

# **Sexual Harassment and Sexual Misconduct Procedures (Approved by the Vice President for Learner Support Services July 1, 2015).**

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## **I. BACKGROUND**

Title IX of the Education Amendments of 1972 is a Federal civil rights law that prohibits discrimination on the basis of sex in federally funded educational programs or activity. All public and private educational institutions receiving Federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment, sexual assault, dating violence, domestic violence, stalking, and other forms of sexual misconduct.

The Violence Against Women Act (VAWA) was passed in 1994 and reauthorized in 2013. Section 304 of VAWA amended Section 485(f) of the Higher Education Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (a.k.a. the Clery Act). In addition to enacting clarifying and technical revisions to the Clery Act, VAWA expanded crime reporting requirements to include incidents of dating violence, domestic violence, sexual assault, and stalking. VAWA also expanded policies, procedures, and programs institutions must have relating to incidents of sexual harassment and sexual misconduct.

On June 9, 2015, the Board of Trustees of Anne Arundel Community College (AACC) approved a revised Sexual Harassment and Sexual Misconduct Policy (herein referred to as “the Policy” or “this Policy”) and authorized the President to develop and establish appropriate procedures to implement and enforce this Policy. The following Procedures are established to do so.

## **II. PURPOSE**

The purpose of these Procedures is to promote campus safety through prompt reporting of all sexual harassment and sexual misconduct incidents to appropriate college and/or law enforcement authorities with the prompt and equitable resolution of those reports while protecting the rights of the parties involved.

## **III. TO WHOM THESE PROCEDURES APPLY**

These Procedures apply to all Anne Arundel Community College students, employees and volunteers.

## **IV. JURISDICTION**

These Procedures cover all prohibited actions that occur (a) on College owned, leased or operated premises; (b) at College-sponsored activities (including AACC-sanctioned attendance of foreign study programs) and; (c) while doing business on behalf of the college.

## **V. DEFINITIONS**

The following definitions shall apply to the general terms in these Procedures:

- A. **“Advisor”**: an individual designated by either party to assist them with the process pursuant to these Procedures. The advisor may be a licensed attorney. The advisor may confer with the party before or during the process pursuant to these Procedures but may not speak on the party’s behalf before or during any proceeding, and may not delay or disrupt any proceeding.
- B. **“Attempt”** is a substantial step, beyond mere preparation, toward the commission of a prohibited act. Attempt requires that that the accused took a substantial step, beyond mere preparation, to-ward the commission of the prohibited act and that the defendant intended to commit the prohibited act.
- C. **“College”**: Anne Arundel Community College.
- D. **“College Employee”**: any person hired by the College who is performing assigned duties and responsibilities on behalf of the College.
- E. **“College Property” or “College Premises”**: buildings, grounds or property owned, leased, operated, or controlled by the College.
- F. **“College-sponsored activity”**: any activity on or off college property which is initiated, aided, authorized or supervised by the College.
- G. **“Confidential Resource”**: a trained professional who can provide counseling, information and support in a setting that protects the identity of a victim/survivor. This trained professional will not share any individual’s identifiable information without express permission, unless there is a legal obligation to reveal such information...
- H. **“Complainant”**: the individual who files a complaint pursuant to these Procedures.
- I. **“Designee”**: a person with the authority to act on behalf of the responsible College official.
- J. **“Federal Compliance Officer”**: The College official whose core responsibilities include overseeing the College’s response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.
- K. **“Respondent”**: the individual accused of engaging in conduct prohibited by these Procedures.
- L. **“Preponderance of the evidence”**: something that is "more probable than not."
- M. **“Student”**: any individual who is enrolled for any credit, non-credit, or continuing education course offered by the College for the current or future term.

## VI. PROHIBITED ACTIONS

Sexual harassment and sexual misconduct, including but not limited to rape, sexual offenses, incest, stalking, domestic violence, and dating violence, or attempts to commit any such actions; false allegations and/or any act of reprisal, intimidation, interference, restraint, discrimination, coercion or harassment against another for an act taken (i.e. retaliation).

The following acts are prohibited:

- A. **“Dating violence”**: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.

