

Allegany College of Maryland  
**SEX-BASED HARASSMENT & SEX DISCRIMINATION POLICY**

[Policy mandated by federal & state authorities]  
Approved by Board of Trustees 05/11/15  
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## **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 sex-based harassment and sex discrimination in all their forms of 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 misconduct when reported, and to respond to any allegation of such misconduct with fundamental fairness. This policy also addresses the protections provided under Title IX for students and employees who are pregnant or who experiencing certain conditions related to pregnancy. 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”), Maryland Education Article § 11-601 (2019), and the revised federal regulations enforcing Title IX at 34 CFR Part 106 (2020), (2024). For purposes of this policy and related procedures, **Title IX** shall be the term to capture all these laws which implicate sex-based harassment and sex discrimination. Allegany College of Maryland’s policy and procedures are informed by the guidance and expertise provided by the College’s nationally recognized, contracted consultants: Association of Title IX Attorneys (ATIXA).

## **POLICY**

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

Allegany College of Maryland does not discriminate on the basis of age, ancestry/national origin, color, disability, gender identity/expression, marital status, race, religion, sex, or sexual orientation in matters affecting employment or in providing access to programs and activities.

### **II. Prohibition of Sex-based Harassment, Sex Discrimination, and Retaliation**

Sex-based harassment and sex discrimination are forms of discrimination prohibited by state and federal laws. Allegany College of Maryland prohibits all forms of sex-based harassment and sex discrimination which includes but is not limited to sexual assault (all forms), stalking, relationship violence, *quid quo pro* sexual harassment, hostile environment sexual harassment, and gender-based discrimination (both disparate treatment and disparate impact). Attempts to commit these acts are likewise prohibited. These acts may also constitute crimes which could be reported to local law enforcement. The College will not discriminate against any student or employee based on the student’s current, potential, or past pregnancy or related conditions. The College 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 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. Scope of Policy and Jurisdiction**

This policy and its procedures apply in the following circumstances:

- A. What: sexual assault (all forms), stalking, relationship violence, *quid quo pro* sexual harassment, hostile environment sexual harassment, and gender-based discrimination (both disparate treatment and disparate impact) and pregnancy as well as specific conditions directly related to

- pregnancy/parenting. Retaliation and Attempts to commit acts of sex-based harassment and sex discrimination are likewise prohibited.
- B. Who: all students, all employees, other individuals participating in or attempting to participate in College programs/activities, and any person acting on behalf of the College or over whom the College has authority including but not limited to volunteers, graduate students, researchers, and independent contractors. To conduct a formal investigation of sex-based harassment or sex discrimination, the College must have current authority over the person accused of misconduct which, if proven, would violate this policy. It is not required for all parties to be formally affiliated, although the College's jurisdiction and ability to act upon an unaffiliated party is limited. Supportive measures may be provided to any party who is affiliated with the College.
  - C. When: incidents which occur while a party is participating or attempting to participate in any College program or activity. Incidents should be reported in a timely manner; the College reserves the right to limit its actions to supportive measures if too much time has passed to conduct a fair and thorough investigation.
  - D. Where: incidents which occur on College property which includes all campuses, instructional sites, and any property owned or managed by the College including – but not limited to – buildings, parking lots, access roads, vehicles, and fields/lawns. The words “on campus” encompass all such properties. This policy also applies off-campus to incidents which occur during an event, class, or other activity that is organized, controlled, or sponsored by the College or a recognized College group/entity, to incidents over which the College has disciplinary authority (over students, employees), to incidents that may limit or deny a person's access to the College's education program or activities, and to incidents that affects a substantial College interest.

Acts of sex-based harassment or sex discrimination that do not fall within the scope of this policy will be addressed by other appropriate institutional policies and procedures. (See Other Provisions, X, below.)

#### **IV. Institutional Obligations**

The College will take steps to prevent the occurrence of sex-based harassment and sex discrimination. Upon receiving a report or having knowledge of an incident of sex-based harassment and/or sex discrimination, the College shall take immediate, appropriate steps to stop the harassment and/or discrimination, to prevent its recurrence, and to remedy its effects. Informal resolutions are possible as determined by relevant factors. Formal investigations shall be prompt, equitable, reliable, and impartial. The College will treat all persons with respect, dignity, and fairness. The College will 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.

The College will presume each person accused of violating this policy is not responsible as required by federal regulations; only if there is sufficient relevant evidence that the alleged act(s) were committed will the person be found responsible and sanctioned accordingly.

The College will provide notice of this policy to students, employees, applicants, and other relevant persons.

The College will encourage and support a report to local law enforcement for any criminal act. The College's institutional response to sex-based harassment and/or sex discrimination shall be independent of any law enforcement and/or court action. The College will comply with all Clery mandated data collection and reporting requirements. Designated College employees are required to report any sex-based harassment and/or sex discrimination in accordance with the policy provision specified below.

The College will provide reasonable modifications to students and employees who are experiencing pregnancy or the specifically identified conditions related to pregnancy/parenting. (This policy does not address any maternity or paternity leave; however, where maternity leave is offered to any employee, comparable leave will be offered to the non-birthing parent.)

#### **V. 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.

The College shall comply with Maryland Education Article § 15-136 prohibiting discrimination of any kind including pregnancy discrimination regardless of student gender pursuant to Title IX.

