
Chapter: Personnel

Modification No. 003

Subject: **Sexual Misconduct**

I. Policy Statement

It is the policy of Montgomery College to establish and maintain an environment in which all members of the Montgomery College community can work or participate in College education programs and activities free from all forms of sexual misconduct. Sexual misconduct is a form of sex discrimination prohibited by federal and state discrimination laws, including Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964. In addition, some forms of sexual misconduct violate the criminal laws of the State of Maryland. Sexual misconduct in any form will not be tolerated by Montgomery College. The College will take immediate action to stop sexual misconduct of which it is aware, prevent its recurrence, and remedy its effects.

II. Definitions

For purposes of this Policy, “sexual misconduct” is an umbrella term that encompasses various types of prohibited conduct, including sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, sexual intimidation, and stalking. The President is authorized and directed to establish procedures to define other terms relevant to this Policy, including but not limited to: “sexual harassment”, “sexual assault”, “domestic violence”, “dating violence”, “sexual exploitation”, “sexual intimidation”, and “stalking”.

III. Applicability

All students and employees of the College must comply with this Policy. Sexual misconduct is prohibited between students, between employees, between students and employees, and by students or employees against contractors, vendors, or other individuals whose relationship to the student or employee is through the College's facilities, programs or activities. Similarly, the College will not tolerate sexual misconduct by College contractors, vendors, or other third parties, including visitors and guests to the College whose relationship to the victim is through the College's facilities, programs or activities. This Policy, applies regardless of the sex, sexual orientation, or gender identity of either the perpetrator or the victim of the sexual misconduct. This Policy applies to sexual misconduct (i) that occurs on College premises, including any property owned or leased by the College (including College buses) or that the College has permission to occupy for purposes of conducting a College-sponsored program or event; (ii) that occurs in connection with any College-sponsored, College-recognized, or College-approved activities (e.g., off-campus education programs and activities such as College-sponsored field trips, athletic team travel, and events for officially recognized College clubs that occur off-campus, and social activities for employees sponsored by the College or relating to the business of the College); (iii) that occurs during business travel or otherwise in connection with College-related business; or (iv) that results in creation or contribution to a hostile environment on campus or in an off-campus education or College-related program or activity, regardless of where the conduct occurred. All incidents of sexual misconduct should be reported so that the College may determine whether the conduct falls within the scope of this Policy.

IV. Reporting and Confidentiality

All members of the Montgomery College community may report allegations of sexual misconduct at any time, but are encouraged to make such reports promptly in order to maximize the College's ability to respond and take appropriate action, including to obtain evidence and to conduct a prompt and equitable investigation.

Students may report alleged sexual misconduct to the Title IX Coordinator or to any "Responsible College Employee," which includes any College administrator, supervisor, faculty member, campus security officer, coach, trainer, or other employees with a responsibility for student welfare. Employees and other members of the College community may report sexual misconduct to the Title IX Coordinator or the Director of the Employee and Labor Relations, and employees may also report sexual misconduct to their supervisor. A Responsible College Employee, the Director of Employee and Labor Relations, and any other employee (other than sworn police officers) who receives a report of sexual misconduct must promptly relay such report to the Title IX Coordinator. No employee (other than sworn police officers) is authorized to investigate or resolve reports of sexual misconduct without the involvement of the Title IX Coordinator.

Christopher Moy is the College's Title IX Coordinator and can be reached in person in Room 315-G of the Mannakee Building, by telephone at 240-567-5412, or by e-mail at christopher.moy@montgomerycollege.edu.¹ Members of the College community may contact the Title IX Coordinator in order to seek information about courses of action available to resolve reports or complaints that involve sexual misconduct; to file a complaint or otherwise make a report of sexual misconduct; to get information about available resources and supports services available to victims of sexual misconduct, and; to ask any questions concerning College Policies and Procedures relating to sexual misconduct.

Certain College employees will be designated Confidential Resources for purposes of this policy. Confidential Resources are not considered to be Responsible College Employees – that is, upon receipt of a report of an alleged violation, Confidential Resources are not required to notify the Title IX Coordinator. An individual seeking support or guidance with respect to an alleged incident of sexual misconduct may contact any Confidential Resource, who will normally keep private the individual's identity and any other information concerning the incident.

The College recognizes that allegations of sexual misconduct are a sensitive subject for all parties involved and is committed to maintaining the privacy of the parties involved to the fullest extent possible, consistent with applicable law and the need for investigation and resolution. The College, through the Title IX Coordinator, may investigate and take reasonable action even when the individual making a report of sexual misconduct requests anonymity or requests that no action be taken. Thus, absolute confidentiality cannot be guaranteed. In all cases, the College will take care to protect the identity of the parties through processes that provide for discussion of the allegations only among those who have a legitimate administrative, investigative, or legal need to know.

¹ The President is authorized to change the designation of the Title IX Coordinator by a procedure that provides the name and contact information of the Title IX Coordinator similar to the information provided in this Policy. Upon adoption of the procedure with this information and the posting of notice of the change to the College's web site, this Policy may be modified by direction of the President to substitute the new information about the Title IX Coordinator without the need for further action of the Board of Trustees.

V. College Aid to Victims of Sexual Misconduct

The President is authorized and directed to establish procedures to provide victims of sexual misconduct with reasonable accommodations (e.g., changes in academic, transportation and/or working situations) and/or protective measures that may be made available upon request to a victim of sexual misconduct, regardless of whether the victim chooses to report the sexual misconduct to campus security or local law enforcement.

VI. Investigation

All reports of sexual misconduct will be taken seriously and investigated as appropriate. The President is authorized and directed to establish procedures for the investigation of such reports, which shall provide for a prompt, thorough, and impartial process.

VII. Time Frame

The College strives to investigate and resolve all complaints within sixty (60) days after the filing of a complaint. Actual resolution time may vary depending on many factors, including but not limited to, the complexity of the investigation and the severity and extent of the alleged misconduct.

VIII. Grievance; Resolution; Sanctions

Individuals found to have committed sexual misconduct in violation of this Policy will be subject to disciplinary action in accordance with applicable College policies and procedures and/or collective bargaining agreements.

