

Annual Security Report



January 1–December 31, 2015
Prepared by the Office of Public Safety and Emergency Management

This report is available in an alternate format upon request, under the American with Disabilities Act, by contacting the Office of Compliance at 240-567-7396. Montgomery College is an academic institution committed to equal opportunity.

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INTRODUCTION

Montgomery College's Annual Security Report is prepared and distributed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Higher Education Opportunity Act (HEOA), and all implementing regulations issued by the US Department of Education (34 C.F.R. Part 668.46). The College's Office of Public Safety composes the Annual Security Report. The Annual Security Report contains three years of selected campus crime statistics and certain campus security policy statements in accordance with the Clery Act. The statistical information is compiled by the Office of Public Safety based not only on information it receives directly, but also from crimes reported to (a) campus officials designated as "campus security authorities" (as that term is defined in the regulations) and (b) crimes reported to local law enforcement agencies.

By October 1st of each year, all employees and members of the College community are notified by email that the Annual Security Report has been posted on the College's website and can be accessed at the following web addresses: www.montgomerycollege.edu/verified or www.montgomerycollege.edu/emergency.

Also, as required by the Clery Act, information concerning our compliance with The Drug-Free Schools and Communities Act Amendments of 1989 (amends the Higher Education Act), is contained in this report. The Drug-Free Schools and Communities Act Amendments of 1989 require the College to conduct a written biennial review which is coordinated by the Office of Compliance. This biennial review is to determine the effectiveness of drug and alcohol abuse prevention programs for both students and employees. The findings of the review are used to implement any needed changes to the programs and to ensure that sanctions developed for violating standards of conduct are enforced consistently. A copy of the College's Drug-Free Schools and Community Act Biennial Review can be accessed at the following web address: <http://www.montgomerycollege.edu/heoa>.

Hard copies of this report will be provided upon request by calling the Office of Compliance at 240-567-7396 or by e-mail at: compliance@montgomerycollege.edu.

A MESSAGE FROM THE DIRECTOR OF PUBLIC SAFETY AND EMERGENCY MANAGEMENT



Dear Members of the Campus Community:

Here at Montgomery College we work every day to provide an outstanding education in a safe environment. To achieve this MC takes many approaches that include preventive measures, rapid response capabilities, tools, safety oriented education and training for everyone, and a dedicated staff of public safety officers.

Please review the important public safety information contained in this report. It represents Montgomery College commitment to your safety, wellbeing and success.

Montgomery College Public Safety Department, and Emergency Management, and many others ensure the campus learning environment is safe and secure. We are here to serve you, but we need your help to do that most effectively. Our goal of creating the safest, most secure learning community is only possible when we work collaboratively. Therefore, I ask you to take proactive approaches towards your safety and towards helping others. You can assist by simply reporting unusual or suspicious activities or behaviors, and we will make every effort to protect your confidentiality. Reporting an incident does not necessarily result in someone getting into trouble. We all want to be safe and worry free.

Montgomery College is taking proactive measures to promote safety and prevent crime with the assistance of our local law enforcement partners. Please familiarize yourself with the resources available to assist you. As an active member of our community, we solicit your assistance and suggestions in responding to crime and safety issues on campus.

If you have any questions or would like more information regarding campus safety and security or this report, please contact me at 240-567-4292 or visit the Public Safety website at <http://cms.montgomerycollege.edu/EDU/Department2.aspx?id=31104> .

Shawn D. Harrison
Director of Public Safety & Emergency Management
Montgomery College

SECTION I – OFFICE OF PUBLIC SAFETY

General Procedures

The Office of Public Safety is a part of the Office of Public Safety and Emergency Management, with locations on each campus. While Montgomery College is a non-residential, open-access college located on three main campuses and satellite locations across Montgomery County, areas in some buildings have controlled access locks to limit entry into classrooms and spaces containing valuable property and or confidential material. For after-hour access, authorized users must contact the Office of Public Safety to gain admittance. Additionally, closed-circuit television monitors are used on a limited basis for asset protection and investigation. The Office of Public Safety operates 24 hours per day on each campus, and public safety officers perform regular patrols using marked public safety vehicles, bicycles and on foot. Public safety officers are equipped with portable radios and communicate with each other and the Office of Public Safety as needed. Upon request, a 24-hour escort service is also provided on each of the College's three campuses. Montgomery College's Public Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the College, however, they do not possess arrest powers. Public Safety Officers must contact the local police who have jurisdiction on campus should a criminal act occur.