- B. **“Domestic violence”**: crimes of violence committed by:
1. A current or former spouse or intimate partner of the victim/survivor;
  2. A person with whom the victim/survivor shares a child in common;
  3. A person who is cohabitating with or has cohabitated with the victim/survivor as a spouse;
  4. A person similarly situated to a spouse of the victim/survivor as a spouse or intimate partner;
  5. A person similarly situated to a spouse of the victim/survivor under Maryland law; or
  6. Any other person committing acts against an adult or youth victim/survivor who is protected from that person’s acts under Maryland law.
- C. **“Non-consensual sexual acts”**: includes, but is not limited to, non-consensual sexual intercourse, rape or sexual assault; forced sodomy; forced oral copulation; rape by a foreign object; sexual battery; or threat of sexual assault. It also includes any intentional non-consensual sexual touching of the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or forcing another to touch any of these body parts. Non-consensual sexual intercourse includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
- D. **“Coercion”**: unreasonable pressure to engage in sexual activity. Coercion includes threats designed to overcome resistance or produce consent.
- E. **“Incapacitation”**: a state in which an individual cannot make reasonable decisions because he or she lacks the capacity to give knowing consent. States of incapacitation include sleep, unconsciousness, intermittent unconsciousness, or any other state in which the individual is unaware that sexual contact is occurring. Where alcohol or drug use is involved, incapacitation is a state of intoxication, impaired judgment, or “drunkenness.”
- F. **“Stalking”**: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. It includes but is not limited to non-consensual following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other location frequented by a victim/survivor; or surveillance or other type of observation, whether by physical proximity or electronic means; communications including in-person communications, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, posting of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired or place another person in fear.
1. **“Course of conduct”**: a pattern of two or more acts, which include, but are not limited to acts in which the individual, directly or indirectly, or through third parties, by any

- action, method, device, or means follows, monitors, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. **“Substantial emotional distress”**: significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment.
  3. **“Reasonable person standard”**: a standard by which an individual's actions are judged by comparing how a reasonable person under like circumstances would act.
- G. **“Sexual harassment”**: unwelcome conduct of a sexual nature including unwelcome sexual advances, requests for sexual favors, and/or other verbal, nonverbal, or physical conduct of a sexual nature.
- H. **“Hostile environment caused by sexual harassment”**: includes but is not limited to:
1. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
  2. Unwelcome physical contact, including unnecessary touching, patting, hugging, or brushing against a person's body;
  3. Inappropriate or unwelcome sexual remarks about a person's clothing, body or sexual relations;
  4. The display in the workplace or classroom of sexually suggestive objects, pictures, posters, cartoons, and like items which are without defensible educational purpose;
  5. Inappropriate or unwelcome conversation, jokes, or stories of a sexual nature;
  6. Inappropriate or unwelcome remarks about one's gender, gender identity, or sexual orientation;
  7. Any situation in which there is harassing conduct that is sufficiently severe, pervasive, persistent and objectively offensive that it alters the conditions of education or employment, from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is “hostile” must be based on the totality of the circumstances. These circumstances may include, but are not limited to:
    - a. The nature, severity and frequency of the conduct;
    - b. Whether the conduct was physically threatening;
    - c. Whether the conduct negatively affected the complainant's mental or emotional state;
    - d. Whether the conduct was directed at more than one person;
    - e. Whether the conduct arose in the context of other discriminatory conduct;
    - f. Whether the conduct unreasonably interfered with the complainant's educational or work performance; or
    - g. Whether the speech or conduct deserves the protections of academic freedom.
- I. **“Quid Pro Quo”**: something for something, such as an exchange of goods or services, where one transfer is contingent upon the other. “
- J. **“Retaliation”**: any act of reprisal, intimidation, interference, restraint, discrimination, coercion, or harassment against another for an act taken. It can be in any form, direct or indirect or through a third party.

