
Chapter: Personnel

Modification No. 008

Subject: **Equal Employment Opportunity and Non-Discrimination Policy**

- I. Montgomery College is committed to equal employment opportunity that assures access, equity, and diversity. Further, the College is committed to providing an environment in which all persons are provided the opportunity for employment, participation in academic programs, and/or other college activities free from discrimination, harassment prohibited by federal regulations and state law, and sexual assault.
- II. It is the policy of the Board of Trustees to take positive steps to identify and change College policies, practices, procedures, and other institutional barriers that may prohibit or adversely affect access, equity, and diversity.
- III. In accordance with applicable law, the College does not discriminate against any student, employee, or applicant for employment who is a qualified individual with a disability or on the basis of age, color, citizenship status, covered veteran status, disability, gender, gender identity, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason to the extent these attributes are not covered in this policy and covered by federal, state and county laws and regulations.
- IV. Education is a key element of this policy. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Equal Employment Opportunity and Non-Discrimination Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness about hate/violence. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, contractors, and students about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.
- IV. The President is authorized and directed to establish procedures and programs to implement this policy.

Board Approval: September 21, 1987; December 18, 1989; April 15, 1991; July 15, 1991; September 21, 1999, November 18, 2002, December 13, 2010; February 25, 2013.

Chapter: Personnel

Modification No. 005

Subject: **Affirmative Action**

- I. Montgomery College is committed to undertaking conscious, deliberate action designed to assure equal opportunity for all employees and to make additional efforts to recruit, employ, and promote minorities and women at all levels and in all segments of the workforce where they are underrepresented. Toward this end, the President will develop and implement an affirmative action program and an affirmative action plan.
- II. It is the policy of the Board of Trustees to take positive steps to identify and change College policies and other institutional barriers that may prohibit equal employment of employees or adversely affect access, equity, and diversity.
- III. The College is committed to diligently implementing equal employment opportunity and affirmative action practices of hiring employees from underrepresented groups, as designated by federal regulation, and strongly encourages and supports continued efforts in these areas.
- IV. Education is a key element of this policy. The College will provide education and information, as appropriate, for employees to enhance understanding and increase awareness of the College's Affirmative Action Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness about hate/violence. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees and contractors about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.
- IV. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; December 18, 1989; April 15, 1991; November 13, 1995; February 25, 2013.

Chapter: Personnel

Modification No. 006

Subject: Sexual Harassment

- I. It is the policy of Montgomery College to establish and maintain a community in which everyone who works or participates in college programs and activities can do so in an atmosphere free from all forms of harassment, including sexual harassment, and from an offensive, hostile, or intimidating environment. When made aware, the College will take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.
- II. This policy applies to all members of the Montgomery College community and prohibits sexual harassment by employees, students, or other individuals on the College's premises.
- III. Sexual harassment will not be tolerated. The College will consider a violation of this policy to be a significant act of misconduct that will result in discipline, possibly including discharge from employment or expulsion from the institution.
- IV. Just as the College will consider violations of this policy an act of misconduct, the filing of frivolous or malicious allegations of sexual harassment may subject individuals to disciplinary action up to and including discharge or expulsion from the institution. The failure to substantiate a sexual harassment allegation does not automatically constitute malicious intent, frivolity, or a false claim.
- V. The College will take steps to prevent and promptly correct sexually harassing behavior. Employees, students, and individuals present on the College's premises are expected to take advantage of these preventive and corrective opportunities and to otherwise avoid possible harm.
- VI. Sexual harassment is defined as follows:

Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature whereby:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status;
 - B. Submission to, or rejection of, such conduct by an individual is used as the basis of an employment decision or academic decision affecting that person; or
 - C. Such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive working or learning environment.
- VII. Individuals who believe that they have witnessed sexual harassment or who believe they have been sexually harassed should immediately contact the College's Chief Equity and Diversity Officer, who is also the College's Title IX Coordinator.
- VIII. A criminal investigation does not preclude the College's ability to conduct its own sexual harassment investigation. The College will not impede or compromise a criminal