The Office of Public Safety at Montgomery College maintains a highly professional working relationship with the Montgomery County Department of Police, Rockville City Police, Takoma Park Police, and Maryland-National Capital Park Police. Additionally, officers work closely with the College administration to address problems and to keep a proactive approach to campus safety. All crime victims and witnesses are strongly encouraged to immediately report crimes to the Office of Public Safety as well as the appropriate police agency. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics.

Emergency Response Partners

Montgomery County Police
City of Rockville Police
City of Takoma Park Police
Maryland-National Capital Park Police
Montgomery County Fire & Rescue



While we consider Montgomery College's environment relatively safe, each Office of Public Safety is committed to promptly informing the College community of incidents that occur on all campuses. In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Montgomery College posts crime alerts (Appendix 1) for serious crimes that occur within the Clery geography as well as those that may pose an ongoing risk to members of the College community.

It is policy that each campus public safety officer complete a written incident report within 24 hours for all reportable incidents pursuant to 20 United States Code Section 1092 (f), the Jeanne Clery Disclosure of Campus Security Policy, and Campus Crime Statistics Act. Each campus Public Safety manager is responsible for ensuring proper report classification, utilizing the FBI's Uniform Crime Reporting (UCR) procedures.

The following guidelines will be implemented on a continuous basis for issuing crime alerts:

1. Crime alerts are drafted by the campus public safety manager and/or public safety supervisor and approved by the director of public safety and emergency management or their designee.
2. Notification shall be made by conspicuously posting bright red crime alert flyers around campus, as well as the campus public safety manager, or designee, transmitting an email to employees and students using the "MC Urgent!" email.
3. Each campus public safety manager shall maintain a record of all crime alerts published.
4. Notification shall be made in a timely manner, preferably within a 24-hour period. If the incident is a delayed report (more than 24 hours) by the victim, then the time and date the victim reported the incident will also be included in the report.
5. Crime alert flyers posted on College property shall be removed after being posted for a minimum three-day period.
6. Crime alerts should utilize the format and include the information noted on the crime alert form.
7. Provided the guidelines are met, nothing should be included in the crime alert that would hinder an ongoing police investigation.
8. The crime alert will not identify the victim by name and address.
9. The general description of the location may be given such as, but not limited to: Montgomery College (Germantown, Rockville, or Takoma Park/Silver Spring Campus, building, physical address, etc.)

Daily Crime/Incident Logs are maintained in the each Office of Public Safety. Incident logs from the last 60 days are open to public inspection during normal business hours. Any portion of the log older than 60 days shall be made available within two business days of the request for public inspection.

The Office of Public Safety offers assistance in delivering crime prevention programs and materials to employees and students. Examples include distribution of safety flyers, presentations to academic departments, new employee and student orientations, and participation in a student resource fair.

All students and employees are encouraged to report if they are the victim of a crime, observe a crime in progress, or believe a crime may be in progress. If a life-threatening emergency is taking place, call **9-1-1** first, then call the Office of Public Safety at the appropriate campus.

Students and employees are encouraged to carry a cell phone to report emergencies and receive county and College alerts.

All local police organizations 9-1-1

Germantown Campus

240-567-7777 (on campus, x77777)
282 Sciences and Applied Studies Building (SA)

Rockville Campus

240-567-5111 (on campus, x75111)
101 Counseling and Advising Building (CB)

Takoma Park/Silver Spring Campus 240-567-1600 (on campus, x71600)
117 Student Services Center (ST)



All ***off-campus locations*** should call **9-1-1** and then notify the appropriate College administrator. If the emergency is at a Montgomery County Public Schools (MCPS) site, call **9-1-1** first and then call MCPS security at 301-279-3232.