- K. **“Intimidation”**: implied threats or acts that cause a reasonable fear of harm in another and includes, but is not limited to:
1. Threatening to commit a sexual act upon another person;
  2. Stalking; and/or,
  3. Cyber-stalking.
- L. **“Threatening”**: using verbal abuse or other conduct towards another that a reasonable person would feel threatened or endangered by.
- M. **“Discrimination”**: any action that deprives another of educational or employment access, benefits, or opportunities on the basis of their actual or perceived membership in a protected class. Discrimination can also involve treating an individual less favorably because of his or her connection with an organization or group that is generally associated with people of a certain protected class.
- N. **“Hazing”**: any act likely to cause physical or psychological harm or social ostracism to another, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.
- O. **“Bullying”**: repeated and/or aggressive behavior that is likely to intimidate, create fear or intentionally hurt, control, or diminish another person, physically or mentally.
- P. **“Force”**: use of physical violence to gain sexual access. Although there is no requirement that an individual physically resist the sexual advance or demand, resistance is a clear demonstration of non-consent. However, the absence of resistance does not demonstrate the absence of force.
- Q. **“Incest”**: knowingly having vaginal intercourse with someone he/she cannot legally marry.
- R. **“Rape”**: vaginal intercourse by force or threat of force and without consent.
- S. **“Responsible College Employee”** includes any College administrator, supervisor, faculty member, campus police, coach, athletic trainer, or non-confidential first responder who has the authority to take action to redress sexual misconduct; or whom a student could reasonably believe has such authority or duty.
- T. **“Attempt”**: Attempt is a substantial step, beyond mere preparation, toward the commission of a prohibited act. Attempt requires that that the accused took a substantial step, beyond mere preparation, toward the commission of the prohibited act and that the defendant intended to commit the prohibited act.
- U. **“Consent”**: knowing, voluntary and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Consent may be expressed either by words or by actions, as long as those words or actions create a mutually understandable agreement to engage in a specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that he or she has consent from the other party and that the other party is capable of giving consent.
1. Lack of protest or resistance is not consent, nor may silence be interpreted as consent;
  2. Previous relationships, including past sexual relationships, do not imply consent to the proposed sexual activity;

3. Consent to one form of sexual activity does not imply consent to other forms of sexual activity;
4. Consent must be present throughout sexual activity and may be withdrawn at any time;
5. Consent cannot be obtained by use of physical force, threats, intimidating behavior, or coercion;
6. Consent cannot be obtained from someone who is incapacitated; and
7. Consent cannot be obtained from someone who is not of legal age.

## **VII. REPORTS AND COMPLAINTS**

### **A. Reports**

There is a distinction between making a report to the College or law enforcement through designated Reporting Options listed below and seeking confidential assistance through Confidential Resources listed below.

When considering filing a report or complaint, persons who are concerned about confidentiality should discuss their concerns with the person with whom they are speaking. Unless there is an imminent threat to health or safety, or other basis for disclosure pursuant to federal, state or local law, confidentiality applies when persons are seeking services from the following confidential resources: College Health Services staff or the designated counselors at Counselling, Advising and Retention Services (CARS).

The College recognizes that sexual harassment and sexual misconduct allegations are sensitive subjects for all parties involved. The College is committed to maintaining the privacy of the parties involved to the fullest extent possible under applicable law and the circumstances. There may be instances when the College determines it is required to investigate and take action even when the reporting/complaining party requests anonymity or requests that no action be taken. Thus, absolute confidentiality cannot be guaranteed. In such cases, the College will take all reasonable steps to investigate and respond to the report/complaint consistent with the reporting/complaining party's requests, and when it cannot do so, will keep the reporting/complaining party apprised, as deemed appropriate. In all cases, the College will take care to protect the identities of the parties by discussing the allegations only with those who have a legitimate administrative or legal reason to know.

If a report of sexual harassment or sexual misconduct reveals an immediate threat to the campus community, the College may issue a timely notice of the alleged conduct to the college community in the interests of the health and safety of the campus community. This notice will not contain the reporter/complaining party's name or any personally identifying information.

All students are encouraged to report incidents of sexual harassment or sexual misconduct immediately. Victims are encouraged to talk to someone about what happened so that they can get the support needed and the College can respond appropriately. All College employees are required to report incidents of sexual harassment or sexual misconduct. There are many options for reporting, to include the Anne Arundel County Police, the AACCC Department of

Public Safety and Police or a Campus Security Authority Agent, a Responsible College Authority, the Title IX Officer, Federal Compliance Officer (hereinafter Compliance Officer) or a Confidential Resource, either on campus or off.

Reports can be made in person, by telephone, in writing, by e-mail, [online](#), or anonymously to the individuals/departments listed below. All reports except those to a Confidential Resource may be shared with College officials with a legitimate need to know.