Employees found in violation of this Policy are subject to disciplinary action in accordance with the applicable College policies and procedures for disciplinary action and discharge (34002 and 34003), or, for bargaining unit members, the applicable procedures in the collective bargaining agreement. Sanctions will be based on the circumstances and nature of the violation, ranging from a reprimand up to and including termination of employment. Students found in violation of this Policy are subject to disciplinary action in accordance with procedures set forth in the Student Code of Conduct (42001). Sanctions will be based on the circumstances and nature of the violation and include, but are not limited to, a warning, disciplinary probation, community service, participation in sexual misconduct education programming, suspension and dismissal from the College. In the event of sexual misconduct by a third party against a College student or employee, the College will take appropriate action within its control to address the misconduct and prevent its recurrence, including but not limited to, referring to local law enforcement to issue a "No Trespass" notice denying access to the College's buildings and grounds.

As required or appropriate, parties will be informed of the outcome of any resolution process based on a violation of this Policy.

Persons who commit sexual misconduct in violation of federal, state, or local law may also be subject to criminal charges and penalties as a result of related legal proceedings.

IX. Evidentiary Standard

In any investigation and/or disciplinary proceeding concerning an alleged violation of this Policy, the finding will be determined by a preponderance of the evidence.

X. Good Faith Reporting

Allegations of sexual misconduct are extremely serious, with potential for great harm to the accused if ill-conceived or made with malice. An individual found to have knowingly filed a false allegation may be subject to separate appropriate disciplinary action. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct.

XI. Retaliation

This Policy prohibits retaliation by anyone in the College community against an individual because the individual reports or complains about sexual misconduct or participates in the College's investigation or proceedings related to an allegation of sexual misconduct. When the College is aware of possible retaliation, it will take immediate and appropriate steps to investigate. Students or employees who commit retaliation in violation of this Policy are subject to appropriate disciplinary action. The Complainant or participants in any report or investigation of sexual misconduct who believe they have experienced retaliation in violation of this Policy should immediately report such conduct to the Title IX Coordinator.

XII. Education

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 Misconduct Policy and Procedures. Sufficient periodic training will be conducted for Responsible College Employees and for those involved in the investigation and resolution of complaints, as determined by the President. 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 increase knowledge and share information and resources to prevent sexual misconduct, promote safety, and reduce perpetration. 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, students, and other members of the college community, including 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 sexual misconduct and addressing its effects.

XIII. The President is authorized and directed to establish procedures to implement this Policy.

Board Approval: December 15, 2014; September 21, 2015; November 12, 2018 (administrative correction only)

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I. Introduction

- A. Montgomery College is committed to establishing and maintaining an environment in which all members of the Montgomery College community can work and participate in College education programs and activities free from all forms of sexual misconduct, as defined in Section II below. Sexual misconduct will not be tolerated and the College will consider any violation as a significant act of misconduct that will result in disciplinary action. When made aware, the College will take immediate action to stop the misconduct, prevent its recurrence, and remedy its effects. The resolution processes described herein relating to reports of sexual misconduct will be prompt, thorough, and impartial and will be conducted by College officials who, at minimum, receive annual training on issues related to sexual misconduct and on how to conduct the resolution processes described herein in a manner that protects the safety of victims and promotes accountability.
- B. Nothing in this Procedure shall supersede the legal obligations of a College employee or the College to comply with mandatory reporting laws, such as those applicable to sexual or other abuse of minors. In all cases, College employees and the College will comply with Montgomery College Policy 75005-Protection of Minors.

II. Applicability

Sexual misconduct is prohibited between students, between employees, between students and employees, and by students or employees against contractors, vendors, or other individuals whose relationship to the student or employee is through the College's facilities, programs, or activities. Similarly, the College will not tolerate sexual misconduct by College contractors, vendors, or other third parties, including visitors and guests to the College, whose relationship to the victim is through the College's facilities, programs, or activities.

- A. These procedures apply regardless of the sex, sexual orientation, or gender identity and expression of either the perpetrator or the victim of sexual misconduct.
- B. These procedures apply to sexual misconduct that:
 - 1. occurs on College premises, including any property owned or leased by the College (including College vehicles) or that the College has permission to occupy for purposes of conducting a College-sponsored program or event;
 - 2. occurs in connection with any College-sponsored, College-recognized, or College-approved activities (e.g., off-campus education programs and activities such as College-sponsored field trips, athletic team travel, and events for officially-recognized College clubs that occur off campus, and social activities for employees sponsored by the College or relating to the

business of the College);

3. occurs during business travel or otherwise in connection with College-related business; and,
 4. results in creation of or contribution to a hostile environment on campus or in an off-campus education- or College-related program or activity, regardless of where the conduct occurred;
- D. All incidents of sexual misconduct should be reported so that the College may determine whether the conduct falls within the scope of the Policy and may respond appropriately under these procedures.

III. Definitions

The following capitalized defined terms are used throughout the Procedure:

- A. Attorney/Non-Attorney Advisor – an individual selected by a Reporting Party or Responding Party to be present at any part of the College processes related to a report under this Procedure. The role of the Attorney or Non-Attorney Advisor is limited to providing advice and consultation directly to the Reporting Party or Responding Party (i.e., the Attorney or Non-Attorney Advisor is not to take an active representation role under this Procedure on behalf of the Reporting Party or Responding Party, as an Attorney would do in a formal legal proceeding).
- B. Confidential Resource – specific College employees whose role under this procedure is limited to providing confidential support and guidance to any individuals who wish to discuss alleged incidents of sexual misconduct. Confidential resources are specific College employees who are not considered to be Responsible College Employees and therefore are not required to notify the Title IX Coordinator (or alternatively, if the sexual misconduct is by or against an employee, the Director of Employee and Labor Relations) upon receipt of a report of sexual misconduct.
- C. Consent – a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make rational, reasonable judgment can give Consent. Consent may be expressed either by words and/or by actions as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that they have consent from the other party, and that the other party is capable of providing consent.
1. Lack of protest or resistance is not consent, nor may silence, in and of itself, be interpreted as consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding.
 2. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 3. Previous relationships, including past sexual relationships or prior consent cannot imply consent to future sexual acts.

4. Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.
5. In order to give effective consent, one must be of legal age, as defined by applicable Maryland law.

It is a violation of Policy 31001 to engage in sexual activity with someone whom one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated. To be incapacitated means that a person's decision-making ability is impaired such that they lack capacity to understand the "who, what, where, why, or how" of their sexual interaction. Incapacitation may result from sleep or unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, or the influence of drugs or alcohol.