Emergency phones are located in all campus elevators and at numerous internal and external locations. These phones will automatically ring in the nearest Office of Public Safety. All calls made on emergency phones are recorded.

Crime Prevention Tips

- ✓ Be aware of your surroundings and alert to the presence of strangers
- ✓ Avoid potentially dangerous situations
- ✓ Park and walk in well lit, frequently-traveled areas
- ✓ Avoid walking alone at night
- ✓ Utilize campus escort services provided by public safety
- ✓ Learn where emergency telephones are located on the campus
- ✓ Program campus public safety numbers into your cell phone
- ✓ Always lock your vehicle and do not leave valuables in plain view
- ✓ Do not leave personal items unattended at any time

SECTION II – CAMPUS SECURITY AUTHORITIES

Roles and Responsibilities of Campus Security Authorities (CSAs)

The Clery Act requires all institutions to collect crime reports from various individuals and organizations identified as Campus Security Authorities (CSAs) or campus police. Their function is to collect and report “in good faith” crimes that include: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible/non-forcible), robbery, aggravated assault, burglary, motor vehicle theft/attempted theft, arson, liquor law violations, drug-related violations, weapons possession, domestic violence, dating violence, stalking and other crimes manifesting hate or bias.

The Clery Act also mandates that institutions disclose statistics for crimes reported to local police agencies and crimes reported to CSAs. The intent of including non-law enforcement personnel as CSAs is to acknowledge that many individuals and students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

The Clery Act defines a CSA as:

- ✓ A campus law enforcement unit;
- ✓ Any individual or individuals who have responsibility for campus security but who do not constitute a campus security department, such as an individual who is responsible for monitoring entrance into school property, such as an access monitor;
- ✓ An individual or organization specified in a school’s campus security statement as the individual or organization to which students and employees should report criminal offenses; and
- ✓ An official of a school who has significant responsibility for student and campus activities including, but not limited to, student housing (not applicable at Montgomery College), student discipline, and campus judicial proceedings.

However, Clery exempts campus security authorities holding positions of a pastoral or professional counselor(s). Montgomery College does not employ these positions.

While we encourage the reporting of campus criminal activity that occurs within the geographic area as defined by the Clery Act directly to the Office of Public Safety, in some instances members of the campus community may choose to file a report with other campus security authorities. CSAs should immediately report the criminal activity to the appropriate campus Office of Public Safety who will prepare an Incident Report. Frequently, the Office of Public Safety & Emergency Management also sends e-mails to CSAs to solicit information on alleged crimes that were reported in good faith.

CSA Training for 2015

Online training as well as follow-up face-to-face training is conducted on each campus to provide clarity regarding the roles and responsibilities of CSAs. During the month of May 2015 the Office of Public Safety presented a PowerPoint presentation entitled: Clery Act: Campus Security Authority.

Collegewide CSAs

The College conducts an annual assessment of roles and functions of CSA's to determine if anyone should be removed or added to the list. Below is contact information for CSAs effective May 30, 2016.

Collegewide

| | | |
|---|---------|--------------|
| Title IX Coordinator | MK150 | 240-567-5412 |
| Chief of Staff/Chief Strategy Officer | MK/300 | 240-567-1796 |
| Senior VP for Student Services | MK/200 | 240-567-4344 |
| Associate Senior VP for Human Resources and Strategic Talent Management | MK/130 | 240-567-5382 |
| VP and Provost of Workforce Development & Continuing Education | GBTC/34 | 240-567-2582 |
| Chief Enrollment Services & Financial Aid Officer | MK/283 | 240-567-5036 |
| Director of Academic Initiatives | MK/340 | 240-567-5029 |
| Refugee Training Center | CF/269 | 240-567-1405 |
| Center for Early Childhood Education Manager | CG/139 | 240-567-2041 |
| Athletic Director | MK/254 | 240-567-7587 |

