

Prince George's Community College
Title IX Complaint and Grievance Process

UPDATED DECEMBER 15, 2021

I. Rationale

The College is an equal opportunity institution with respect to both education and employment. This procedure includes processes for reporting, adjudicating, and sanctioning actions by students, faculty, administrators, and staff that are prohibited under Title IX of the Education Amendments of 1972, as amended May 2020.

II. Role of the Title IX Coordinator

The Title IX Coordinator oversees implementation of the College's process for compliance with Title IX regulations. The Title IX Coordinator has primary responsibility for coordinating the College's efforts related to the intake, investigation, and resolution of Title IX-related Complaints and reports, as well as implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation.

The Title IX Coordinator acts with independence and authority, free from bias and conflicts of interest. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving bias, conflict of interest, misconduct, or discrimination committed by the Title IX Coordinator, contact the College President. Concerns of bias, conflict of interest, misconduct, or discrimination committed by any other Title IX Team member should be raised with the Title IX Coordinator.

III. Persons and Locations Governed by Title IX Process

A. General Applicability

This Title IX Complaint and Grievance Process (this "Process") applies to all members of the College community, including all faculty, staff, students, volunteers, third-party vendors, contractors, visitors, and others engaged with the College. The College community includes, but is not limited to, students, prospective students, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and camp attendees.

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 against students or employees.

This Process applies regardless of the gender, gender identity, sexual orientation, or sexual expression of either the Complainant who reports or the Respondent who is accused of sexual misconduct.

B. Students' Right to Paid Counsel

1. Under Maryland law, the Maryland Higher Education Commission (MHEC) will pay reasonable costs and attorney's fees, subject to state funding and eligibility requirements, for the following:
 - a. A current or former student who makes a complaint on which a formal Title IX investigation is initiated and who was enrolled as a student at the time of the incident that is the basis of the complaint, unless the student knowingly and voluntarily chooses not to have counsel; and
 - b. A current or former student who responds to a complaint on which a formal Title IX investigation is initiated and who was enrolled as a student at the time of the incident that is the basis of the complaint, unless the student knowingly and voluntarily chooses not to have counsel.
2. In consultation with State and local bar associations and legal services providers with expertise about sexual misconduct, MHEC will develop a list of attorneys and legal services programs willing to represent students on a pro bono (no cost to the student) basis or at fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation.
3. A student may select an attorney from the list developed by MHEC to assist them throughout any disciplinary proceedings. Available attorneys may be located using this link: <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings---Attorney-List.aspx>.
4. If a student selects and retains an attorney who is not on the list developed by MHEC, MHEC's website indicates that an attorney not on its list may seek a fee reimbursement for up to 20 hours at \$100 per hour.
5. MHEC is not required to pay a student's attorney fees for representation in a criminal or civil matter.
6. The College may not discourage a student from retaining an attorney.
7. The student's right to counsel will not prohibit the College from imposing interim safety measures.

C. Employees' Rights and Responsibilities

1. Employees have rights under Title IX, and employees are subject to discipline under Title IX.
2. It is the policy of the College's Board of Trustees to prohibit romantic and/or sexual relationships between College employees and students. See College Code Policy 081033CP.

D. Officials with Authority and Mandatory Reporting

Title IX of the Education Amendments of 1972, is a federal sex/gender equity law that governs how educational institutions receiving federal funds must respond to allegations

of sex- and gender-based discrimination, harassment, violence, and/or retaliation. The U.S. Department of Education's Office for Civil Rights issued new Title IX regulations on May 6, 2020, which delineate how institutions must respond to incidents of sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

The regulations state that notice to an institution's Title IX Coordinator or to "any official of the recipient who has authority to institute corrective measures on behalf of the recipient" (referred to as "officials with authority") conveys "actual knowledge" and triggers the institution's response obligations. Therefore, an Official with Authority (OWA) is an employee of the College who is explicitly vested with the responsibility to implement corrective measures on behalf of the College for sex- or gender-based discrimination, harassment, violence, and/or retaliatory conduct involving students, faculty, staff, or third parties.

The College's Officials with Authority are the Title IX Coordinator, the Deputy Title IX Coordinator for Student Affairs, and the Deputy Title IX Coordinator for Human Resources and Organizational Development. Notice means that an employee, student, or third-party informs one of the Officials with Authority of the alleged occurrence of sex- or gender-based discrimination, harassment, violence, and/or retaliatory conduct involving students, faculty, staff, visitors, or third parties. Notice to an OWA of the College constitutes a report to the College and obligates the College to take appropriate steps to address the situation under this Title IX Complaint and Grievance Process.

The Title IX Coordinator works collaboratively with the anyone who reports misconduct, making every effort to operate with discretion and maintain the privacy of the individuals involved. Some College employees are required to maintain near complete confidentiality and are considered Confidential Resources; discussions with them may be a "privileged communication." These professionals include medical providers and counselors. Disclosures to these employees will not trigger a College investigation into an incident against the student's wishes.

The College encourages reporting to the Clergy Officer of sex-based incidents, even if the Complainant does not choose to file a Formal Complaint under Title IX because Clergy reports do not require identification of any of the parties.

The College does not employ ordained clergy. The status of any employee as off-campus clergy does not extend to the employee's role at the College; communication with such an employee is not confidential by virtue of off-campus clergy status.

Nothing in this Process shall supersede the legal obligations of a College employee or the College to comply with Maryland mandatory reporting laws requiring reports of abuse, sexual abuse, and sexual molestation or exploitation of elderly persons, disabled persons, or individuals under the age of 18.

E. Applicability to Issues On-Campus and Off-Campus

All incidents of sexual misconduct should be reported so that the College may determine whether the conduct falls within the scope of this Title IX Complaint and Grievance Process and may respond appropriately.

This Process applies to sexual misconduct that occurs within the United States and within the College's education program or activity, which includes locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the sexual misconduct occurs.

Examples of such locations, events, or circumstances may include:

1. All College premises, including any property/vehicles owned or leased by the College;
2. All premises the College has permission to occupy for purposes of conducting a College-sponsored program or event;
3. College-sponsored, College-recognized, or College-approved activities including, but not limited to:
 - a. off-campus education programs and activities such as College-sponsored field trips and athletic team travel;
 - b. events for officially-recognized College clubs that occur off campus; and
 - c. social activities for employees sponsored by the College or relating to the business of the College;
4. Business travel, work-related conferences, or actions occurring in connection with College-related business;
5. Online sexual harassment that occurs within the College's education program or activity; and
6. Activities that result in creation of or contribution to sexual harassment that is so severe, pervasive, and objectively offensive that the Complainant is effectively denied equal access to participation in the College's education program or activity.

F. Complaints By or Against Persons Outside the College Community

Nothing in this Process is meant to preempt or foreclose the pursuit of other remedies available to alleged victims of discrimination, sexual harassment, or sexual misconduct under applicable state or federal statutes and regulations.