- D. Corrective Action – action(s) recommended by the Investigator to be taken to sanction the Responding Party(s) and provide appropriate remedies to the Reporting Party, if the Investigator concludes that there has been a violation of the College's Sexual Misconduct Policy.
- E. Dating violence – encompasses a broad range of behaviors, including Sexual Assault, physical abuse, and other forms of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party, considering the length of the relationships, the type of relationships, and the frequency of interaction between the persons involved.
- F. Domestic violence – encompasses a broad range of behaviors, including Sexual Assault, physical abuse and other forms of violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, by a person who is cohabitating with or has cohabitated with the Reporting Party as a spouse or intimate partner, by a person similarly situated to a spouse of the Reporting Party, or by any other person against an adult or youth Reporting Party protected from those acts by domestic or family violence laws of Maryland.
- G. Formal Resolution – one of several available routes for resolution of allegations of sexual misconduct under this Procedure. Formal Resolution involves initiation of a prompt, fair, and impartial investigation.
- H. Incapacitated - an individual who is Incapacitated is unable to give Consent to sexual contact. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the prime causes of Incapacitation. However, a person is not incapacitated merely because they have been drinking or using drugs. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent,

requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

1. making decisions about the potential consequences of sexual contact;
 2. appraising the nature of one's own conduct;
 3. communicating Consent to sexual contact; or
 4. communicating unwillingness to engage in sexual contact.
- I. Informal Resolution – a remedies-based, non-judicial style approach designed to address allegations of sexual misconduct without taking disciplinary action against a Responding Party. Informal Resolution may not be appropriate for resolving allegations of some types of sexual misconduct.
- J. Initial Title IX Assessment – an assessment, conducted by the Title IX Coordinator upon receipt of a report of an alleged violation of Policy 31001-Sexual Misconduct, to provide an integrated and coordinated response to a report of sexual misconduct.
- K. Interim Protective Measure – means reasonably available steps the College may take to protect the parties pending a College investigation and adjudication of Sexual Misconduct.
- L. Investigation – a prompt and thorough process for providing a fair and reliable means of gathering information in the course of Formal Resolution, which is one of several available routes for resolution of allegations of sexual misconduct under this Procedure.
- M. Investigator – the College official, or designee, responsible for conducting investigations of reports of sexual misconduct. Typically, the Title IX Coordinator serves as the Investigator, but the College may engage internal or external individuals who are trained to conduct the resolution processes described in these procedures.
- N. Hostile Environment - when unwelcome conduct of a sexual nature is sufficiently serious that it affects a student's or employee's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational or working environment. A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school.
- O. Relationship Violence - encompasses a broad range of behaviors, including Sexual Assault, physical abuse and other acts, threats, or a pattern of abusive behavior of a physical or sexual nature by one partner intended to control, intimidate, manipulate, humiliate, frighten, coerce, or injure the other. These acts may be directed toward a spouse, an ex-spouse (also referred to as "Domestic Violence"), or by a current or former intimate partner (also referred to as "Dating Violence").
- P. Reporting Party - refers to the individual who files a Sexual Misconduct complaint, alleging a violation of this policy.
- Q. Responding Party –the individual accused of engaging in conduct prohibited under this policy.

R. Responsible College Employee - any College employee:

1. who has the authority to take action to redress incidents of sexual misconduct;
2. who has the duty to report to appropriate College officials sexual misconduct by or against students or employees; or
3. whom a student could reasonably believe has such authority or responsibility.

For student Complaints, Responsible College Employees are:

- Instructional Faculty and Faculty Department Chairs,
- Coaches,
- Athletic trainers,
- Administrators (including but not limited to the Title IX Coordinator),
- Campus Security Officers, and
- Other employees with a responsibility for student welfare

For employee Complaints, Responsible College Employees are:

- Administrators (including but not limited to the Title IX Coordinator and the Director of Employee Relations, Diversity, and Inclusion),
- Supervisors, and
- Campus Security Officers

Employees designated as Confidential Resources are not Responsible College Employees.

S. Retaliation – means any adverse action taken or threatened against an individual because that individual has made a report, filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeded related to Sexual Misconduct. Such adverse action can adversely affect or threaten to affect the employment rights or other interests of an individual and can take either work or social form.

T. Sexual Assault – any type of actual or attempted sexual contact with another individual without that person’s Consent, including sexual intercourse (rape) and attempted sexual intercourse (attempted rape).

1. Sexual Assault I. – Non-Consensual Sexual Intercourse – is any act of sexual intercourse with another individual without Consent (rape). This includes penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s Consent.
2. Sexual Assault II. – Non-Consensual Sexual Contact – is any unwanted intentional touching of the intimate body parts of another person, causing another to touch the intimate parts of oneself or another, or disrobing or exposure of another without Consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any

other body part (including one's own) that is touched in a sexual manner. Non-consensual sexual contact includes attempted sexual intercourse without Consent (attempted rape).

- U. Sexual Exploitation – when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or the benefit or advantage of anyone other than the one being exploited.
- V. Sexual Harassment – unwelcome sexual advances, requests for sexual favors, or other behavior of a sexual or gender-based nature where:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, evaluation of academic work, or participation in a College-sponsored educational program or activity;
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for an academic, employment, activity, or program participation decision affecting that individual; or
 - 3. Such conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's academic or work performance, denying or limiting a student's ability to participate in or benefit from the College's educational program, or creating an intimidating, hostile, or offensive academic or working environment.
- W. Sexual Intimidation – threatening behavior of a sexual nature directed at another person, such as threatening to sexually assault another person, or engaging in indecent exposure.
- X. Sexual Misconduct – is an umbrella term that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Harassment, Sexual Assault, Sexual Exploitation, Sexual Intimidation, Relationship Violence, and Stalking. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by any person, regardless of gender identity, and can occur between people of the same or different sex, sexual orientation, or gender expression.
- Y. Support Person - an individual age eighteen (18) or older who is not a Reporting Party, Responding Party, or Third-Party Witness to the alleged misconduct and who serves as a silent and non-participating presence during any part of the processes under this Procedure. The role of the Support Person is solely to observe and provide moral support to a Reporting Party or Responding Party in a way that does not disrupt or delay the process.
- Z. Stalking – repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of contact directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities. Stalking may involve individuals who are known to one another or who have a current or previous relationship or may involve individuals who are strangers.
- AA. Third-Party Witness - an individual who may have relevant direct or

circumstantial knowledge or information about the alleged misconduct.