## **VI. Procedures**

Allegany 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, how to make a report, how to file a complaint, parties' rights and responsibilities, role of advisors, presumptions, standard of evidence, the role of advisors, amnesty, confidentiality, notifications of parties, informal resolutions, formal investigation and hearing practices, timelines, possible supportive measures, emergency removals, possible resolutions/consequences, appeals, the role of law enforcement/crime reporting, resources, and protections for pregnancy and related conditions.

## **VII. Title IX Coordinator**

Allegany 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 team members to assist with the implementation of this policy, to conduct investigations, to serve as advisors, to hold administrative hearings as needed, and to adjudicate appeals. All persons serving in any capacity must be properly trained to perform their tasks and must be free from bias, conflicts of interest. Inquiries concerning the application of this policy 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 United States Department of Education's Office for Civil Rights and/or the Maryland State Department of Education's Equity Assurance & Compliance Office.

## **VIII. Education and Training**

All employees must complete training when hired and then annually during employment. The training must include what constitutes sex-based harassment and sex discrimination as well as employee obligations upon learning a student is pregnant or experiencing any of the specific pregnancy/parenting conditions to which this policy applies.

The College shall provide prevention and awareness education to students, faculty, staff, and other relevant parties. Topics may include what constitutes sex-based harassment and sex discrimination, how to reduce the occurrence of sex-based harassment and sex discrimination, safe bystander interventions, consequences of engaging in sex-based harassment and sex discrimination, how to report sex-based harassment and sex discrimination, and protections for pregnancy and related conditions.

## **IX. Reporting**

### **A. Sex-based harassment or sex discrimination**

1. Any person with information about an incident of sex-based harassment or sex discrimination is strongly encouraged to report it promptly to Title IX Coordinator or Campus Safety/Special Police, and/or the Office of Student & Legal Affairs.
2. Any College employee with information about an incident of sex-based harassment or sex discrimination is required to report it promptly to Title IX Coordinator or Campus Safety/Special Police, and/or the Office of Student & Legal Affairs.
3. Only persons designated as having confidential status are exempt from the requirement to report. These persons are limited to professional mental health providers whose communications are deemed privileged by law and professional medical providers whose

communications with patients are deemed privileged by law and the provider is *acting in that capacity at the time of the disclosure*. These persons are required to identify their role as confidential and to provide contact information for the Title IX Coordinator.

4. Reports may be made in writing, by phone, or in person. Upon receiving an initial report, the Title IX Coordinator will provide the person alleged to have experienced sex-based harassment or sex discrimination with information and an intake form to submit.
5. The College will assist any person needing assistance to make a report or complaint, and reports may be made anonymously online at [www.allegany.edu](http://www.allegany.edu). The College strongly encourages any person who is a victim of or who witnesses any crime to contact law enforcement / call 911 immediately.

#### B. Pregnancy

1. Any person who is pregnant or who has experienced any of the specific conditions related to pregnancy/parenting and who seeks supportive measures is strongly encouraged to contact the Title IX Coordinator.
2. Any College employee with information about a student who is pregnant or who has experienced any of the specific conditions related to pregnancy/parenting is required to
  - (a) inform the student that College will not discriminate and will provide access and
  - (b) provide the Title IX Coordinator's contact information.

### X. Other Provisions

Records related to reports/complaints, and training shall be maintained for at least seven (7) years.

The College reserves the right to initiate an investigation if the Title IX Coordinator makes a determination, applying the regulatory standards, that there is a serious and imminent threat to someone's safety or the circumstances prevent equal access to the College's programs/services without initiating a complaint.

The College reserves the right to dismiss a complaint or close its action under this policy under the following circumstances:

- The person alleged to have violated this policy cannot be identified after taking reasonable steps to do so.
- The person alleged to have violated this policy is no longer enrolled, employed, or formally affiliated with the College.
- The person who made the formal complaint withdraws the complaint in writing and there is no basis for the Title IX Coordinator to initiate a complaint.
- The conduct alleged in the formal complaint, if proven, would not constitute a policy violation.
- Circumstances (including but not limited to the passage of time and/or unavailability of parties, witnesses, records) prevent the collection of evidence sufficient to make a determination.

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. Related policies include: Code of Student Conduct, Personnel/HR policies, Non-Discrimination Policy, Admissions Policy, Safety Risk Policy, FERPA Policy, and First Amendment Policy.

Nothing in this policy shall be construed to limit any party's pursuing criminal or civil remedies.

If another College policy or state law conflicts with this policy, the College shall make reasonable efforts to resolve the conflict without violating any policy or law. If such resolution is not possible, the College shall apply the relevant policy or law in this order: constitutional protections, federal law, federal regulations, institutional policy to implement federal law/regulations, Maryland law, Maryland regulations, institutional policy to implement Maryland law/regulations, other state law, other state regulations, institutional policy to implement other state law/regulations, institutional policy unrelated to a federal or state law/regulation.

**XI. Resources and Contact Information**

Detailed information about this Policy and accompanying Procedures may be found at <https://www.allegany.edu/title-ix/index.html>

Questions about the application of this Policy as well as reports or complaints may be addressed to  
Dr. B. Renee Conner  
Dean of Student & Legal Affairs, Title IX Coordinator  
Allegany College of Maryland  
12401 Willowbrook Road  
Cumberland, Maryland 21502  
(301) 784-5206  
[rconner@allegany.edu](mailto:rconner@allegany.edu)

Concerns about the College's compliance with federal regulations may be addressed to the  
Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

**XII. 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.