IV. Definitions

Note: The definitions in this section apply to this Title IX Complaint and Grievance Process and may not be the same as those in the Student Code of Conduct.

- A. **Advisor / Support Person** is a person chosen by a party or appointed by the College to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the Hearing, if any.
- B. **Coercion** is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want

to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

- C. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- D. **Complaint** – See Formal Complaint.
- E. **Confidential Resource** is an employee who is not required to notify the Title IX Coordinator or other Official with Authority upon receipt of a report of alleged harassment, discrimination, and/or retaliation. 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.
- F. **Consent** means informed, knowing, and voluntary. It is active, not passive. Silence, in and of itself, cannot be interpreted as consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent to future sexual acts. 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. Consent cannot be given by someone known to be—or should be known to be—mentally or physically incapacitated. In order to give consent, one must be of legal age. Consent is the responsibility of the person who wants to engage in the activity.
- G. **Decision-maker** refers to any member of the Grievance Process for Formal Complaints whose role is to make decisions about testimony, evidence, findings, and/or sanctions, including Hearing Decision-makers, Hearing Panel Members, and Appeals Decision-makers.
- H. **Discrimination** means the unfavorable or unfair treatment of an individual or group on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, gender expression, disability, or genetic information.
- I. **Education Program or Activity** includes locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs.
- J. **False Allegations** refers to deliberately false and/or malicious accusations under this Process, as opposed to allegations which, even if erroneous or mistaken, are made in good faith, are a serious offense, and will be subject to appropriate disciplinary action. Witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be

subject to discipline under the College's student conduct or employment policies, as applicable.

- K. **Final Determination** means a conclusion by the standard of proof regarding whether the alleged conduct occurred and whether it did or did not violate Title IX.
- L. **Force** is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (*e.g.*, "Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want."). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- M. **Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College. A Formal Complaint may be filed with the Title IX Coordinator in-person, by mail, or by electronic mail, or by filing an Incident Report using the College's electronic system located at https://cm.maxient.com/reportingform.php?PrinceGeorgesCC&layout_id=3.
- N. **Formal Resolution or Grievance Process** refers to the process for adjudication of a Formal Complaint which includes an investigation, hearing, and possible appeals.
- O. **Hearing** refers to the live Hearing process required by the Title IX regulations at which a Hearing Decision-maker or panel of Hearing Decision-makers must permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. .
- P. **Hearing Chair** refers to the Hearing Decision-maker who is in charge of the Hearing when there is a panel consisting of more than one person hearing the Formal Complaint. The Hearing Chair will articulate rulings on questions and evidence.
- Q. **Hearing Decision-maker(s)** refers to an individual or panel of individuals who have decision-making and sanctioning authority during hearings in the College's Formal Resolution process. The Title IX Coordinator may not be a Hearing Decision-maker.
- R. **Hearing Officer or Hearing Facilitator** refers to an individual who manages administrative issues surrounding a Hearing, including scheduling witnesses, arranging conference rooms and/or audiovisual technology, ensuring recording, and handling other logistical details. The Title IX Coordinator may be a Hearing Officer.
- S. **Informal Complaint** means any report, whether verbal or written, alleging sexual harassment that is not within the definition of a "Formal Complaint." The College

must respond promptly and non-deliberately indifferently to such a report or disclosure. The Title IX Coordinator must contact that Complainant, if known, and offer supportive measures. The College will not investigate informal complaints unless the Title IX Coordinator, in their sole discretion, determines that not investigating the informal complaint would amount to deliberate indifference.

- T. **Informal Resolution** is any method of resolving a Formal Complaint that is not through the College's investigation, hearing, and appeals Grievance Process. At this time, the College does not offer Informal Resolution through the Title IX Complaint and Grievance Process.
- U. **Initial Title IX Assessment** is a review of a complaint or notice undertaken by the Title IX Coordinator to determine the next steps the College should take, specifically including offering supportive measures to a Complainant and determining whether the Formal Grievance Process should ensue. The Initial Assessment can include a request for an individualized safety and risk analysis.
- V. **Investigation** is the process during which parties and witnesses are interviewed, evidence is gathered, and information is compiled for evaluation and decision during a Hearing.
- W. **Investigator** is the person charged by the College with gathering facts about an alleged violation of this Process, synthesizing the evidence, and compiling all available information into an Investigative Report and file of directly-related evidence. The Investigator does not draw conclusions, engage in policy analysis, or render recommendations as part of their report. The Investigator may be the Title IX Coordinator.
- X. **Notice** means that an Official with Authority has been informed of an alleged violation of Title IX occurring within the College's education program or activity.
- Y. **Official with Authority** means an employee of the College explicitly vested with the responsibility to implement corrective measures for alleged and substantiated violations of Title IX.
- Z. **Parties** include the Complainant(s) and Respondent(s), collectively.
- AA. **Privacy** generally means that information related to an incident report will be shared only with a limited circle of individuals, irrespective of whether the information is subject to FERPA. The use of this information is limited to those College employees who "need to know" in order to assist in the active review, investigation, or resolution of a complaint. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.
- BB. **Resolution** means the result of the Formal Grievance Process.
- CC. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, sexual discrimination, or retaliation.

- DD. **Retaliation** means acting in a manner considered to be revenge for reporting an incident, engaging in bystander intervention, participating with an investigation, filing a Formal Complaint, or being reported as violating Title IX.
- EE. **Sanction** means a consequence imposed by the College on a Respondent who is found to have violated Title IX, College Code and/or College Policies.
- FF. **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:
1. An employee of the College conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education programs or activities; or
 3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
 - a. **"Sexual Assault,"** which is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. *See* 20 U.S.C. § 1092(f)(6)(A)(v).
 - (1) Forcible Sex Offenses include rape, sodomy, fondling, or sexual assault with an object.
 - (2) Nonforcible Sex Offense is defined as unlawful, non-forcible sexual intercourse, and includes incest or statutory rape.
 - b. **"Dating Violence,"** which is violence committed by a person—
 - (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) The length of the relationship. (b) The type of relationship. (c) The frequency of interaction between the persons involved in the relationship.
See 34 U.S.C. § 12291(a)(10).
 - c. **"Domestic Violence,"** which includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Maryland, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Maryland. *See* 34 U.S.C. § 12291(a)(8).

- d. **“Stalking,”** which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. *See* 34 U.S.C. § 12291(a)(30).
- GG. **Standard of Evidence or Standard of Proof** is the degree or level of proof demanded in a specific case to determine whether a Respondent is responsible for a violation of Title IX, College Code and/or College Policies. For purposes of Title IX decision-making, the College uses “preponderance of evidence” standard of evidence.
- HH. **Supportive Measures** are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening either party, including measures designed to protect the safety of all parties or the College’s educational environment or to deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
- II. **Title IX Coordinator** is the primary official designated by the College to ensure compliance with Title IX and the College’s Title IX program. References to the Title IX Coordinator throughout this Process may also encompass a designee of the Title IX Coordinator for specific tasks.
- JJ. **Title IX Team** refers to the Title IX Coordinator, Title IX Deputy Coordinators, and any member of the Grievance Process pool.