## **B. REPORTING OPTIONS**

Reports of prohibited conduct may be made to any of the following:

Federal Compliance Office  
Anne Arundel Community College  
101 College Parkway  
Arnold, MD 21012-1895  
Telephone: 410.777.2405  
MD Relay: 711 or 800.735.2258(outside MD)  
[compliance@aacc.edu](mailto:compliance@aacc.edu)

Dean of Student Services  
204 SUN Building  
101 College Parkway  
Telephone: 410-777-2829  
MD Relay: 711  
[doss@aacc.edu](mailto:doss@aacc.edu)

Counseling Services  
Anne Arundel Community College  
210 Student Services Center  
101 College Parkway  
Arnold, MD 21012  
T: 410-777-2634  
MD Relay: 711

Student Health Services  
Anne Arundel Community College  
120 SUN Building  
101 College Parkway  
Arnold, MD 21012  
T: 410-777-2480  
MD Relay: 711

Director of Student Conduct and Special Projects  
252 SUN Building  
101 College Parkway  
Arnold, MD 21012  
T: 410-777-2766  
MD Relay: 711  
[studentconduct@aacc.edu](mailto:studentconduct@aacc.edu)

Department of Public Safety and Police  
101 College Parkway  
Arnold, MD 21012  
T: 410-777-1818  
MD Relay: 711  
[iglyle@aacc.edu](mailto:iglyle@aacc.edu)

Office of Human Resources  
108 Ludlum Hall  
101 College Parkway  
Arnold, MD 21012  
T: 410-777-2425  
MD Relay: 711  
[humanresources@aacc.edu](mailto:humanresources@aacc.edu)

Title IX Officer  
Vice President for Learner Support Services  
101 College Parkway  
Arnold, MD 21012  
410-777-2256  
MD Relay: 711

Anne Arundel County Police Department  
204 Pasadena Road  
Pasadena, MD  
T: 410-222-6145  
[PD\\_EasternDistrict@aacounty.org](mailto:PD_EasternDistrict@aacounty.org)

Upon receipt of a report/complaint, the College will take prompt action to provide for the safety and well-being of the reporter/complainant and the broader campus community.

Any report/complaint involving a minor must be shared with external child protective services and local law enforcement agencies. All reports/complaints except those to confidential resources will be shared with the Compliance Officer and the Dean of Student Services, who oversee the investigation and resolution of all cases of misconduct covered by the Policy.

An individual who reports sexual harassment or sexual misconduct, either as a complainant or a third-party reporter, will not be subject to disciplinary action by the College for his or her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violation did not contribute to the incident and did not and does not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

**Seek Medical Attention.** If you have experienced sexual misconduct it is important to seek medical attention as soon as possible. A medical examination will ensure appropriate medical treatment, including testing for pregnancy or sexually transmitted infections. You may also want to obtain a Sexual Assault Forensic Exam (SAFE). A SAFE exam allows for the collection of evidence and can ensure any physical evidence is preserved in the event of a report to law enforcement. A SAFE exam may be obtained within 72 hours after an assault at:

Anne Arundel Medical Center  
2001 Medical Parkway  
Annapolis MD 21401  
443-481-4000

Baltimore Washington Medical Center  
301 Hospital Drive  
Glen Burnie, MD  
410-787-4565

College personnel will assist anyone who has experienced sexual misconduct appropriate medical attention, including transportation to the above medical facilities.

### **C. COMPLAINTS**

There is a distinction between reporting for informational purposes (above) or to seek support and filing a Complaint. A Complaint initiates a formal investigatory and, possibly, disciplinary action and sanctions if appropriate. All complaints of sexual harassment or sexual misconduct by a student, employee or volunteer of the College shall be in writing and submitted to Compliance Officer or designee. If a Complaint is provided to another college employee, upon receipt, the College employee shall immediately provide it to the Compliance Officer or designee.



A complaint shall include the following: a) a detailed description of all the alleged prohibited act(s), including dates, regarding the alleged prohibited act(s); b) the name of the individual(s) who allegedly committed the act(s), if known, or description if known; c) the names of any individual(s) who may have relevant information concerning the alleged acts(s). The complaint shall include all relevant documents, including but not limited to emails, text messages and copies of electronic and social media messages relating to the allegations.

Complaints shall be submitted, pursuant to these Procedures, no later than ninety (90) days from the commission or knowledge of a prohibited act(s) unless there are extenuating circumstances warranting the filing after this time period. Extenuating circumstances allowing a late filing shall be liberally applied and determined in the sole discretion of the Compliance Officer or designee

An attempt to informally resolve the matter shall not be a condition precedent for filing or proceeding on a complaint.