Germantown Campus

| | | |
|--|--------|--------------|
| VP and Provost of Germantown Campus | PK/108 | 240-567-7711 |
| Office of Public Safety | SA/282 | 240-567-7777 |
| Public Safety Manager | SA/283 | 240-567-7776 |
| Collegewide Dean of Student Access and Germantown Dean of Student Services | SA/120 | 240-567-1993 |
| Associate Dean of Student Services/Chair of BIT | SA/120 | 240-567-1993 |
| Office of Disability Support Services | SA/250 | 240-567-7770 |
| Student Employment Services Director | SA/122 | 240-567-6908 |
| Office of Student Life | SA/186 | 240-567-7840 |
| Instructional Deans | | |
| Communication, AELP, and Linguistics | HS/160 | 240-567-1845 |
| Mathematics & Statistics | HT/314 | 240-567-7794 |
| Student Life Club Advisors | SA/186 | 240-567-7840 |
| Center for International and Multicultural Students Counselors | SA/150 | 240-567-7734 |
| Athletic Coordinator | PG/122 | 240-567-6915 |
| Athletic Coaches | PG/104 | 240-567-7727 |

Rockville Campus

| | | |
|--|--------|--------------|
| VP and Provost of Rockville Campus | MT/102 | 240-567-5010 |
| Office of Public Safety | CB/101 | 240-567-5111 |
| Public Safety Manager | CB/110 | 240-567-5110 |
| Collegewide Dean of Student Success and Rockville Dean of Student Services | MT/605 | 240-567-5052 |
| Associate Dean of Student Services/Chair of BIT | CC/016 | 240-567-5019 |
| Office of Disability Support Services | CB/122 | 240-567-5058 |
| Office of Student Life | CC/005 | 240-567-5092 |
| Campus Student Life Club Advisors | CC/005 | 240-567-5092 |
| Office of International Student Coordinators | SV/115 | 240-567-5043 |
| Athletic Trainer | PE/212 | 240-567-7574 |
| Athletic Coaches | PE/239 | 240-567-7575 |
| Instructional Deans | MT/618 | 240-567-5030 |

Takoma Park/Silver Spring Campus

| | | |
|---|---------|--------------|
| VP and Provost of Takoma Park/Silver Spring Campus | ST/306 | 240-567-1312 |
| Office of Public Safety | ST/117 | 240-567-1600 |
| Public Safety Manager | P2/128 | 240-567-1603 |
| Collegewide Dean of Student Engagement and Takoma Park/Silver Spring Dean of Student Services | ST/325 | 240-567-5640 |
| Associate Dean of Student Services/Chair of BIT | ST/231 | 240-567-1469 |
| Office of Disability Support Services | ST/233 | 240-567-1480 |
| Office of Student Life | ST/217 | 240-567-1482 |
| Student Life Club Advisors | ST/217 | 240-567-1482 |
| International Students Coordinator | ST/146 | 240-567-1639 |
| Director of Evening and Weekend Office | ST/306 | 240-567-3904 |
| Instructional Deans | | |
| Humanities | CF/225 | 240-567-1364 |
| Health Sciences, Health & Physical Education | HC/419 | 240-567-5557 |
| Natural & Applied Sciences, Business, Management & Information Sciences | SS/120A | 240-567-1690 |

SECTION III – EMERGENCY OPERATIONS PLAN

Emergency Operations Plan

The Emergency Operations Plan (EOP) consists of three sections: Emergency Procedures, guidelines for employees and students to follow when reporting or responding to emergencies <http://www.montgomerycollege.edu/emergency>; Emergency Protocols, confidential emergency procedures for College emergency responders; and Emergency Contact Information, critical contact information for College emergency responders.

The EOP is supported by the Emergency Guidelines for Individuals with Disabilities <http://cms.montgomerycollege.edu/EDU/Plain2.aspx?id=4162> and the Continuity of Operations Plan (confidential).

Emergency Responses

Montgomery College has developed a comprehensive emergency operations plan to prepare for and respond to both human-made and natural emergencies occurring on one or more of the campuses or in the local community. The purpose of the plan is to provide guidelines, assign responsibilities, and increase awareness in responding to emergencies that may impact the College community. The response actions of emergency personnel are guided by the College's commitment to: preventing or minimizing harm or injury to individuals; minimizing damage to College assets; effectively communicating to the College community information concerning a potential emergency, and restoring operations to a normal level in the shortest possible time frame. Information pertaining to the emergency operations plans is available on the College's website at: <http://www.montgomerycollege.edu/emergency>.