V. Prohibited Conduct Under Title IX

Sexual Harassment is prohibited under Title IX, and it is broadly-defined to include sexual harassment, sexual assault, dating violence, domestic violence, and stalking. All acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, gender identity, or gender expression of those involved.

- A. Sexual Harassment is defined as:
 - 1. An employee of the College conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
 - 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education programs or activities; or
 - 3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

- B. Sexual Assault is a forcible or nonforcible sex offense.
 - 1. Forcible Sex Offenses include rape, sodomy, fondling, or sexual assault with an object.
 - 2. Nonforcible Sex Offenses are unlawful, non-forcible sexual intercourse, including incest or statutory rape.
- C. Dating Violence is violence committed by the following:
 - 1. A person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - 2. Where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) The length of the relationship. (b) The type of relationship. (c) The frequency of interaction between the persons involved in the relationship.
- D. Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Maryland, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Maryland.
- E. Stalking, which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.
- F. Irrespective of whether an employee of the College conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct, the College prohibits romantic and/or sexual relationships between College employees and students under Code Policy 081033.

VI. Online Sexual Harassment and Misconduct

The College's policies and procedures are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited by Title IX when those behaviors occur in or have an effect on the College's education program and activities or use the College's networks, technology, or equipment.

While the College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the College's control (e.g., not on the College's networks, websites, or between the College's email accounts) will be subject to this Process only when such online conduct can be shown to cause a substantial in-program disruption. Otherwise, such communications may be subject to discipline as a violation of the Student Code of Conduct.

VII. Reporting Sexual Misconduct

The first priority for any individual should be personal safety and well-being. The College encourages all individuals who have experienced sexual misconduct to seek assistance by contacting College Police, calling 911, contacting local law enforcement, and/or visiting a medical facility immediately after an incident of sexual misconduct.

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 may be pursued simultaneously.

- A. **Emergency Situations.** In the event of an emergency, individuals may receive support from any of the following

Largo (Main Campus)

On-Campus Emergency: (301) 546-0111

Non-Emergency: (301) 546-0666

Prince George's County Police Department – District II: (301) 390-2100

Emergency: 911

Joint Base Andrews

On-Campus Emergency: (301) 546-0111

Non-Emergency: (301) 546-0666

Joint Base Andrews – Security Force: (301) 981-2002

Emergency: 911

Laurel College Center

On-Campus Emergency: (301) 546-0111

Non-Emergency: (443) 518-4162

Laurel City Police Department: (301) 498-0092

Prince George's County Police Department – District VI: (301) 937-0910

Emergency: 911

Skilled Trades Center

On-Campus Emergency: (301) 546-0111

Non-Emergency: (301) 546-0894

Prince George's County Police Department – District V: (301) 856-3130

Emergency: 911

University Town Center

On-Campus Emergency: (301) 546-0111
Non-Emergency: (301) 546-8000
Prince George's County Police Department – District I: (301) 699-2630
Hyattsville City Police Department: (301) 985-5060
Emergency: 911

Westphalia Training Center

On-Campus Emergency: (301) 546-0111
Non-Emergency: (301) 546-0964
Prince George's County Police Department – District II: (301) 390-2100
Emergency: 911

B. Area Hospital

In the event of an emergency, individuals may receive support from several hospitals in Prince George's County. However, only one hospital in Prince George's County is equipped with Department of State Police Sexual Assault Forensic Evidence (SAFE) Kits.

UM Prince George's Hospital Center
Capital Region Health
Domestic Violence and Sexual Assault Center
FNE-P and FNE-A
3001 Hospital Drive
Cheverly, MD 20785
(301) 618-3154
<https://www.umms.org/capital/health-services/domestic-violence-sexual-assault>

The SAFE program is available only from 8 a.m. until 8 p.m. Survivors can call ahead to make an appointment directly with DV/SAC in order to potentially avoid the ER.

Hospitals with SAFE Programs have specially trained Forensic Nurse Examiners (FNE) or physicians available to provide both medical attention and evidence collection services. FNE-P means FNE-Pediatric; FNE-A means FNE-Adolescent.

College personnel will provide full and prompt cooperation in obtaining appropriate medical attention, including transportation to Prince George's Hospital Center, 3001 Hospital Drive, Cheverly, Maryland, and by providing the hospital's phone number — (301) 618-3154. Persons who experience sexual assault can access a Sexual Assault Forensic Evidence (SAFE) Exam within 72 hours of an assault from the Domestic Violence and Sexual Assault Center at Prince George's Hospital Center.

C. Internal Reporting

The College recognizes that a student or employee may choose to report to any employee of the College. No College employee may promise confidentiality except the College's Counselors; all other employees are encouraged and expected to share such information with the Title IX Coordinator or Deputy Title IX Coordinator.

The College encourages reporting to the Clery Officer of sex-based incidents, even if the Complainant does not choose to file a Formal Complaint under Title IX because Clery reports do not require identification of any of the parties.

The College does not employ ordained clergy. The status of any employee as off-campus clergy does not extend to the employee's role at the College; communication with such an employee is not confidential by virtue of off-campus clergy status.

Nothing in this Process shall supersede the legal obligations of a College employee or the College to comply with Maryland mandatory reporting laws requiring reports of abuse, sexual abuse, and sexual molestation or exploitation of elderly persons, disabled persons, or individuals under the age of 18.

A Complainant should make a report directly to the Title IX Coordinator or either of the Deputy Title IX Coordinators, all of whom are Officials with Authority to institute corrective measures on behalf of the College. If a Complainant discloses an incident to an employee but wishes to maintain confidentiality, requests that no investigation be conducted, and wants no disciplinary action be taken, the College must weigh that request against the College's obligation to act in a manner that is not deliberately indifferent.

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. Reports may be made:
 - a. to the Title IX Coordinator;
 - b. to a Deputy Title IX Coordinator; or
 - c. through the online Complaint Form.
2. Upon receiving a report, the College will inform the Complainant of available options to involve law enforcement, including the Complainant's options to:
 - a. notify or decline to notify law enforcement authorities, including College Police and local police;
 - b. file criminal charges; and
 - c. be promptly assisted by the College, at the Complainant'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 Forensic Evidence (SAFE) collection kit. In Prince George's County, the only facility equipped

with the Department of State Police SAFE Kits and specially-trained forensic nurses is:

UM Prince George's Hospital Center
FNE-P and FNE-A
3001 Hospital Drive
Cheverly, MD 20785
(301) 618-3154

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 an Order of Protection.

3. The College will offer to provide support that can assist each Complainant 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 Complainant's autonomy in deciding how to proceed. In this process, the College will balance the Complainant's interest with the College's obligation to provide a safe and non-discriminatory environment for all members of the College community.