- X. Title IX Coordinator – the College administrator who oversees the College’s centralized review, investigation, and resolution of reports of sexual misconduct. The Coordinator also oversees the College’s overall compliance with Title IX. The Title IX Coordinator is responsible for:
1. providing oversight of the investigation and resolution of all reports of sexual misconduct involving students, employees (including staff, administrators, and faculty), vendors, and visitors;
 2. recommending updates to the College’s policies and procedures related to sexual misconduct;
 3. designing and/or providing or overseeing training on sexual misconduct and the implementation of the College’s 31001- Sexual Misconduct Policy and Procedure;
 4. advising any individual, including a Reporting Party, a Responding Party, or a third party, about the courses of action available at the College, both informally and formally, and in the community;
 5. providing assistance to any College employee or student regarding how to respond appropriately to a report of sexual misconduct;
 6. monitoring full compliance with all procedural requirements and time frames outlined in this Procedure; and,
 7. training, prevention, and education efforts and periodic reviews of climate and culture.

The College’s current Title IX Coordinator is:

Christopher Moy, Title IX Coordinator
900 Hungerford Drive, Room 315-G
Rockville, MD 20850
240-567-5412
christopher.moy@montgomerycollege.edu

IV. Confidential Resources

Generally, it is not confidential when a person reports Sexual Misconduct. If a person desires to keep an incident of Sexual Misconduct confidential, they should speak with individuals who have professional or legal obligations to keep communications confidential. When seeking advice and support, persons should always consider whether they want to discuss their concerns with a confidential resource. Unless there is an imminent threat to health or safety or other basis for disclosure, such as child abuse, confidentiality applies when persons seek services from the following resources.

A. Internal Confidential Reporting

1. Certain College employees have been deemed Confidential Resources for purposes of this Procedure:

a. For Students (contact a counselor directly):

Rockville Counseling Department
240-567-5063 or 240-567-4104

Germantown Counseling Department
240-567-7734

Takoma Park/Silver Spring Counseling Department
240-567-1480

b. For Employees:

Office of the Ombuds
240-687-6199
ombuds@montgomerycollege.edu

2. Confidential Resources may need to make reports or a disclosure as required by the Jeanne Clery Act. Such reporting for purposes of the Clery Act does not require a Confidential Resource to reveal an individual's identity.
4. Discussing an alleged incident of sexual misconduct with a Confidential Resource will not lead to an investigation or resolution of the incident. Confidential Resources do not have the authority to establish interim protective measures.

B. External Confidential Reporting

Individuals who are seeking information and support may also contact the following organizations. Please note, however, that disclosures or reports made to any of these organizations may not be required to be kept confidential as a matter of law.

1. Resource for Employees

Faculty Staff Assistance Program
1-800-935-9551 (24-hour hotline)
1-800-855-288 TTY
<http://www.fadv.com/eapsap/>

2. Community Resources for Students and Employees

- a. Montgomery County Victim Assistance and Sexual Assault Program (VASAP)
1301 Piccard Drive, Suite 4100
Rockville, MD 20850
240-777-4357 (24-hour crisis hotline)
240-777-1347 TTY
- b. VASAP Campus Liaisons:

Silver Spring/Takoma Park Campus/Westfield South Training Center
240-777-1355

Germantown Campus/Gaithersburg Training Center
240-777-1355

Rockville Campus
240-777-1355

V. Reporting Sexual Misconduct

The College encourages all individuals to make a report to the College and to local law enforcement whenever a crime may have been committed. The College will assist Reporting Parties who wish to report sexual misconduct to law enforcement authorities. Reports to law enforcement and reports to the College can be pursued simultaneously.

A. Emergency Situations

1. If there is an immediate threat, if possible and necessary go to a safe location, and if injured, seek immediate medical attention.
2. Call 911 first, then call or go to the nearest Office of Public Safety:
 - a. Germantown Campus Safety and Security
282 Science and Applied Sciences (SA) Building
240-567-7777
 - b. Rockville Campus Safety and Security
101 Counseling and Advising (CB) Building
240-567-5111
 - c. Takoma Park/Silver Spring Safety and Security
117 Charlene Nunley Student Services (ST) Building
240-567-1600

A. Internal Reporting

1. A report of sexual misconduct may be made at any time. Members of the College community are encouraged to make reports promptly in order to maximize the College's ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, fair, and equitable investigation.
 - a. Students may report alleged sexual misconduct:
 1. to the Title IX Coordinator;
 2. to any other Responsible College Employee, as defined in Section III; or
 3. through the online [Title IX Complaint Form](#)
 - b. Employees and other members of the College community who are not students may report sexual misconduct:

1. to the Title IX Coordinator;
 2. to the Director of Employee and Relations;
 3. to any other Responsible College Employee, as defined in Section III; or
 4. through the online [Title IX Complaint Form](#).
2. Upon receiving a report, the College shall immediately inform the Reporting Party of available options about the involvement of law enforcement, including the Reporting Party's option to:
- a. notify law enforcement authorities, including the campus security office and local police;
 - b. decline to notify such authorities; and
 - c. be promptly assisted by the College, at the victim's request, in notifying local law enforcement authorities and in obtaining appropriate medical attention, including arranging transportation to the nearest hospital equipped with the Maryland State Police sexual assault evidence collection kit. In Montgomery County, the only facility equipped with the Maryland State Police sexual assault evidence collection kit (SAFE) and specially trained forensic nurses is:

Shady Grove Adventist Hospital
Forensic Medical Unit
9901 Medical Center Drive
Rockville, MD 20850

This is the best option to ensure preservation of evidence that may assist in proving that a criminal offense occurred or may be helpful in obtaining a protection order.

3. The College will provide support that can assist each Reporting Party in making decisions about whether or not to request any particular course of action. To the extent possible and reasonable, the College will respect a Reporting Party's autonomy in deciding how to proceed. In this process, the College will balance the Reporting Party's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

4. Obligations of "Responsible College Employees."

A Responsible College Employee must promptly notify the Title IX Coordinator of any report of Sexual Misconduct brought to their attention, including Public Safety. The Title IX Coordinator works collaboratively with the reporting entity, making every effort to operate with discretion and maintain the privacy of the individuals involved.