#### **D. Reporting a Crime**

Sexual misconduct, particularly sexual violence, may be a crime. Therefore if you have experienced such misconduct, you have a right to file both a disciplinary complaint with the College and a criminal charge with appropriate law enforcement officials. The College will assist complainants who wish to report sexual misconduct to the College and law enforcement authorities, including the College Department of Public Safety and Police; Representatives of the Office of the Dean of Student Services; Office of Student Conduct, Counseling; Advising and Retention Services; and Health Services. . Campus police will also assist complainants in notifying other law enforcement authorities in any jurisdictions, as appropriate. To report to the AACC Department of Public Safety and Police call 410-777-1818.

Because the standards for a violation of criminal law are different from the standards for a violation of this policy, criminal investigations and proceedings are not determinative of whether a violation of this policy has occurred. In other words, conduct may violate this policy even if law enforcement agencies or local prosecutors decline to prosecute.

Complaints of sexual misconduct and related internal College processes may occur prior to, concurrent with, or following criminal proceedings off campus.

Upon receipt of a report of sexual misconduct that may constitute a crime, campus police will advise the reporter that in addition to making a criminal report to appropriate law enforcement officials, they also have the right to file a complaint with the College and engage the College's investigation and adjudicative processes under this policy. In addition, as Responsible College Employees under this policy, campus police who receive any type of report of sexual misconduct, whether it rises to the level of a crime or not, shall promptly notify the Title IX Officer at [compliance@aacc.edu](mailto:compliance@aacc.edu).

## **VIII. INITIAL INVESTIGATION**

Upon receipt of a report or a complaint of an alleged prohibited act(s), the Compliance Officer designee shall verify in writing receipt of the report or complaint. The reporting or complaining party shall meet with the Compliance Officer to learn about options under these Procedures, the availability of accommodations that may be appropriate under the circumstances and to be interviewed and to provide additional information, if any, regarding the alleged prohibited act(s) incident.

Upon review of the documents and materials, the information garnered from the interview, and any additional information deemed by the Compliance Officer appropriate to review, the Compliance Officer shall determine whether there is a sufficient basis to initiate a formal investigation. If a sufficient basis is not found, the Compliance Officer shall, in cases where a party is a student, provide the Dean of Student Service or designee a written report with a recommendation that the matter be closed, clearly setting forth the basis of the recommendation. In cases where a party is an employee, the written report shall be provided to the Executive Director Human Resources or designee. The report in both cases shall include a copy of the initiating report or complaint and all relevant documents. If the recommendation of the Compliance Officer is not accepted by the Dean of Student Services or designee (regarding a student) or the Executive Director Human Resources or designee (regarding an employee), the reasons shall be clearly set forth in writing and a formal investigation shall be initiated.

In making a decision to close a matter if a sufficient basis is not found, the Dean of Student Services (regarding a student) or the Executive Director of Human Resources or designee (regarding an employee) shall consult with the College General Counsel and other appropriate College personnel prior to finalizing the decision. If a sufficient basis is found, the matter shall proceed with a formal investigation.

### **1. FORMAL INVESTIGATION**

The Compliance Officer shall prepare and forward the initial investigation report to a trained Title IX Investigator. The report shall include a copy of the initiating report or complaint, the name of the complainant and respondent, the date, location and nature of the alleged prohibited conduct, all relevant documentation, a list of potential witnesses and any other information that will aid the investigator. If the complainant desires not to participate in a formal investigation, the College may still proceed and/or issue administrative orders and/or take interim action as provided in Section VIII (3)(b).

The investigation shall be completed no later than sixty (60) calendar days of receipt of the Compliance Officer's report. Extensions may be granted by the Compliance Officer if requested by the Investigator. The Complainant and Respondent shall be notified in writing by the Compliance Officer if an extension of the investigation time is granted.

The investigation shall include interviews with the Complainant and Respondent, all witnesses with material knowledge, and a review of all relevant documents. All

interviews shall be recorded, and interviewees shall be informed that this will occur before the interview begins. Upon completion of the investigation, a written Investigation Report with findings shall be prepared in writing. The Report shall include all documentation reviewed, an outline of the information obtained through the interviews and findings set forth based on the preponderance of the evidenced with recommended sanctions, if appropriate. During all phases of the investigation both parties shall be entitled to have the assistance of an advisor.