D. External Reporting

Members of the College community may report sexual harassment 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

Prince George's County Human Relations Commission
(Discrimination and Employment Complaints)
14741 Governor Oden Bowie Dr., Suite L105
Upper Marlboro, MD 20772
hrestaff@co.pg.md.us
(301) 883-6170

E. Formal Complaint

1. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment.
2. In order to be a “document filed by a Complainant,” the document or electronic submission must contain the Complainant’s physical or digital signature or must otherwise indicate that the Complainant is the person filing the Formal Complaint.
3. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College.
4. A Formal Complaint may be filed with the Title IX Coordinator in-person, by mail, or by electronic mail using the information listed in this section, or by filing an Incident Report using the College’s electronic system located at this link: [Title IX Reporting Form](#).

Title IX Coordinator
Prince George’s Community College
301 Largo Road, Kent Hall 133
Largo, Maryland 20774
Phone: (301) 546-7011
Email: TitleIX@pgcc.edu

F. Informal Complaint

1. An informal complaint means any report, whether verbal or written, alleging sexual harassment that is not within the definition of a “Formal Complaint.”
2. The College must respond promptly and non-deliberately indifferently to informal complaints, reports, and disclosures.
3. The Title IX Coordinator must contact the Complainant, if known, and offer supportive measures regarding informal complaints.
4. In general, informal complaints of sexual harassment will not be investigated under Title IX unless not investigating would amount to deliberate indifference.
5. The Title IX Coordinator retains sole discretion to investigate an informal complaint and will do so only if not investigating the informal complaint would amount to deliberate indifference.

G. Anonymous & Third-Party Reporting

1. Any individual may make an anonymous report concerning incidents of sexual misconduct.
2. An individual may report the incident without disclosing his or her name, identifying the Complainant, identifying the Respondent, or requesting any action.

3. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator or Deputy Coordinator to respond, as appropriate.
4. The College will have actual knowledge whenever notice of sexual harassment is given to an Official with Authority to institute corrective measures; therefore, an anonymous or third-party report could give actual notice that triggers the responsibility to respond in a manner that is not deliberately indifferent.
5. Depending on the extent of information available about the incident or the individuals involved, however, the College's ability to respond to and/or investigate an anonymous report may be limited.
6. If the would-be Complainant is identified:
 - a. The individual about whom the anonymous or third-party report was made will be contacted and offered supportive measures.
 - b. The Title IX Coordinator will provide the individual an opportunity to make a Formal Complaint and to become the official Complainant for purposes of this Process.
 - c. The individual is not obligated to make a Formal Complaint, to participate in the Initial Title IX Assessment, or to participate in any subsequent processes.
 - d. If the individual elects not to file a Formal Complaint 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.
 - e. The individual may request that the College not investigate or take any action against the Respondent.

H. Consolidation of Formal Complaints.

The College may consolidate Formal Complaints of allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by any party against any other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

The College is obligated to ensure that this Process is not abused for retaliatory purposes. The College permits the filing of counterclaims but uses the Initial Assessment process described below to assess whether any allegation in a counterclaim is made in good faith. Counterclaims made with retaliatory intent will not be permitted and may be considered a violation of this Process.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Counterclaims may be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. However, investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

I. Withdrawal of a Complaint

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus, to comply with state or federal law, and to respond in a manner that is not deliberately indifferent.

Typically, in cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer supportive measures to the Complainant but will not otherwise pursue formal action. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a Grievance Process. The Title IX Coordinator also must consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Grievance Process fairly and effectively.

If the Title IX Coordinator executes the Formal Complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation Title IX. When the College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Process irrespective of their level of participation.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the College and to have the incident(s) investigated and properly resolved through this Process.

J. Dismissal of a Complaint

1. **Mandatory Dismissal.** Dismissal of a Formal Complaint is required if the conduct alleged in the Formal Complaint:
 - a. would not constitute sexual harassment even if proved;
 - b. did not occur in the College's education program or activity; or
 - c. did not occur against a person in the United States.
2. **Discretionary Dismissal.** The College may dismiss the Formal Complaint or any of its allegations if at any time during the Investigation or Hearing:
 - a. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any of its allegations;
 - b. the Respondent is no longer enrolled at or employed by the College; or

- c. specific circumstances prevent the College from gathering evidence sufficient to reach a determination regarding the Formal Complaint or its allegations.
3. Notice of Dismissal. Upon required or permissive dismissal, the College must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

K. Retaliation

Protected activity under this Process includes reporting an incident or any conduct that may be a Title IX violation, supporting a Complainant or Respondent, participating in an investigation or in the Grievance Process and/or acting in good faith to defend or oppose conduct alleged to be a violation of this Process.

The College and any member of the College community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, discriminating against, and/or engaging in any other conduct that would discourage a reasonable person from engaging in activity protected under this Process, such as seeking services, receiving protective measures and accommodations, and/or reporting prohibited conduct. Retaliation also is prohibited against an individual who has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or Hearing under this Process. The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Process does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be investigated, as appropriate. Students or employees who commit retaliation in violation of this Process are subject to disciplinary action.

L. Reporting Considerations

1. **Timeliness of Report and Location of Incident.** There is no time limitation on providing notice to or filing a complaint with the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed since the incident at issue, the ability to investigate, respond, and provide remedies may be limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy and procedures) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the College may apply the policies and procedures in place at the time of the alleged misconduct.

2. Amnesty for Personal Use of Alcohol or Other Drugs

The College encourages reporting of incidents of concern, especially those involving a need for medical attention or a threat to the safety of any member of the College community. The College also recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential student conduct violations and consequences for their behavior.

This amnesty provision applies to the College's student conduct process and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. However, this amnesty provision does not negate any criminal or civil charges.

Conditions for Amnesty:

- a. A student who reports sexual assault to the College or a law enforcement officer or who participates in an investigation of sexual assault as a Complainant or witness will not be subject to disciplinary sanctions for drug or alcohol use if:
 - (i) The College determines the violation occurred during or near the time of the alleged sexual assault,
 - (ii) The student is determined to have made the report of sexual assault or is participating in an investigation as a witness in good faith, and
 - (iii) The College determines that the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.
- b. A student who receives medical attention as a result of dangerous behaviors, such as but not limited to alcohol and/or drug use, will be granted amnesty from the College's student conduct process but will be required to meet with the program coordinator for student conduct and community standards. The student will be given an opportunity to comply with drug or alcohol education-related recommendations.
- c. A student who seeks medical attention for their fellow student(s) as a result of dangerous behaviors, such as but not limited to alcohol and/or drug use, will be granted amnesty from the College's student conduct process. This student may be required to meet with the program coordinator for student conduct and community standards and may be subject to drug or alcohol educational interventions to ensure future safety.