B. External Reporting

In addition, members of the College community may also report certain instances

of sexual misconduct to applicable federal, state, or local government agencies responsible for enforcing laws prohibiting sexual harassment against students or employees. For more information please contact:

U.S. Department of Education
Office for Civil Rights
800-421-3481
OCR@ed.gov

U.S. Equal Employment Opportunity Commission
800-669-4000
info@eeoc.gov

Maryland Commission on Civil Rights
800-637-6247
mccr@maryland.gov

Montgomery County Office of Human Rights
Compliance Section
240-777-8450

J. Retaliation

Policy 31001 prohibits retaliation (including any attempt to intimidate, threaten, coerce, or otherwise discriminate against any individual) by the College, or by anyone in the College community, against an individual because the individual reports sexual misconduct or participates in the College's processes related to an allegation of sexual misconduct as described in this Procedure. When the College is aware of possible retaliation, it will take immediate steps to investigate. Students or employees who commit retaliation in violation of Policy 31001 are subject to appropriate disciplinary action. A Reporting Party or other participant in any proceedings described in this Procedure who believes they have experienced retaliation in violation of Policy 31001 should immediately report such conduct to the Title IX Coordinator.

VI. Resolution Process

A. Initial Title IX Assessment

1. The College will meet with the reporting party to conduct an Initial Title IX Assessment when made aware of an alleged violation. For allegations involving students, the Title IX Assessment will be conducted by the Title IX Coordinator. For allegations involving employees, the Title IX Assessment will be conducted by the Director of Employee and Labor Relations. The Initial Title IX Assessment will:
 - a. Assess any immediate threats to the safety of the Reporting Party and the College community
 - b. Inform the Reporting Party of their right to seek medical treatment and report to law enforcement;
 - c. Address the effect of the conduct by assessing the need for any

appropriate interim protection measures, with proper notice to both parties;

- d. Determine whether the allegation could be a possible violation of the Sexual Misconduct policy
- e. Provide the reporting party a copy of the Sexual Misconduct Policy and information on any College and community resources;
- f. Discuss adjudication options and procedures for resolution;
- g. Inquire about the Reporting Party's expressed preference regarding confidentiality and resolution, including any request that no further action be taken;
- h. Disclose to the Reporting Party that the College may have to take action and cannot guarantee confidentiality in all cases; and
- i. Determine next steps, including possibility of informal resolution, initiation of a formal investigation no cause, referral to appropriate disciplinary process, or referral for timely warning under the Clery Act.

2. Allegations Made by a Third-Party Witness

- a. If a report has been made by a Third-Party Witness or other individual with knowledge of sexual misconduct but no report has been made by the individual against whom the violation is alleged to have been committed, the Title IX Coordinator will make contact with the individual against whom the violation is alleged to have been committed.
- b. The Title IX Coordinator will provide the individual an opportunity to make a report, and to become the Reporting Party for purposes of this Procedure.
- c. The individual is not obligated to make such a report or to participate in the Initial Title IX Assessment or any subsequent processes.
- d. In addition, the individual may request that the College not investigate or take any action against the Responding Party.
- e. If the individual elects not to report or participate in the Initial Title IX Assessment, the College will still conduct an Initial Title IX Assessment and decide upon an appropriate course of action.

B. Interim Protective Measures

1. As part of the Initial Title IX Assessment, the College will make an immediate assessment of whether interim measures are appropriate based on the particular circumstances. These steps may include interim protective measures to protect the parties and the campus community

pending an investigation and adjudication of Sexual Misconduct. When deemed in the best interests to protect the parties and the College community, the following interim remedies can be implemented with proper notice to both parties where appropriate:

- a. Providing information on available medical services;
 - b. Access to counseling services and assistance in setting up initial counseling appointment, both on- and off-campus;
 - c. Imposition of campus "No Contact Letter" (i.e., an official College directive that serves as a notice to an individual that they must not have verbal, electronic, written, or third-party communications with another individual);
 - d. Change in work schedule or job assignment or reassignment to other work group/team, or an alternative supervisor/management relationship;
 - e. Limit an individual or organization's access to certain College facilities or activities pending resolution of the matter;
 - f. Voluntary leave of absence;
 - g. Emergency suspension or College-imposed leave, pursuant to the appropriate College Policy and/or Procedure;
 - h. Providing an escort to ensure safe movement between classes and activities;
 - i. Rescheduling of assignment(s) and/or examination(s) (in consultation with appropriate faculty);
 - j. Providing alternative course completion options (with the agreement of the appropriate faculty);
 - k. Change in class schedule, including the ability to take an "incomplete," drop a course without penalty, or transfer sections (with the agreement of the appropriate faculty);
 - l. Providing academic support services, such as tutoring; and
 - m. Any other remedy that can be tailored to protect the parties and achieve the goals of this policy.
2. All individuals are encouraged to report to the Title IX Coordinator concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce measure.

C. Resolution Process

The College resolves sexual misconduct complaints in one of two ways: formal

resolution and informal resolution.

1. Informal Resolution – includes a variety of informal options for resolving reports.
2. Investigation and Formal Resolution – includes an investigation, review, and sanctions, if applicable.

D. Informal Resolution

1. The reporting party may request informal resolution, which is a remedies-based, non-judicial style approach, designed to resolve sexual misconduct allegations without a formal investigation. The Title IX Coordinator has the discretion to determine whether the nature of the conduct is appropriate for informal resolution. The College will not use informal resolution for allegations of sexual assault.
2. Participation in Informal Resolution is voluntary, and either party may request to terminate Informal Resolution and pursue Investigation/Formal Resolution at any time. The College cannot compel a reporting party to engage in informal resolution or directly confront the responding party.
3. If a mutually agreed upon resolution is achieved, the report will be considered resolved as it pertains to the College.