The investigation report shall be forwarded to the Director of Student Conduct (for a student/Respondent) and to the Executive Director Human Resources Department or designee (for an employee/Respondent) who shall review it and all the attachments. Within ten (10) business days, a written decision shall be rendered accepting, modifying or rejecting the findings, sanction(s) and/or recommendations setting forth the reasons in support of the decision. A copy of the decision shall be provided to the Investigator; a copy of the decision and the Investigation Report to the Compliance Officer and other appropriate college personnel; and copy of the decision and the Investigation Report with all personal identifiable information redacted to the parties simultaneously.

## **2. APPEALS**

Either party may file a petition appealing the determination of the Director of Student Conduct (for a student/Respondent) or the Executive Director Human Resources Department or designee (for an employee/Respondent). The appeal shall be in writing and filed within ten (10) business days from the date that the decision of the Director of Student Conduct was delivered to the appealing party. Delivered for purposes of this section shall mean hand-delivery, signed certified mail or electronic mail to the student's AACC, with electronic delivery shown. An appeal filed beyond the time required shall not be accepted.

- i. If an appealing party is a student, the appeal shall be filed with Dean of Student Services or designee. If an appealing party is an employee or college volunteer, the appeal shall be filed with the Vice President for Learner Support Services or designee.
- ii. The appeal shall be based only on one or more of the following grounds:
  - a. A procedural error materially affected the decision; and/or
  - b. The imposed sanction(s) was not appropriate for the prohibited act.
- iii. Within ten (10) business days from receipt of a timely filed appeal, the Dean of Students or designee (for a student) or the Vice President for Learner Support Services or designee (for an employee) shall provide a copy of the appeal petition to the Director of Student Conduct or designee who shall within five (5) business days, provide a written response to the appeal petition along with a copy of the Investigation Report all documentation, a summary of the interviews, a copy of the interview recordings and the decision of the Director of Student Conduct or designee. Both parties shall be provided a copy of the response and a redacted copy of the Investigation Report; what is redacted shall be all

personal identifiable information. The parties shall not be entitled to receive the recordings or a transcript of the witness interviews.

- iv. Within ten (10) business days of receipt of the response to the appeal and the aforementioned materials, the Vice President for Learner Support Services or designee shall review the appeal, response and all other materials and render a written decision providing the basis for same. Based on the grounds of the appeal, the decision shall only determine:
  - a. Whether a procedural error materially affected the decision; or
  - b. Whether the imposed sanction(s) was appropriate for the prohibited act. In either case the Vice President for Learner Support Services or designee shall accept, modify or reject the decision.
- v. Within five (5) business days from the date of the decision, Vice President for Learner Support Services or designee shall mail a copy of the decision to the Complainant, Respondent, Director of Student Conduct, the Compliance Officer, and other appropriate college personnel.
- vi. The decision of Vice President for Learner Support Services or designee shall be final with no further right of appeal.

### **3. COMPLAINTS AGAINST CERTAIN EMPLOYEES**

If a complaint is filed against a student who is also an employee, these Procedures will apply as though the student is not also an employee.

If a complaint is filed against the Compliance Officer, the Director of Human Resources or designee shall take all actions required of the Compliance Officer under these Procedures. If a complaint is filed against a Dean, his or her Vice President shall determine the outcome after the report from the Compliance Officer, with the President deciding any appeal, which decision shall be final. If a complaint is filed against a Vice President, the President shall determine the outcome after the report from the Compliance Officer, which decision shall be final. If a complaint is filed against multiple individuals who would be involved in the investigative and determination processes described above, the President shall designate another employee with no conflict of interest to undertake all actions required of the Compliance Officer under these Procedures.