Montgomery College Public Safety officers will respond immediately to emergencies and determine its priority which can include any one of the three types of priority emergencies cited below:

- Priority 1 – Active or imminent life-safety emergency, which means an incident which has an impact on the life or safety of the College community and possibly the surrounding community.
- Priority 2 – Major emergency is an incident that has an immediate impact or potentially may impact a significant portion of the College or campus operations and requires assistance from external organizations.
- Priority 3 – Minor emergency, which is an incident limited in scope and area with minimal impact on normal operations and is quickly resolved with internal resources or limited help from external organizations.

Incident Command System (ICS)

The College's approach to managing an emergency is based on the National Incident Management System (NIMS), which includes the Incident Command System (ICS). ICS provides a common organizational structure, common terminology and operating procedures; establishes a clear chain of command for effectively managing an incident; and provides for effective interfacing with College personnel and emergency agencies. Moreover, ICS focuses on the rapid identification of a potential emergency, building evacuation or denial of entry, quick notification of the proper authorities, and initiation of mitigation and recovery efforts in conjunction with emergency agencies.

Emergency Procedures

Montgomery College also has emergency procedures for the following events:

Active Shooter Hostage Situation

Bomb Threat

Medical

Campus Demonstrations

Pandemic Influenza

Crime

Suspicious Packages and Envelopes

Fire

Swimming Pool

Gas Leak

Utility Outage and Building Equipment Failure

Hazardous Material Spill or Release

Weather

Earthquakes

Shelter-In-Place

Additional information is also available on the website at:

<http://www.montgomerycollege.edu/emergency>.

Behavioral Intervention Teams (BIT)

Collegewide, and campus-based, Behavioral Intervention Teams (BIT) were created to identify students who could benefit from assessment, support, or counseling before a threatening situation might occur. The purpose of BIT is preventive. The student has not necessarily violated the Student Code of Conduct or other College policies. The mission of the Behavioral Intervention Team is to help maintain a healthy, safe and secure environment for all students, faculty and staff, that is free of intimidation and harm by systematically addressing behaviors of concern. BIT however, cannot guarantee anyone's safety. BIT is not a first-responder group, but with the help of the College Community, student behaviors of concern can be identified and addressed in an effort to avert potential problems or incidents.

Campus-based teams are responsible for reviewing, investigating, and assessing behaviors of concern. They evaluate situations to determine risk/threat levels for reported behaviors, decide next steps and, when appropriate, refer students for internal and/or external intervention. BIT also supports first responders by providing follow-up to emergency situations and making recommendations. BIT provides education and training to the campus community on prevention, protocols, resources, roles, rights and responsibilities. The campus-based teams meet on a regular basis to discuss and respond to new concerns and

follow up on active cases. The campus-based teams consist of deans/associate deans, counselors, public safety, instructional faculty, and staff.

Incident Report Forms are used to report a “student of concern” or a student disciplinary issue. These forms are divided into three incident reports: (a) non-academic incident; (b) academic incident and (c) behavior of concern, can be accessed on College computer desktops. They are also available as a link “Submit an Incident Report” on the Deans of Student Services web page at: <http://cms.montgomerycollege.edu/student-services-dean> or via the BIT website at: <http://cms.montgomerycollege.edu/BIT>. The report form is part of the Maxient Website and is designed to alert and track student incidents. Deans of student services and BIT members will be able to access the report quickly, start a case file, and provide judicial or behavioral intervention as appropriate. Information sessions on how, why, and when to report are available by contacting a dean of student services or campus BIT chair. In addition to the report form, written notification regarding support resources for students is also available on the both websites.

Reporting “cases of concern” via BIT or disciplinary cases via the Student Code of Conduct should never be substituted for calling the Office of Public Safety or 9-1-1 in emergency situations or health and safety situations that need immediate attention.