VIII. Confidential Resources/Support and Mandatory Reporting

A. Confidentiality

Generally, it is not confidential when a person reports sexual harassment, sexual misconduct, or sex discrimination. When seeking advice and support, persons should always consider whether they want to discuss their concerns with a confidential resource.

If a person desires to keep such an incident confidential, they should speak with individuals who have professional or legal obligations to keep communications confidential. Various employees on campus, as well as off-campus counselors, advocates, and health-care providers, have different abilities to maintain the individual's confidentiality. Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other person without express permission of the individual who shared it.

B. Internal Confidential Reporting. Certain College employees have been deemed Confidential Resources for purposes of this Process. Unless there is an imminent threat to health or safety or other basis for disclosure, such as child abuse, which triggers mandatory disclosure, confidentiality applies when persons seek services from the following resources:

1. For Students (contact a counselor directly):

Counseling Services
Lanham Hall, Room 101
301 Largo Road
Largo, MD 20774-2199

To Schedule an Appointment:

Phone: (301) 546-0886 (Weekdays, 8:30 a.m.-4:30 p.m.)

Email: counselingservices@pgcc.edu

2. For Employees:

Employees of the College have access to the Employee Assistance Program (EAP). Contact information can be found on the College's HROD benefits webpage.

3. Confidential Resources may need to make reports or a disclosure as required by the 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.

5. Confidential Resources do not have the authority to establish supportive measures.

C. External Confidential Reporting. Individuals who are seeking information and support may 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.

Community Resources for Students and Employees

Maryland's Helpline – Available 24/7

Telephone: 211 and Select Option 1 or call 800-422-0009
Text your zip code to 898-211 or to TXT-211
Website: <https://211MD.org>

Joint Base Andrews Family Advocacy Program

1191 Menoher Drive
Joint Base Andrews, MD 20762
Hours of Operation: Monday-Friday 7:30AM-4:30PM

Services: Counseling and preventative services for active military families in crisis due to domestic violence and child abuse

Population Served: Active military and dependent spouses

National Domestic Violence Hotline

Telephone: 1-800-799-SAFE (7233)

Advocates are available to help individuals who are Deaf and hard of hearing at 1-800-787-3224 (TTY) or by chat.

The Hotline has partnered with the Abused Deaf Women's Advocacy Services (ADWAS) to ensure Deaf advocates are available to respond through email and video phone to those callers seeking help.

Website: <https://thedeafhotline.org/>

Video phone (only for Deaf callers): 1-855-812-1001

Email: nationaldeafhotline@adwas.org

Rape, Abuse and Incest National Network (RAINN)

Telephone: 1-800-656-(HOPE) 4673

Online chat: online.rainn.org

Español: rainn.org/es

IX. Grievance Process

- A. **Notice of Complaint.** Upon receipt of a Formal Complaint, the College must provide the following written notice to the parties who are known:
1. Notice of the College's Grievance Process; the College does not currently provide an informal resolution process.
 2. Notice of the allegations potentially constituting sexual harassment as defined in this Process, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. the identities of the parties involved in the incident, if known,
 - b. the conduct allegedly constituting sexual harassment, and
 - c. the date and location of the alleged incident, if known.

3. The written notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process.
4. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
5. The written notice must inform the parties that they may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source.
6. The written notice must inform the parties of any provision in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process.
7. If, in the course of an investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the notice described above, the College must provide notice of the additional allegations to the parties whose identities are known.

B. Initial Title IX Assessment

1. Upon receipt of a complaint or notice by the Title IX Coordinator from a Complainant or Third Party of an alleged Title IX violation, the College will initiate a prompt initial assessment to determine the next steps, which will be at least one of the following two responses:
 - a. Offering supportive measures to the Complainant and Respondent; and/or
 - b. Initiating the formal Grievance Process, including an Investigation and a Hearing.
2. The Initial Title IX Assessment will:
 - a. Assess any immediate threats to the safety of the Complainant and the College community;
 - b. Inform the Complainant, if known, of their right to seek medical treatment, report to law enforcement, and have assistance from the College in reporting to law enforcement;
 - c. Address the effect of the conduct by assessing the need for any appropriate supportive measures, with proper notice to both parties;
 - d. Determine whether the allegation(s) could possibly violate Title IX, College Code and/or College Policies;
 - e. Provide the Complainant or Third Party Reporter a copy of relevant College Policies and Code of Conduct information, as well as College and community resources;

- f. Inquire about the Complainant's expressed preference regarding confidentiality and resolution, including any request that no further action be taken;
- g. Discuss adjudication options and procedures for resolution;
- h. Disclose to the Complainant that the College may have to take action and cannot guarantee confidentiality in all cases; and
- i. Determine next steps, including initiation of the Formal Grievance Process and potential referral for timely warning under the Clery Act.

C. Dismissal of Complaint (Mandatory and Discretionary)

1. **Mandatory Dismissal.** The College must dismiss a Formal Complaint or any allegations therein if, at any time during the Investigation or Hearing, it is determined that:
 - a. The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in this Process, even if proved;
 - b. The conduct did not occur in the College's education program or activity;
 - c. The conduct did not occur against a person in the United States; and/or
 - d. At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the College.
2. **Discretionary Dismissal.** The College may dismiss a Formal Complaint or any allegations therein if, at any time during the Investigation or Hearing:
 - a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
 - b. The Respondent is no longer enrolled in or employed by the College; and/or
 - c. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations therein.
3. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.
4. Upon any dismissal, the College promptly must send written notice of the dismissal and the rationale therefor, simultaneously to the parties.
5. A decision to dismiss a Formal Complaint is appealable by any party using the procedures for Appeal included below.
6. The decision not to dismiss also is appealable by any party claiming that a dismissal is required or appropriate.

D. Supportive Measures

1. **Overview.** The College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, and as reasonably available, without fee or charge to the parties to restore or preserve access to the College's education program or activity.
 - a. The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a Formal Complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.
 - b. The College will maintain confidentiality regarding supportive measures, provided confidentiality does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement supportive measures in a way that does not unreasonably burden either party.
 - c. All individuals are encouraged to report to the Title IX Coordinator concerns about failure of another individual to abide by any restrictions imposed by a supportive measure. The College will take immediate and responsive action to enforce supportive measures.
2. **Range of Measures.** When deemed in the best interests to protect the parties and the College community, the following supportive measures may be implemented with proper notice to both parties where appropriate:
 - a. Providing information on available medical services;
 - b. Offering access to counseling services and assistance in setting up initial counseling appointment, either on- or off-campus;
 - c. Imposition of "No Contact Letter" (*i.e.*, an official College directive that serves as notice to the parties that they must not have verbal, electronic, written, or third-party communications with each other), violations of which will be referred to appropriate student or employee conduct processes for enforcement;
 - d. Limiting an individual's access to certain College facilities or activities pending resolution of the matter;
 - e. Altering work arrangements for employees or student-employees;
 - f. Permitting voluntary leave of absence or referral to Employee Assistance Program;

- g. Imposing 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 or activities;
- i. Offering academic support, including tutoring, extensions of deadlines, providing alternative course completion options (with the agreement of the appropriate faculty), or transfer in class section (with the agreement of the appropriate faculty); and
- j. Any other remedy that can be tailored to protect the parties and achieve the goals of this Process.