If a complaint is filed against the President, it shall be filed with the Chair of the Board of Trustees, who shall provide the President with a copy. The Board shall request the President to respond to the complaint in writing, within ten (10) business days of his or her receipt of the complaint. Within five (5) business days of receipt of the President's response or after the time has expired to respond, the Board of Trustees shall initiate an investigation, which shall be concluded within thirty (30) business days, and within fifteen (15) business days thereafter, the Board of Trustees shall render a written decision through its Chair. The Board's decision

shall be final. A copy of the Board's decision shall be provided to the President, and delivered to the parties simultaneously.

a. **TENURED FACULTY**

If a tenured faculty member is involved under these Procedures and a recommendation that a major sanction under Section 4.9.4.5 of the *Tenured Faculty College Manual* be imposed as a result of the faculty member's prohibited act, he or she shall be entitled to any rights provided by Section 4.9.4.5. If the tenured faculty member requests a hearing under 4.9.4.5(B), then the five (5) business days under Section 4.9.4.5(B)(1) shall run from the date of receipt of the President's decision to impose a major sanction. The Chair of the Major Sanction Review Committee shall be provided with a copy of the reports/documents/recordings/decisions issued under these proceedings.

b. **EXIGENCIES**

Anne Arundel Community College is responsible for protecting the health and safety of its students, faculty and staff. Therefore, if circumstances warrant, the College may take interim administrative action consistent with the *College Manual* prior to the conclusion of any proceedings under these Procedures. Such action may range from restrictions to suspension of the alleged wrongdoer.

## VIII. **DISCIPLINARY SANCTIONS**

### B. **STUDENTS**

Students found in violation of these Procedures are subject to disciplinary sanctions based on the circumstances and nature to include the following:

1. Loss of Privileges: Denial of any privilege for a designated period of time stated in writing.
2. Disciplinary Probation: A designated period of time stated in writing during which if the Respondent is found to commit any prohibited act(s) of misconduct more severe disciplinary sanctions may be imposed.
3. Disciplinary Suspension: Separation from the College for a definite or indefinite period of time, after which the respondent is eligible to return. During a suspension the Respondent may also be prohibited from coming onto any college property. The suspension shall be in writing and conditions for readmission specified. Students serving disciplinary suspension are barred from all AACC premises for the duration of the suspension.
4. Expulsion: Permanent separation from the College. During an expulsion the Respondent shall be prohibited from coming onto any college property. An expulsion shall be in writing.
5. Revocation of Admission and/or Degree: Admission to or a degree awarded from the College may be revoked and rescinded for fraud, misrepresentation, or other act(s) of misconduct in obtaining admission and/or a degree.

6. Withholding Academic Credentials: The College may withhold a degree or transcript otherwise earned until the completion of any matter initiated against a Respondent under these procedures.
7. Persona Non Grata: Prohibits an individual from all College owned, leased, operated properties, and college sponsored activities.
8. Order of No Contact/Access: A written order specifying the forms of contact that are prohibited, with who, the areas where access is limited and the period of time the order shall be effective.

### **C. EMPLOYEES**

Employees found in violation of these Procedures are subject to disciplinary sanctions including, but not limited to:

1. Temporary suspension with or without pay;
2. Written reprimand;
3. Written warning;
4. Restitution;
5. Probation;
6. Counseling;
7. Suspension of institutional privileges;
8. Suspension without compensation for one year or less;
9. Termination
10. Any other appropriate action.

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

## **IX. ACCOMMODATIONS AND INTERIM MEASURES**

Upon receipt of a report or complaint of prohibited conduct, the College, upon request of the Complainant or Respondent or on its own initiative may implement appropriate measures to protect a party involved including but not limited to the following:

### **A. STUDENTS**

1. Assistance in transferring to another Section of a class , laboratory or college activity;
2. Assistance in arranging for incompletes or withdrawal from courses;
3. Assistance in arranging for alternate College employment ;
4. Issuance of a “no contact” directive pending the outcome of the investigation; and/or
5. Any other assistance or accommodation deemed appropriate by the College.

The Department of Public Safety can assist students with obtaining external “no contact” or court protection orders from a criminal or civil court.

**B. EMPLOYEES**

1. Temporary reassignment to other work duties and responsibilities, other work locations, other work groups/teams, or other supervision/management;
2. Issuance of a “no contact” directive pending the outcome of the investigation; and/or
3. Any other assistance or accommodation deemed appropriate by the college

The Department of Public Safety can assist employees with obtaining external “no contact” or court protection orders from a criminal or civil court.

## **APPENDIX TO SEXUAL HARASSMENT AND SEXUAL MISCONDUCT PROCEDURES**

### **I. PURPOSE**

Acts of sexual harassment and sexual misconduct will not be tolerated at Anne Arundel Community College. In order to provide a safe campus community within which all members are valued and respected, the Anne Arundel Community College has established a Sexual Harassment and Sexual Misconduct Policy and accompanying Procedures.

