual misconduct and sex discrimination, and how to report sexual misconduct and sex discrimination. The College shall also secure or provide annual training for College employees who are charged with responding to, investigating, and/or adjudicating sexual misconduct and sex discrimination.

#### **VIII. Application of the Policy**

This policy applies to (1) all Allegheny College of Maryland students, faculty, staff, and third parties under the College's control; (2) any College-owned or College-managed facility or property; (3) any College sponsored, recognized, or approved program, visit, or activity regardless of location; (4) any policy-defined misconduct that impedes equal access to any College program or activity; (5) any policy-defined act of sexual misconduct and sex discrimination that adversely impacts the health, safety, and/or employment of a member of the College community. The College shall provide notice of this policy to students, employees, applicants, and other relevant persons.

Application of this policy may directly or indirectly require the application of other institutional policies; nothing in this policy shall be construed to prohibit the application of related policies which include, but are not limited to the policies listed here. If the application of this policy conflicts with the application of another institutional policy, College will make a good faith effort to comply with all mandates; however, this policy shall take precedence unless otherwise required by law. Related policies: Code of Student Conduct, Personnel/HR policies, Non-Discrimination Policy, Admissions Policy, Safety Risk Policy, FERPA Policy, and First Amendment Policy.

**IX. Policy Changes**

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.

**X. Reporting**

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 will assist any person needing assistance to make a report or complaint. **The College strongly encourages any person who is a victim of or who witnesses any crime to contact law enforcement / call 911 immediately.**