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- investigation in conducting its own investigation. All reasonable steps will be taken to protect individuals and students in the academic or employment setting depending on the nature of the allegations.
- IX. In investigating allegations of sexual harassment the College uses the preponderance of the evidence standard.
- X. Individuals who complain of sexual harassment are assured appropriate confidentiality and will not be disciplined or otherwise retaliated against for reporting an incident of sexual harassment. A reasonable effort will be made to protect and preserve the confidentiality of all parties during the processing of complaints under this policy. The College will take action necessary to prevent and promptly correct any sexually harassing behavior.
- XI. This policy does not preclude an individual from pursuing a complaint of sexual harassment with an external agency at any time.
- XII. Education is a key element of this policy. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Sexual Harassment policy and procedures. Annual training will be conducted for both sexual harassment training and sexual assault training. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness about sexual harassment. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, contractors, and students about the proper way to recognize and address complaints involving a violation of this policy (d) preventing issues that this policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.
- XIII. The President is authorized and directed to establish procedures and/or to implement this policy.

Board Approval: September 21, 1987; December 18, 1989; April 15, 1991; October 19, 1998; July 15, 1999; February 25, 2013.

Chapter: Personnel

Modification No. 002

Subject: **Consensual Relationships**

- I. The College's mission is supported by professionalism in student-faculty relationships and in supervisor-supervisee relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Taking note of the respect and trust accorded a faculty member by a student and a supervisor by a supervisee, all College employees recognize that they are presumed to make decisions regarding their relationships with students and supervisees that will not compromise this atmosphere of mutual trust and respect. Employees should be aware of the possibility that an apparent consensual amorous relationship with a student or supervisee may be interpreted or may appear (either now or at a later date) as nonconsensual and, therefore, sexual harassment. Further, an apparent consensual relationship may give to third parties the appearance of unfair bias or favoritism on the part of the faculty member or supervisor towards the student or supervisee.

Accordingly, it is the policy of the Board of Trustees that its employees shall not maintain, engage in or undertake an amorous relationship or permit one to develop with a student who is enrolled in the employee's class or supervisee who is subject to that person's supervision or where an evaluative relationship exists, even when both parties appear to have consented to the relationship. As an example, this policy includes the position that faculty members shall not engage in a romantic social relationship with students who are enrolled in their class; similarly, supervisors are expected to refrain from dating persons they supervise or evaluate, directly or indirectly.

- II. The mere fact that an amorous or romantic relationship exists between two persons either one of which may be an employee of the College or is a student at the College, in and of itself, is not addressed by this policy nor is there any specific or implied prohibition of such relationships. It is only when such relationships occur in the context of the special obligations and power of faculty-student relations (where the student is currently in a class taught by the faculty member) or a supervisor-supervisee relationship that the concerns addressed by this policy apply, including concerns regarding appearance or real conflicts of interest and potential for claims of sexual harassment against the College and others.
- III. The Board of Trustees does recognize that consensual amorous relationships may exist prior to the time a student is assigned to a faculty member, as a member of that person's class or is placed in a situation where the employee must supervise or evaluate the student. It is also recognized that such a relationship may exist between co-employees prior to the time when one of those employees becomes the supervisor of the other. Special provisions shall be made to appropriately accommodate such situations so long as these relationships are timely disclosed by the faculty member or supervisor involved and the purpose of the policy to avoid conflicts of interest and the appearance of conflicts of interest is accomplished.
- IV. Education is a key element of this policy. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Consensual Relationships Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing

education programs to promote awareness about hate/violence. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, contractors, and students about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.

- V. The President is authorized to establish procedures to implement this policy with respect to College employees.

Board Approval: January 26, 2004; February 25, 2013.

Chapter: Personnel

Modification No. 002

Subject: **Employment of Individuals with Disabilities**

- I. Montgomery College is committed to diversity and nondiscrimination and supports employment opportunities for qualified individuals with disabilities in accordance with the College's Affirmative Action Plan for Veterans and Individuals with Disabilities, Board policy on Equal Employment Opportunity and Non-Discrimination, and state laws and federal laws and regulations, including the Americans with Disabilities Act of 1990 as amended.
- II. The College will not discriminate against a qualified individual because of a disability with regard to application, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. Benefits provided to qualified individuals with a disability are no different than the benefits provided to other employees. Likewise, this policy does not prohibit the College from holding employees with disabilities to the same standards of conduct and performance as other similarly situated employees without disabilities.
- III. The College, in accordance with applicable law, will provide, upon request, reasonable accommodations for the application process, employment, and continued employment, or reassignment of qualified individuals with disabilities, unless such accommodations would impose undue hardship on the College.
- IV. Education is a key element of this policy. The College will provide education and information, as appropriate, for employees to enhance understanding and increase awareness of the College's Employment of Individuals with Disabilities Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness about hate/violence. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees and contractors about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.
- V. The President is authorized to establish procedures for processing requests for accommodations from qualified applicants and employees with disabilities in compliance with the applicable provisions of the Americans with Disabilities Act (ADA) as amended, as well as other procedures necessary to implement this policy.