3. Emergency Removal

- a. The College can act to remove a Respondent partially or entirely from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Intervention Team (BIT) using its standard objective violence risk assessment procedures.
- b. The College may place an employee Respondent on administrative leave during the pendency of a Grievance Process.

4. Right to Appeal an Emergency Removal

- a. If emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.
- b. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX.
- c. This meeting is not a Hearing on the merits of the allegation(s), but rather is an administrative process to determine whether the emergency removal is appropriate.
- d. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.
- e. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.
- f. A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show-cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

- g. The Title IX Coordinator has sole discretion under this Process to implement or stay an emergency removal and to determine the conditions and duration.
- h. Violation of an emergency removal under this Process will be grounds for discipline, which may include expulsion or termination.
- i. The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete, authorizing an administrative leave, and/or suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate or intramural athletics.
- j. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.
- k. There is no additional appeal process for emergency removal decisions.

X. Right to an Advisor

A. General Right to an Advisor

- 1. Each party may have an Advisor and a support person of their choice present with them for all meetings and interviews within the formal resolution process. This could include an attorney, advocate, or support person.
- 2. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. Available means the party cannot insist on an Advisor who simply does not have inclination, time, or physical availability. Also, the Advisor cannot have a conflicting role at the College, such as being a Title IX administrator who has an active role in the matter or a supervisor who must monitor and implement sanctions.
- 3. Choosing an Advisor who is also a witness creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Decision-makers.

B. Who Can Serve as an Advisor?

- 1. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the College community.
- 2. Under Title IX regulations, the Title IX Coordinator must offer to assign an Advisor for any party, if the party so chooses. If a party chooses an Advisor

from the pool available from the College, the Advisor will be familiar with the College's resolution process.

3. If the parties choose Advisors from outside the pool of those identified by the College, their Advisors may not be familiar with College's Grievance Process.
4. Parties have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a Hearing.

C. Advisors in Hearings

1. Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the Hearing, and it must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a Hearing, the College will appoint an Advisor for the limited purpose of conducting any cross-examination.
2. A party may reject this appointment and choose their own Advisor, but a party may not proceed in a Hearing without an Advisor.
3. If the party's Advisor will not conduct cross-examination, the College will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the Hearing itself. Extensive questioning of the parties and witnesses also will be conducted by the Decision-maker during the Hearing.

D. Advisor's Role

1. The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.
2. The College cannot guarantee equal Advisors to the parties, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney.

- E. Pre-Interview Meetings.** Advisors may request to meet with the administrative officials who will conduct interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the College's Process, as well as relevant policies and procedures.

F. Advisor Violations of the College's Process or Policies and Procedures

1. All Advisors are subject to the College's Process, as well as the College's policies and procedures, whether or not they are attorneys. Advisors are expected to advise their advisees without disrupting proceedings.
2. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may

consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

3. Any Advisor who oversteps their role as defined by this Process will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

G. Sharing Information with the Advisor

1. The College expects that the parties may wish to have the College share with their Advisors documentation and evidence related to the allegations. Parties may share this information directly with their Advisors or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.
2. The College also provides a consent form that authorizes the College to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the College is able to share records with an Advisor.
3. If a party requests that all communication be made through their attorney Advisor, the College will comply with that request if the Title IX Coordinator is provided with a written request.

H. Privacy of Records Shared with Advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

I. Expectations of an Advisor

1. The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings when planned, but the College may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.
2. The College also may make reasonable provisions to allow an Advisor who cannot attend in-person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

J. Expectations of the Parties with Respect to Advisors

1. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the

Investigator of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator (or as soon as possible if a more expeditious meeting is necessary or desired).

2. The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their Hearing Advisor at least two (2) business days before the Hearing.

K. Assistance in Securing an Advisor

1. For representation, Respondents may wish to contact organizations such as:
 - a. FACE (<http://www.facecampusequality.org>)
 - b. SAVE (<http://www.saveservices.org>).
2. Complainants may wish to contact organizations such as:
 - a. The Victim Rights Law Center (<http://www.victimrights.org>)
 - b. The National Center for Victims of Crime (<http://www.victimsofcrime.org>)
 - c. The Time's Up Legal Defense Fund (<https://nwlc.org/times-up-legal-defense-fund/>)

XI. Resolution Process

- A. **Resolution Options.** The College resolves Formal Complaints of Title IX sexual harassment through a formal resolution process. At this time, the College does not offer informal resolution.

Formal Resolution requires an investigation, review, and hearing, and it permits appeal and sanctions, if applicable.

B. Resolution Timeline

1. The College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business-day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale to the parties for any extensions or delays, as appropriate, as well as an estimate of how much additional time will be needed to complete the process.
2. Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings. While there is an expectation of privacy around what the Investigator shares with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. The College encourages parties to discuss this with their Advisors before doing so.

C. Standard of Evidence

Each allegation in a Formal Complaint will be resolved using a preponderance of the evidence standard. This means a Respondent will be found responsible of allegations if the Decision-maker determines that the Respondent is more likely than not responsible for violating Title IX.

D. Formal Resolution

1. The College shall initiate a timely, fair, and impartial Investigation to gather relevant information. Any subsequent disciplinary proceedings and resolution shall be prompt and equitable and provide an opportunity for the Complainant and the Respondent to be heard.
2. **Notice of Investigation.** A Notice of Investigation will be issued to each party within ten (10) working days after the Title IX Coordinator determines that Formal Resolution is appropriate and will include the following:
 - a. Summary of the allegation(s), including time(s), date(s), and location(s) of the alleged violation(s);
 - b. Identities of the involved parties (if known);
 - c. College policies implicated and potential violation(s) thereof;
 - d. List of possible sanctions that may be imposed upon a finding that a violation has occurred;
 - e. Instruction to preserve any evidence that is relevant or directly related to the allegations.
 - f. Identity of the Investigator and any applicable assistant(s);
 - g. Process to inform the Title IX Coordinator, in advance of the interview process, of any alleged conflict of interest of the Investigator;
 - h. Available College and community resources and services;
 - i. Invitation for the parties to submit a written statement and identify any third-party witnesses with information relevant to the Formal Complaint;
 - j. The rights and responsibilities of each party;
 - k. Information about the privacy of the process;
 - l. Availability and possibility of criminal and civil court options;
 - m. Outline of the process/procedures, including the contact information for the Investigator and any meetings that may be required;
 - n. Right to a Support Person and an Attorney or Non-Attorney Advisor, and the roles of each person; and
 - o. Statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,

- p. Statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly-related and/or relevant evidence obtained;
 - q. Statement informing the parties that the College prohibits knowingly making false statements, including knowingly submitting false information during the resolution process;
 - r. Statement regarding how parties may request disability accommodations during the interview process;
 - s. Statement about the College's prohibition against retaliation.
3. **Delivery of Notice.** Notice will be made in writing and may be delivered by one or more of the following methods: in-person, mailed to the mailing address(es) of the parties as indicated in official College records, and/or emailed to the parties' College-issued email or designated accounts. Once emailed, and/or received in-person, notice will be presumptively delivered.