The expectations of the College community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Silence, in and of itself, cannot be interpreted as consent. Under these Procedures, “no” always means “no.” When alcohol or other drugs are being used, a person will be considered unable to give consent if they lack the capacity to understand the sexual interaction being urged or to communicate their wishes. Verbally coercing someone into sexual activity violates the Sexual Harassment and Sexual Misconduct Policy and Procedures in the same way as does physically forcing someone into sex.

The College’s goals are to create a supportive climate that encourages each victim/survivor of sexual misconduct to report the incident(s) and to provide support and information to assist her or him in dealing with these traumatic events, while respecting the victim/survivor’s right to choose whether or not to report. This Policy and its Procedures are intended to promote campus safety through prompt reporting of all sexual harassment and sexual misconduct incidents to appropriate college and/or law enforcement authorities.

### **II. FEDERAL COMPLIANCE OFFICER**

The Federal Compliance Officer’s core responsibilities include overseeing the College’s response to complaints of harassment, discrimination, and sexual misconduct. The Compliance Officer is responsible for identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Federal Compliance Officer is:

Suzanne L. Boyer (Interim)  
Anne Arundel Community College  
101 College Parkway, CALT 264  
Arnold, MD 21012-1895  
Telephone: 410.777.2405  
compliance@aacc.edu



### III. ADVOCACY, CONFIDENTIAL RESOURCES, AND SUPPORT SERVICES

#### A. CONFIDENTIAL RESOURCES

Trained professionals can provide counseling, information and support in a confidential setting, both off-campus and on. These confidential resources will not share information about an individual without the express permission of that person, unless there is a continuing threat of serious harm to the person or to others or there is a legal obligation to reveal such information (e.g. suspected abuse or neglect of a minor). These professionals are also available to help individuals make a report to the College.

##### **ON CAMPUS:**

Counseling, Advising and Retention Services (CARS)

Counseling Services

410-777-7111

<http://www.aacc.edu/advising/counservcrisinte.cfm>

##### **OFF CAMPUS:**

Anne Arundel County

Sexual Assault Crisis Center and Hotline

410-222-7272

<http://www.aahealth.org/programs/behavioral/sexual-assault>

Maryland Coalition Against Sexual Assault

1517 Ritchie Highway, Suite 101

Arnold, MD 21012

410-626-7800 ext. 202

<http://www.mcasa.org/for-survivors/maryland-rape-crisis-and-recovery-centers-5/>

#### B. ADDITIONAL RESOURCES

Additional resources exist at the college and within the community.

<b>ON CAMPUS:</b>	
AACC Department of Public Safety and Police	911 or 410.777.1818
Counseling, Advising and Retention services	410.777.2503
Health Services	410.777.2480
Director of Student Conduct	410.777.1339
Dean of Student Services	410.777.2829/2830
Assistant Dean of Student Services	410.777.2305
<b>OFF CAMPUS LOCAL:</b>	
Rape Crisis Center	410.222.7273
Domestic Violence Shelter & Services	410.222.6800
Anne Arundel Medical Center	443.481.1000
Anne Arundel County Police	911 or 410.222.7000
Anne Arundel Sheriff's Office	911 or 410.222.7000
<b>OFF CAMPUS FEDERAL:</b>	

U.S. Department of Education, Office of Civil Rights	<a href="http://www.hhs.gov/ocr">http://www.hhs.gov/ocr</a>
White House Task Force to Protect Students from Sexual Assault	<a href="http://www.notalone.gov">http://www.notalone.gov</a>

**IV. TIMELY WARNING OBLIGATIONS**

Victim/survivors of certain prohibited sexual misconduct should also be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a victim/survivor's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

*Notice of Nondiscrimination: AACC is an equal opportunity, affirmative action, Title IX, ADA Title 504 compliant institution. Call Disability Support Services, 410-777-2306 or Maryland Relay 711, 72 hours in advance to request most accommodations. Requests for sign language interpreters, alternative format books or assistive technology require 30 days' notice. For information on AACC's compliance and complaints concerning sexual assault, sexual misconduct, discrimination or harassment, contact the federal compliance officer and Title IX coordinator at 410-777-1239, [complianceofficer@aacc.edu](mailto:complianceofficer@aacc.edu) or Maryland Relay 711.*