

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

PROCEDURES: REPORT FORM
SEXUAL HARASSMENT & SEX DISCRIMINATION POLICY

If you have experienced sexual harassment or sex discrimination, the College wants to know so we can take appropriate action to stop the behavior, prevent a recurrence, and remedy the effects. You can submit a *Report* that alerts the College and permits the consideration of multiple options to resolve the situation. Submitting this *Report* allows the Title IX Coordinator is one way to alert the College of improper conduct that must be addressed. Be sure to read the process information on the next page.

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. This *Report* is not a private document *if a formal investigation is begun*; at that time, the Respondent will be given a copy of the complaint, attachments, future statements, and any other evidence. Likewise, the Complainant will be given the Respondent's statements/evidence.

Your Name: _____

Reports may be submitted anonymously, but please understand that anonymous reports 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 harassment or sex discrimination is being alleged?**

- | | |
|---|---|
| <input type="radio"/> Sexual Assault | <input type="radio"/> Relationship Violence |
| <input type="radio"/> Sexual Harassment | <input type="radio"/> Gender-based Discrimination |
| <input type="radio"/> Stalking | |

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., specific location)**

NOTE: Title IX does not apply to acts which occur off campus unless during an ACM-controlled event or at an ACM-controlled location; such matters would be addressed via the Code of Student Conduct.

5. **Type and attach a written, detailed 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. **Do you have any other immediate needs with which you need help?** Yes / No » If so, what are they?

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

TITLE IX KEY PRINCIPLES:

- 1) ACM prohibits all forms of sexual harassment, sex [gender]discrimination, and retaliation.
 - 2) ACM's policy and *general* procedures apply to all employees and all students with some *specific* procedures which provide additional rights/protections to students only.
 - 3) Sexual harassment includes: sexual assault, quid quo pro sexual harassment, hostile environment sexual harassment, stalking, relationship violence, and gender-based discrimination.
 - 4) Acts of sexual harassment and/or sex discrimination should be reported. College Officials who have authority to take action are **required** to then report the acts to Title IX Coordinator.
 - 5) Upon receiving a report, the Title IX Coordinator will review options and procedures with the Complainant. Formal and informal resolutions to reports are possible under certain circumstances. Supportive measures and/or immediate restrictions may be implemented right away; such measures can affect classes, housing, access to campus services and activities, and/or employment.
 - 6) Complainants and Respondents are treated equally throughout the process including information and availability of supportive measures as well as restrictions.
 - 7) Complainants and Respondents have the right to an advisor throughout the Title IX process; the advisor can be a person of their choosing, an ACM employee who has been trained for this role, or an attorney.
 - 8) Formal complaints require a full investigation and hearing with the parties present; hearings have specific rules including cross examination of parties and witnesses by the other party's advisor who may or may not be a lawyer.
 - 9) Respondents are presumed not responsible (as required by federal regulations) unless/until proven responsible; the standard of proof is preponderance of the evidence. If responsible, the Respondent will be sanctioned appropriately.
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INSTITUTIONAL OBLIGATIONS:

Upon receiving a report of an alleged violation, the College will provide a prompt, equitable, reliable, and impartial investigation. The College will -

- ✚ Take immediate and appropriate action to stop the behavior; to prevent a recurrence, and to remedy the effects of any misconduct that has occurred.
 - ✚ Treat all persons with respect, dignity, and fairness.
 - ✚ 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.
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IMPORTANT PROCESS INFORMATION

Outcome: No particular outcome is guaranteed. After a complaint is received, next steps and outcome are determined by many factors.

CONFIDENTIALITY: Confidentiality is maintained as much as possible for all the parties with exceptions related to supportive measures and formal investigations. Information about the incident will not be shared with anyone who does not have a legitimate need to know. Information must be shared in certain circumstances. If the Complainant wishes to pursue a formal investigation, the Complainant's name, written complaint, statements, and other evidence must be shared with the Respondent. Likewise, in a formal investigation, the Respondent's statements and evidence will be shared with the Complainant. Some information will necessarily be revealed to witnesses and essential College Officials.

SUPPORTIVE MEASURES: The parties may receive supportive measures that will vary depending on each party's unique needs. Examples of supportive measures may include counseling, class schedule changes, academic accommodations, housing changes (where possible), activity restrictions, and work placement/schedule changes. The Title IX Coordinator may issue a No Contact or No Negative Contact Order to prohibit any interaction between the parties.

PARTICIPATION: 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. If/when a formal investigation is initiated, all parties are required to participate.

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.

ALCOHOL/DRUG AMNESTY: Parties 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."

ADVISOR: 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 with one exception noted below. You must provide the name and title (if any) of your support person to the Title IX Coordinator one business day before any meeting. You are welcome to consult this person at any time in private. At any formal hearing, each person is required to submit to cross examination by the parties' Advisor who may or may not be an attorney. Students who are the Complainant or the Respondent have the right to an attorney.

WITHDRAWING A COMPLAINT: Any person who has submitted a *Report* or Formal Complaint has the option to subsequently withdraw the report/complaint without penalty or consequence. Circumstances may change or, as the report/complaint process unfolds, an acceptable resolution is reached. Such an "exit" from the report/complaint process may occur at any stage. If that occurs, the complainant must notify the Title IX Coordinator in writing.