XII. Investigation

A. Investigation Overview

- 1. The Investigation will be conducted by an Investigator (internal or external) who is trained and/or certified in issues of sexual misconduct.
- 2. Investigations shall include, at a minimum:
 - a. Meeting separately with each Complainant and Respondent;
 - b. Interviewing relevant witnesses;
 - c. Collecting and reviewing relevant documentation and evidence; and
 - d. If necessary, conducting follow-up meetings with involved individuals.
- 3. The Complainant, Respondent, and all members of the College community are expected to cooperate with the Investigator.
- 4. The Complainant may decide to no longer pursue the Complaint or to no longer participate in the resolution process. However, such a request does not necessarily relieve the College of its Title IX obligation to investigate Complaints of sexual misconduct. Therefore, the College will determine whether it must continue an Investigation even if the Complainant withdraws.

B. Safeguarding of Privacy. All individuals, including the Complainant, the Respondent, 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, College policies/procedures, and the need to investigate the matter.

C. Consolidation of Investigations. At the discretion of the Title IX Coordinator and the Investigator, multiple Formal Complaints may be consolidated against a

Respondent(s) in one Investigation, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

- D. **Investigation Timeline.** Investigations are completed as expeditiously as possible, normally within thirty (30) to forty-five (45) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.
- E. **Investigation Process**
1. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties.
 2. The parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
 3. The College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
 4. The parties may have an Advisor, as described above, who may attend any meeting or grievance proceeding while observing the College's restrictions regarding the extent to which the Advisor may participate in the proceedings.
 5. The College will provide written notice to all parties of the date, time, location, participants, and purpose of all Hearings, investigative interviews, or other meetings, with sufficient time for the parties to prepare to participate, as requested.
 6. Both parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility, as well as inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
 7. Under Maryland law, the parties must have access to the case file, as well as evidence obtained by the College regarding the incident. As required by law, personally-identifiable or other sensitive information will be redacted.
 8. Prior to completion of the Investigative Report, the College must send to each party and the party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the Investigator will consider prior to completion of the Investigative Report.

9. The College must make all evidence subject to the parties' inspection and review available at any Hearing to give each party equal opportunity to refer to such evidence during the Hearing, including for purposes of cross-examination.
- F. **Investigative Report.** The Investigative Report must fairly summarize relevant evidence and, at least ten (10) days prior to any Hearing or other time of determination regarding responsibility, must be sent to each party and the party's Advisor, if any, in an electronic format or a hard copy, for their review and written response.
- G. **Prohibited Evidence.** The Investigator shall not consider certain evidence, including:
1. The Complainant's prior sexual history with an individual other than the Respondent, except to:
 - a. prove the source of injury;
 - b. prove prior sexual misconduct;
 - c. support a claim that one of the parties has an ulterior motive; or
 - d. impeach one of the parties' credibility after that party has put their own prior sexual conduct at issue.
 2. The Complainant's or Respondent's history of mental health counseling, treatment, or diagnosis, unless that party consents.
- H. **Response to Fact Finding.** The parties will be given an opportunity to review the draft investigation summary and respond in writing to the facts and evidence in-person or electronically prior to the issuance of the final report of the Investigator.

XIII. Hearing Process

A. Notice of Hearing

1. The College is required to provide live Hearings for allegations of sexual harassment and is required to provide notice of the Hearing.
2. Live Hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live Hearing virtually, with technology enabling participants simultaneously to see and hear each other.
3. At the request of either party, the College must allow the live Hearing to occur with the parties located in separate rooms with technology enabling the Decision-maker and parties to simultaneously see and hear the party or the witness answering questions.
4. The College must create an audio or audiovisual recording, or transcript, of any live Hearing and make it available to the parties for inspection and review.
5. No less than ten (10) business days prior to the Hearing, the Title IX Coordinator or the Hearing Chair will send notice of the Hearing to the parties.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

6. Notice of the Hearing will contain details regarding the alleged violation(s) and potential sanctions, as well as the following:
 - a. The time, date, and location of the Hearing and a reminder that attendance is mandatory, superseding all other campus activities.
 - b. A description of any technology that will be used to facilitate the Hearing, as well as information regarding how the Hearing will be recorded and regarding access to the recording for the parties after the Hearing.
 - c. Information about the option for the live Hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the Hearing.
 - d. A list of all who will attend the Hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This objection must be raised with the Title IX Coordinator at least three (3) business days prior to the Hearing.
 - e. A statement that if any party or witness does not appear at the scheduled Hearing, the Hearing may be held in their absence. For compelling reasons, the Hearing Chair may reschedule the Hearing.
 - f. A statement that any party or witness may choose not to offer evidence and/or answer questions at the Hearing, either because they do not attend the Hearing or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can rely only on whatever relevant evidence is available through the Investigation and Hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the Hearing or refusal to submit to cross-examination or answer other questions.
 - g. Notification that the parties may have the assistance of an Advisor of their choosing at the Hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.
 - h. A copy of all the materials provided to the Decision-maker about the matter, unless they have been provided already.
 - i. An invitation to each party to submit to the Hearing Chair an impact statement pre-Hearing that the Decision-maker will review during any sanction determination.

- j. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the Hearing, at least seven (7) business days prior to the Hearing.
- k. Whether parties can/cannot bring mobile phones/devices into the Hearing.

B. Pre-Hearing Preparation

1. At least ten (10) business days prior to the Hearing, the Hearing Chair, after any necessary consultation with the parties, Investigator and/or Title IX Coordinator, will provide to the parties the names of persons known to be participating in the Hearing, all pertinent documentary evidence, and the final Investigative Report.
2. Any witness scheduled to participate in the Hearing must have been interviewed by the Investigator unless all parties and the Chair assent to the witness's participation in the Hearing.
3. If a party objects to a Decision-maker on the basis of alleged bias, the Decision-maker will be removed only if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).
4. During the ten (10)-business-day period prior to the Hearing, the parties may continue to review and comment on the final Investigative Report and available evidence. Comments may be shared with the Chair at the pre-Hearing meeting or at the Hearing and will be distributed to the parties by the Chair.
5. The Title IX Coordinator will confirm with the Decision-maker(s) the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the Hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the Hearing.