Board Approval: September 24, 2001; February 25, 2013.

Chapter: Student Affairs

Modification No. 008

Subject: Equal Education Opportunity and Non-Discrimination Policy

- I. Montgomery College is committed to equal education opportunity that assures access, equity, and diversity in student admissions, and assures equity in student financial assistance and other student policies. Further, the College is committed to providing an environment in which all persons are provided the opportunity for participation in academic programs, and/or other College activities free from discrimination, any form of harassment as prohibited by federal regulations and state law, and sexual assault.
- II. In accordance with applicable law, the College does not discriminate against any student or applicant for admission based on protected attributes as age, color, citizenship status, covered veteran status, disability, gender, gender identity, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason to the extent these attributes are not covered in this policy and covered by federal, state and county laws and regulations.
- III. It is the policy of the Board of Trustees to take positive steps to identify and change College policies, practices, procedures, and other institutional barriers that may prohibit or adversely affect access, equity, and diversity.
- IV. Education is a key element of this policy. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Equal Education Opportunity and Non-Discrimination Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness about hate/violence. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, contractors, and students about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.
- V. The President is authorized and directed to establish procedures and programs to implement this policy.

Board Approval: January 22, 1975; July 26, 1976; April 15, 1991; July 15, 1991; September 21, 1999, November 18, 2002, December 13, 2010; January 14, 2014.

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Agenda Item Number: 10H
February 25, 2013

ENACTMENT OF POLICY 77002–PROHIBITION OF WEAPONS ON CAMPUS

BACKGROUND

Montgomery College is committed to ensuring a safe and secure environment for the College and the community. Accordingly, the use, possession, or storage of any weapons is a matter that requires the attention of College authorities. While the use and possession of weapons is addressed in the Student Code of Conduct (42001CP), it is appropriate that the College has a broad policy on weapons.

The Office of the General Counsel composed a new policy, which defines weapons and enforcement for violations to this policy. The president is authorized to establish procedures to implement this policy. New policies such as this come under the authority of the Board of Trustees for approval.

RECOMMENDATION

It is recommended that the Board of Trustees adopt a new policy on the prohibition of weapons on campus.

BACKUP INFORMATION

Board Resolution
Policy 77002–Prohibition of Weapons on Campus

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSON

Mr. Sorrell

**BOARD OF TRUSTEES
MONTGOMERY COLLEGE**
Rockville, Maryland

Resolution Number: 13-02-027
Adopted on: 2/25/2013

Agenda Item Number: 10H
February 25, 2013

Subject: Enactment of Policy 77002–Prohibition of Weapons on Campus

WHEREAS, Montgomery College is committed to ensuring a safe and secure environment for the College and the community; and

WHEREAS, the use, possession, or storage of any weapons, requires the attention of College authorities; and

WHEREAS, while the use and possession of weapons is regulated by federal, state and local jurisdictions, and unlawful use of weapons is addressed in a Student Code of Conduct (42001CP), it is appropriate that the College has a broad policy on weapons; and

WHEREAS, Board of Trustees approval is required for all new College policies; and

WHEREAS, the president of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees adopts policy 77002–Prohibition of Weapons on Campus, in order to ensure a safe and secure environment for the College community; and be it further

Resolved, That the president is authorized to develop procedures as necessary to implement this policy.

Chapter: Facilities

Modification No. 001

Subject: **Prohibition of Weapons on Campus**

- I. In order to achieve the mission, vision and values of Montgomery College, the Board of Trustees considers it is essential to ensure a safe and secure environment for the College community. The Board believes the presence of any firearms, explosives and other weapons on College property poses a serious threat to the safety of students and employees. Accordingly, the use, possession, or storage of any weapons is prohibited on College property and at College sponsored events, except for law enforcement personnel acting in the course of their official duties and others specifically authorized by the President.
- II. The College President is authorized to establish procedures to implement this policy.

Board Approval: _____, 2013