E. Investigation and Formal Resolution

1. If it is determined the appropriate resolution route is initiation of an Investigation/Formal Resolution, the College shall initiate a fair and impartial Investigation to gather relevant information. Any subsequent disciplinary proceedings and resolutions shall be prompt and equitable and provide an opportunity for the alleged victim and violator to be heard.
2. The College will make every effort to conduct such investigation within sixty (60) working days; however, this timeline may be extended at the discretion of the College as necessary – for example, to ensure the integrity and completeness of the investigation, to comply with a reasonable request by law enforcement, to accommodate availability of witnesses, or to account for the complexities of a particular case.
3. A Notice of Investigation will generally be issued to both parties within five (5) working days after the Title IX Coordinator determines that formal resolution is appropriate and will include the following:
 - a. Summary of the allegation, including time and date of the violation;
 - b. Potential violation(s) of Policy 31001 – Sexual Misconduct;
 - c. List of possible sanctions that may be imposed upon a finding that a violation has occurred;
 - d. The identity of the Investigator (and any applicable assistant);
 - e. Available College and community resources and services;
 - f. Invitation for both parties to submit a written statement and identify any third-party witnesses with information relevant to the

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- complaint;
 - g. The rights and responsibilities of each party;
 - h. Availability and possibility of criminal and civil court options;
 - i. The right to a Support Person and an Attorney or Non-Attorney Advisor, and the roles of such persons; and,
 - j. The College's prohibition against retaliation.
4. The Investigation will be conducted by an investigator (internal or external) who is trained and/or certified in issues of sexual misconduct.
 5. Investigations shall include, at a minimum:
 - a. meeting separately with the Reporting Party and Responding Party(s)
 - b. interviewing relevant witnesses;
 - c. collecting and reviewing relevant documentation and evidence; and
 - d. if necessary, conducting follow-up meeting with involved individuals.
 4. The reporting party, responding party, and all members of the College community are expected to cooperate with the Investigator.

The reporting party may decide to no longer pursue the report or to participate in the resolution process. However, such a request does not necessarily relieve the College of its Title IX obligation to investigate reports of sexual misconduct. Therefore, the College will determine whether it must continue an Investigation even if the reporting party withdraws.

5. Assurances to Persons Involved, Safeguarding of Privacy. All individuals, including the Reporting Party, the Responding Party, and any Third-Party Witnesses, will be treated with appropriate sensitivity and respect. The Investigator will safeguard the privacy of the individuals involved in a manner consistent with law and College policy and the need to investigate the matter.
6. Response to Fact Finding. The Reporting Party and the Responding Party will have the opportunity to separately meet with the investigator, review the draft investigation summary, and respond in writing to the facts and evidence prior to the issuance of the final findings of the investigator.
7. Findings of the Investigator. At the conclusion of the investigation, the Investigator shall submit the written Investigative Summary to the Title IX Coordinator (for students) or the Director of Employee and Labor Relations (for employees).
8. Adjudication and Letter of Outcome. The Title IX Coordinator (for students) or the Director of Employee and Labor Relations (for employees) shall review the investigative summary and make a final determination of whether the Responding Party violated the College's Sexual Misconduct Policy. The Title IX Coordinator (for students) or the Director of Employee and Labor Relations (for employees) will meet separately with each party to review the final investigative summary and

make a determination.

The Title IX Coordinator (for students) or the Director of Employee and Labor Relations (for employees) will submit their final determination and Letter of Outcome simultaneously to both parties in writing. The Letter of Outcome will contain:

- a. a summary statement of Investigative Findings,
- b. a Determination regarding whether under a preponderance of the evidence standard (i.e., it is more likely than not) the responding party violated the College's Sexual Misconduct Policy,
- c. a recommended sanction/Corrective Action, if applicable; and
- d. appeal process

A copy of the Letter of Outcome shall also be sent to the appropriate unit administrator(s) of any individual(s) found to have violated College policy, including but not limited to, the Dean of Student Affairs, the appropriate Senior Vice President, the campus Vice President and Provost, the Chief Human Resources Officer, the General Counsel, and the Director of Public Safety.

F. Determination and Implementation of Sanctions

1. If the Title IX Coordinator (for students) or the Director of Employee and Labor Relations (for employees) concludes that there has been a violation of the College's 31001-Sexual Misconduct Policy, the final determination and implementation of sanctions will be formulated in consultation with the appropriate administrators/disciplinary authority:
 - a. The Title IX Coordinator, the Director of Employee and Labor Relations and the Chief Human Resources Officer (for allegations involving employees), or
 - b. The Title IX Coordinator and the appropriate Dean of Student Affairs (for allegations involving students).
2. All sanctions shall be consistent with the College's applicable policies, depending on the identity of the Responding Party. A list of all possible sanctions the College may impose is included in Appendix A of this Procedure.
 - 1) Students: [Student Code of Conduct \(42001\)](#),
 - 2) Employees: the College's [Disciplinary Action and Suspension Policy \(34002/32002CP\)](#), the College's [Discharge of Administrative, Associate and Support Staff Policy \(34003/34003CP\)](#), the [Personnel Grievance Process for Employees \(34101/34101CP\)](#), the grievance procedure under applicable [collective bargaining procedures](#), or any other applicable processes.
3. In the event of sexual misconduct by a third party against a College student or employee, the College will take appropriate action within its

control to address the misconduct and prevent its occurrence.

4. A finding of the Investigator that no violation of the 31001 - Sexual Misconduct Policy occurred does not prevent discipline under other applicable College policies and procedures.

VII. Appeals

- A. The reporting party or the responding party can appeal the findings of the investigation within ten (10) working days after receiving the final report.
- B. The grounds for appeal are limited to:
 1. A procedural error or omission occurred that significantly affected the Investigative Findings and/or Determination (e.g., substantiated bias, material deviation from established procedures, etc.);
 2. To consider new evidence, unknown or unavailable during the original Investigation, that could substantially impact the Investigative Findings and/or Determination (a summary of this new evidence and its potential impact must be included in the written statement of appeal); and,
 3. The recommended Corrective Actions are substantially disproportionate to the severity of the violation or fall outside the range of sanctions the College has designated for purposes of its 31001 - Sexual Misconduct Policy.
- C. A written request must be sent to the designated Senior Vice President or designee, hereinafter collectively referred to as the Reviewing Official:
 - a. The Senior Vice President for Administrative and Fiscal Services (for employees)
 - b. The Senior Vice President for Student Affairs (for students)
- D. The designated Senior Vice President may elect to serve as the Reviewing Official or designate another administrator to serve as the Reviewing Official. In any case, the Reviewing Official shall not have a conflict of interest or bias for or against the Reporting Party or the Responding Party. The Reporting Party or the Responding Party may submit a written request to the Reviewing Official, with a copy to the Senior Vice President for Administrative and Fiscal Services, that the Reviewing Official excuse him/herself. The grounds for such request are limited to: (1) claim of bias, (2) conflict of interest, and (3) inability to be fair or impartial. The request must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within two (2) days after receipt of the Investigative Summary. The Senior Vice President for Administrative and Fiscal Services shall grant or deny the recusal request within two (2) days after receipt of the request.
- E. Upon receipt of an appeal, the Reviewing Official or his/her designee shall notify the non-appealing person or persons, the Title IX Coordinator, and those individuals who received a copy of the Investigative Summary pursuant to Section V.F.9.a., above.