C. Pre-Hearing Meetings

1. The Chair may convene pre-Hearing meetings with the parties and/or their Advisors to invite them to submit the questions or topics they wish to ask or discuss at the Hearing so that the Chair can rule on relevance ahead of time. This process will avoid improper introduction of alleged evidence in the Hearing and provide an opportunity for the Chair to recommend more appropriate phrasing.
2. The Chair must document and share their rationale for any exclusion of evidence decided at this pre-Hearing meeting.
3. At the Hearing, Advisors may ask for reconsideration of previously-excluded questions based on any new information or testimony offered at the Hearing.
4. Only with full agreement of the parties, the Chair may decide in advance of the Hearing that certain witnesses do not need to be present if their testimony has

been adequately summarized in the Investigative Report or will be presented by the Investigator during the Hearing.

5. At each pre-Hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence in the final Investigative Report identified as relevant is, in fact, not relevant. Similarly, evidence identified as directly-related but not relevant by the Investigator may be argued to be relevant. The Chair may rule on these arguments pre-Hearing and will exchange those rulings between/among the parties prior to the Hearing to assist in preparation for the Hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-Hearing meetings.
6. Pre-Hearing meeting(s) will not be recorded.

D. Questioning by Advisors, Only

1. At the live Hearing, the Decision-maker must permit each party's Advisor to ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility. Such cross-examination at the live Hearing must be conducted directly, orally, and in real time by the party's Advisor of choice – never by a party, personally. The College may otherwise restrict the extent to which Advisors may participate in the proceedings.
2. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
3. If a party does not have an Advisor present at the live Hearing, the College must provide to that party, without charge, an Advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

E. Evidence to be Considered

1. Any evidence that the Decision-maker determines is relevant and credible may be considered.
2. Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility because the College uses a progressive discipline system. This information is considered only at the sanctioning stage of the process.
3. The parties may submit a written impact statement prior to the Hearing for the Decision-maker to consider at the sanctioning stage of the process, should a determination of responsibility be reached.

F. Prohibited Evidence

1. The Decision-maker will not consider:
 - a. incidents not directly related to the possible violation, unless they evidence a pattern; or
 - b. the character of the parties.
2. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:
 - a. such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
 - b. the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
3. Evidence offered for the first time at the Hearing may be permitted at the discretion of the Hearing Chair.

G. Hearing Timeline

Hearings that occur near or after the end of an academic term and are unable to be resolved prior to the end of term typically will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College.

XIV. Determination Regarding Responsibility

A. Notice of Outcome Requirement

1. The Hearing Decision-maker, who cannot be the same person as the Title IX Coordinator or the Investigator, must issue a written determination regarding responsibility, which will be called a Notice of Outcome, within five (5) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. The Title IX Coordinator shall inform the parties if an extension is granted.
2. To reach the determination, the Hearing Decision-maker must apply the "preponderance of the evidence" standard of evidence.

B. Content of Notice of Outcome

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and Hearings held;
3. Findings of fact supporting the determination;

4. Conclusions regarding the application of the College's policies, procedures, and/or codes of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and
6. The College's procedures and permissible bases for the Complainant and Respondent to appeal.

C. Distribution of Notice of Outcome

1. The College must provide the Notice of Outcome to the parties simultaneously.
2. The determination regarding responsibility becomes final on one of the following two dates.
 - a. If an Appeal is filed: The determination is final on the date that the College provides the parties with the written determination of the result of the Appeal – called an Appeal Decision.
 - b. If an Appeal is not filed: The determination is final on the date on which an Appeal would no longer be considered timely.
3. The Title IX Coordinator is responsible for effective implementation of any remedies.

XV. Appeals Process

A. Appeal Request

1. Either party may request an Appeal of a final decision from the Hearing Chair.
2. A request for Appeal must be made in writing and be received by the Title IX Coordinator within five (5) working days of the parties' receipt of the Notice of Outcome.
3. The basis or bases for Appeal must be included in the request.
4. Upon receipt of an Appeal request, the Title IX Coordinator shall notify the non-appealing party.

B. Bases for Appeal. Either party may appeal from a determination regarding responsibility or from the College's dismissal of a Formal Complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or
3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainant or Respondent that affected the outcome of the matter.

- C. **Appeal Process.** For all appeals, the College must:
1. Notify the other party in writing when an Appeal is filed and implement Appeal procedures equally for both parties;
 2. Ensure that the Decision-maker for the Appeal is not the same person as the Decision-maker who reached the determination regarding responsibility or dismissal, the Investigator, or the Title IX Coordinator;
 3. Ensure that the Decision-maker for the Appeal complies with the standards set forth for eligible decision-maker section;
 4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 5. Issue a written decision describing the result of the Appeal and the rationale for the result; and
 6. Provide the written decision simultaneously to both parties.
- D. **Appeal Decision.** The Appeal Decision must be in writing, describe the result of the Appeal, provide the rationale for the result, and be sent simultaneously to both parties.

XVI. Implementation of Corrective Action

- A. If a Notice of Appeal is not submitted to the Title IX Coordinator within five (5) working days of receipt of the Notice of Outcome, the disciplinary authority shall act to implement the recommended Corrective Action as soon as possible, but no later than twenty (20) days after the disciplinary authority receives a copy of the Notice of Outcome.
- B. If an Appeal is undertaken, the disciplinary authority shall act to implement recommended Corrective Action as soon as possible but no later than twenty (20) days after receiving a copy of the Appeal Decision-maker's final written determination (called an Appeal Decision) containing the final recommended Corrective Action.

XVII. Possible Sanctions or Corrective Action

- A. **Student Sanctions.** Following are the sanctions that may be imposed upon students:
1. **Warning:** A formal statement that continuation or repetition of specified conduct is unacceptable and a warning that further violation of any College Code, policy, procedure, or directive will result in more severe sanctions.
 2. **Required Counseling:** A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
 3. **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities,

exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

4. **Deferred Suspension:** Completion of specified educational sanctions upon a specified date. If aforementioned sanctions have not been completed, the suspension will take immediate effect.
5. **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the College.
6. **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events. This sanction may be noted permanently as a Conduct Expulsion on the student's official transcript.

XVIII. Records

The College must maintain for a period of seven years records of –

- A. Each sexual harassment investigation, including determination regarding responsibility, audio or audiovisual recording or transcript required regarding the Hearing, disciplinary sanctions imposed on the Respondent, and remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
- B. Any Appeal and the result therefrom; and
- C. All materials used to train Title IX Coordinators, Investigators, and Decision-makers. The College must make these training materials publicly available on its website.

XIX. Time Limits and Notification, Generally

- A. Working days are defined as all days during the calendar year other than Saturdays, Sundays, and days the College is closed.
- B. The Title IX Coordinator may exercise reasonable discretion to adjust the time limits set forth in this Process.

XX. Receipt of Notification

- A. Whenever, under this Process, individuals must be notified in writing, a copy shall be served by certified mail, return receipt requested, to the mailing address that is kept on file at the College, or via email. Once emailed, and/or received in-person, notice will be presumptively delivered.
- B. For purposes of computing any time frames under this Process, 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 mailing address on file.