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- F. The Reviewing Official or his/her designee will generally be limited to a review of the Investigative Summary, the investigative record (i.e., the materials collected by the Investigator in the course of conducting the Investigation), the College's 31001-Sexual Misconduct Policy, and any other appropriate College policy and the Responding Party's and/or Reporting Party's written appeal. The Reviewing Official, or his/her designee, may, in his/her sole discretion, ask the Investigator to clarify the Investigative Summary, or perform additional investigation concerning any new evidence identified in the appeal or to assist in determining whether there was, in fact, a procedural error, if such Reviewing Official or his/her designee believes such an alleged error may have affected the outcome of the Investigation and the Investigative Findings/Determination by the Investigator.
- G. If the Reviewing Official or his/her designee determines in the course of his/her review that there was a procedural error that substantially affected the outcome of the Investigation to the material prejudice of the person or persons filing the appeal, or that other circumstances exist requiring additional Investigation, the Reviewing Official shall order the Investigation to be reopened subject only to direction/supervision by and any terms/conditions imposed by the Reviewing Official (including, in any case in which substantial bias was present, appointment of a new Investigator). No disciplinary action may be carried out prior to the Reviewing Official or his/her designee expressly so directing in his/her final written determination.
- H. Within fifteen (15) days after the Reviewing Official receives the appeal, the Reviewing Official or her or his designee shall issue a final written determination either upholding the Investigative Findings and Determination and recommended Corrective Action of the Investigator or reversing the Investigative Findings and/or Determination and/or recommended Corrective Action, and providing specific reasons for such reversal. The written determination of the Reviewing Official shall be final and will be forwarded simultaneously to the Reporting Party, Responding Party(s), the Title IX Coordinator, appropriate Senior Vice President, campus Vice President and Provost, and the General Counsel.
1. In the case of an appeal involving a student (i.e., in which either the Reporting Party and/or Responding Party is a student), a copy of the written determination of the Reviewing Official shall be forwarded to the appropriate Dean or to the appropriate campus Vice President and Provost.
 2. In the case of an appeal involving a staff member (i.e., in which either the Reporting Party and/or Responding Party is a staff member), a copy of the written determination of the Reviewing Official shall also be forwarded to the Director of Employee and Labor Relations, the Associate Senior Vice President of Human Resources and Strategic Talent Management, the employee's immediate supervisor, and other appropriate administrators.
 3. In the case of an appeal involving a faculty member (i.e., in which either the Reporting Party and/or Responding Party is a faculty member), a copy of the written determination of the Reviewing Official shall be forwarded to the Director of Employee and Labor Relations, the Associate Senior Vice President of Human Resources and Strategic

Talent Management, the Senior Vice President for Academic and Student Services, the Instructional Dean who has supervisory authority over the faculty member's academic department, and other appropriate administrators.

VII. Implementation of Corrective Action

- A. If a notice of appeal is not submitted to the appropriate Senior Vice President in accordance with Section VI. above, the appropriate administrators/disciplinary authority shall act to implement the recommended Corrective Action as soon as possible, but no later than twenty (20) days after the appropriate administrators/disciplinary authority receives a copy of the Investigative Summary.
- B. If a notice of appeal is submitted to the appropriate Senior Vice President, the appropriate unit administrator/disciplinary authority shall act to implement recommended Corrective Action as soon as possible but no later than twenty (20) days after the appropriate unit administrator/disciplinary authority receives a copy of the Reviewing Official's final written determination containing the final recommended Corrective Action.
- C. Notwithstanding the foregoing, in cases where the Reporting Party or Responding Party is an employee covered by a collective bargaining agreement, the employee may seek review of the recommended Corrective Action (or, if an appeal has been filed, the Reviewing Official's final written determination) under any grievance procedures available under the employee's collective bargaining agreement. If both Reporting Party and Responding Party are employees covered by different collective bargaining agreements, the grievance procedures in the agreement that covers the party challenging the decision shall be used. If a Reporting Party or Responding Party covered by a collective bargaining agreement seeks review of the recommended Corrective Action through the applicable agreement's grievance procedure, he/she may not also appeal the recommended Corrective Action under this Procedure. However, a Reporting Party or Responding Party may appeal a recommended Corrective Action under this Procedure and then seek review of the Reviewing Official's final written determination under the grievance procedure of the applicable collective bargaining agreement.
- D. If the Investigator makes an Investigative Finding or the Reviewing Official makes a final written determination that there has been a violation of the College's policy with respect to a grade awarded to a student, the Investigator or the Reviewing Official shall make no determination with respect to the Corrective Action to be taken regarding a specific grade assignment. The Investigative Finding or final written determination shall be forwarded to the Reporting Party, Responding Party(s), and the appropriate Dean, who shall select a review committee in accordance with the procedures stated in the Academic Regulations for the review of allegations of arbitrary and capricious grading. The Committee, which is established pursuant to the [53001-Academic Regulations](#) to review allegations of arbitrary and capricious grading, shall have no authority to reverse the Investigative Finding or Determination of the Investigator or the final written determination of the Reviewing Official, and shall confine its consideration to a determination of the appropriate Corrective Action with respect to the grade. The Committee shall, within twenty (20) days after appointment of the Committee and

its receipt of the Initial Finding and Determination or final written determination, forward to the Investigator and the Reviewing Official, Reporting Party, and Responding Party(s) a written recommendation as to the appropriate Corrective Action with respect to the grade.

Within ten (10) days after receipt of the written recommendation of that Committee, the Senior Vice President for Academic Affairs and the Senior Vice President for Student Services shall review the recommendation of the Committee and, upon completing such review, shall issue a final written determination of the Corrective Action with respect to the grade she or he determines to be appropriate for such violation (which she/he shall implement), and a copy of which shall be forwarded to the Reporting Party, Responding Party(s), Reviewing Official, and Investigator.

VIII. Notice of Final Outcomes

Once all of the above processes are concluded, whatever decision is made regarding Investigative Findings, Determinations, and/or Corrective Action is the final administrative decision of the College in the matter. The Title IX Coordinator shall ensure that the Reporting Party and Responding Party are notified simultaneously and in writing of the final resolution.

IX. Sanctions

- A. Both parties shall be informed of the outcome of any investigation and adjudicative process based on a violation of this policy. The College shall not publically disclose personally identifiable information about either of the parties, except as required by law.
- B. Employees found in violation of this policy are subject to a range of disciplinary action up to and including discharge, depending on the circumstances (See Appendix I for possible sanctions).
- C. Students found in violation of this policy are subject to disciplinary action based on the circumstances and nature of the violation. Sanctions include, but are not limited to dismissal from the College (suspension or expulsion) and other sanctions provided by 41001-Student Code of Conduct (See Appendix I for possible sanctions).
- D. Persons who commit Sexual Misconduct in violation of federal, state, or local law may also be subject to criminal charges and penalties.

X. Records

- A. The Title IX Coordinator and the Director of Employee and Labor Relations will retain records of all reports, regardless of whether the matter is resolved by means of Initial Title IX Assessment, Informal Resolution or Investigation/Formal Resolution. Reports resolved by means of Initial Title IX Assessment or Informal Resolution are not part of a student's conduct file or academic record or of an employee's labor relations record.
- B. Affirmative findings of responsibility in matters resolved through Investigation/Formal Resolution are part of a student's conduct record and an

employee's labor relations record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's labor relations record.

- C. Generally suspension, demotion, and discharge are permanently noted in an employee's labor relations record. The labor relations records of employees who have been suspended, demoted, or discharged are maintained in the Associate Senior Vice President for Human Resources and Strategic Talent Management Office according to the College's published retention schedule. Further questions about record retention should be directed to the Associate Senior Vice President for Human Resources and Strategic Talent Management Office.
- D. Generally suspension, expulsion, and withdrawal are permanently noted on a student's transcript. The conduct files of students who have been suspended or expelled from the College are maintained in the Senior Vice President of Student Services Office indefinitely. Conduct files of students who have not been suspended or expelled are maintained in the Dean of Students office for no fewer than seven years from the date of the incident. Further questions about record retention should be directed to the Senior Vice President for Student Services office.

XI. Time Limits

Working days are defined as all days during the calendar year other than Saturdays, Sundays, and days the College is closed.

The Title IX Coordinator, Director of Employee and Labor Relations, and, where appropriate, the Senior Vice Presidents, or designees, may exercise reasonable discretion to adjust the time limits set forth in this procedure.

XII. Receipt of Notification

Whenever, under these procedures, individuals must be notified in writing, a copy shall be served in person, by certified, return receipt requested mail to the address that is kept on file at the College, or via email. For purposes of computing any time frames under these procedures, where service is by US mail, the date of service shall be considered to be the third day after the postmarked date of the letter. It is the responsibility of the individual to ensure that the College has their current address on file.

- XIII. Pursuant to the President's authority to establish the foregoing Procedure, the President may amend, modify, or supplement this Procedure, or replace the Procedure in whole or in part, at any time and from time to time.

Administrative Approval: June 29, 2015; October 28, 2015; October 11, 2018

Appendix A: Possible Sanctions Available Under College Policies and Procedures

Employee Disciplinary Action and Suspension (34002)

The kinds of disciplinary action are as follows:

- A. Oral Warning: A private discussion held between the supervisor and the employee to discuss the employee's problem and to afford the employee an early opportunity to correct the problem.
- B. Written Warnings or Written Reprimands: Written disciplinary documentation of an employee's problem which needs to be corrected.
- C. Disciplinary Suspension: The required unpaid absence of an employee from work for a serious violation or offense. Suspensions should be for a specified period of time, related to the seriousness of the offense.
- D. Disciplinary Demotion: The involuntary movement of an employee from one position to another position at a lower pay grade as a result of the employee's poor performance or disciplinary action.

Discharge of Administrative, Associate, and Support Staff (Policy 34003)

Any employee whose behavior, act(s) or performance is unacceptable shall be subject to dismissal for cause.

Student Code of Conduct (Procedure 42001)

The following sanctions may be imposed on any student or student organization found to have violated the Student Code of Conduct:

- A. Dismissal. Permanent denial of the privilege of enrollment at the College.
- B. Emergency Suspension. A suspension imposed prior to a discipline review or appeal when necessary to ensure the safety and well-being of the members of the College. This action is recommended by the campus Dean of Student Development and approved by the Vice President/Provost or designee. Upon the completion of the discipline review, additional sanctions may be imposed.
- C. Suspension. Denial of the privilege of enrollment for a specified period of time after which the student is eligible to return. During this time the student cannot qualify for graduation, register for or attend classes or other College functions.
- D. Disciplinary Probation. Continued enrollment at the College but only under special conditions for a specified period of time. Conditions may include exclusion from a particular area of the College, participation in the specific activities of the College, or denial of related privileges and/or services. Misconduct during the probationary period or violation of any conditions of the probation may result in more severe disciplinary action, up to and including dismissal.
- E. Restitution. Required reimbursement for damage to or misappropriation of property. This may take the form of appropriate services or other compensation.

- F. Community Service. Requires a set number of hours of uncompensated service to the College or a community agency.
- G. Warning. Issuance of a written warning, admonition, or reprimand.
- H. Permanent Record. Entries regarding the disciplinary conference will be added to the student's permanent record at Montgomery College. These records will be kept for five years and will be disclosed only in accordance with applicable federal and state law. These records will be expunged if a student is found not to have violated the Code of Conduct.
- I. Administrative Hold. Placing a hold on all student academic files so that the student may not register. This sanction may be imposed where a student withdraws from the College prior to or during disciplinary proceedings.
- J. Organizational Sanctions. Sanctions for organizational misconduct may include revocation of the use of College premises or privileges for a specified period of time, revocation or denial of recognition or registration, or suspension of activities or events, as well as other appropriate sanctions.