Notifications

The Director of Public Safety & Emergency Management and the Office of Communications will determine the content of the notification and initiate the notification system, unless it will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Notifications of emergencies and changes to Montgomery College’s operational status will be communicated to the entire College community and the larger community outside the College through one or more of the following means:

College emergency responders: public safety officers, campus response and/or support teams
Montgomery College ALERT. Registered users receive text and e-mail messages.

(Registration information at: <http://www.montgomerycollege.edu/emergency>.)

Montgomery College MC Urgent e-mail.

Montgomery College website at www.montgomerycollege.edu.

MyMC (The College’s intranet portal)

Montgomery College employee voice mail. From off-site, dial 240-567-1701.

Montgomery College Response Center at 240-567-5000.

Social Media (Facebook and Twitter).

Montgomery College cable channel 10 in Montgomery County.

Commercial radio and TV stations

Channel 4 WRC WTOP (103.5 FM) WMAL (630 AM)

Channel 5 WTTG WFRE (99.5 FM) – Frederick

Channel 7 WJLA WAMU (88.5 FM)

Channel 9 WUSA WFMD (930 AM) – Frederick

Montgomery College Emergency Desktop Notification. Scrolling messages are broadcast on College computers.

Evacuation Areas

Each building has been assigned a specific external emergency evacuation area where persons should remain until receiving further instructions. Emergency evacuation area maps are posted in all buildings collegewide and can be accessed on the Montgomery College web page at www.montgomerycollege.edu and on the College's Emergency web page at: www.montgomerycollege.edu/emergency.

Evacuation Tests

Montgomery College performs at minimum, an annual announced test of its emergency response and evacuation procedures. The test is documented by recording a description of the exercise, the date, time, and that it was announced. Prior to the exercise, emergency response and evacuation procedures are publicized.

SECTION IV – CRIME STATISTICS AND DEFINITONS

Reporting Crime Statistics

Table 1 references crime statistics for all College locations, adjacent property and adjacent thoroughfares for calendar years 2013 through 2015.

Definitions of Crimes Listed in Tables 1 and 2:

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter: The killing of another person through gross negligence.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could and probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding).

Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

Weapons: Carrying, Possessing, etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment of devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance; Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

NOTE: The above listed crime definitions are from the Uniform Crime Reporting Handbook.

Sex Offenses

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of private body parts of another person, for the purpose of sexual gratification, without the consent of the victim, including instances where, the victim is incapable of giving consent because of his/ her age or because of his/her temporary or permanent mental or physical incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

NOTE: The above listed Sex Offenses Definitions are from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.

Hate Crimes

Montgomery College is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Vandalism: To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc...the assault is then also classified as a hate/bias crime.

Definitions of Crimes Listed in Tables 3 and 4:

Campus Sexual Violence Act (SaVE Act)

In addition to the already covered crimes, Montgomery College is required to report domestic violence, dating violence and stalking. These requirements have been added after the reauthorization of the Violence Against Women Act which includes the SaVE Act provision.

Domestic Violence is defined as a felony or misdemeanor crime 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 jurisdiction in which the crime of violence occurred;
- 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 jurisdiction in which the crime of violence occurred.

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- 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.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Sexual Assault: An offense that meets the definition of (i) rape (i.e., the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim); (ii) fondling (i.e., the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity); (iii) incest (i.e., sexual intercourse between persons who are related to each other within the degrees where- in marriage is prohibited by law); or (iv) statutory rape (i.e., sexual intercourse with a person who is under the statutory age of consent).

Consent: A knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Consent may be expressed either by words and/or actions as long as those words and/ or actions create a mutually understandable agreement to engage in specific sexual activity and are given by a person with the ability and capacity to exercise free will and make a rational, reasonable judgment. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time. Additionally:

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity (e.g., consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another).
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- In order to give effective consent, one must be of legal age, as defined by applicable Maryland law.
- It is a violation of Policy 31001 to engage in sexual activity with someone whom one should know to be — or based on the circumstances should reasonably have known to be — mentally or physically incapacitated. To be incapacitated means that a person cannot make rational, reason- able decisions because he or she lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). Incapacitation may result from sleep or unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, or the influence of drugs or alcohol.

TABLE 1
Consolidated Crime Statistics for all College locations, adjacent property, and adjacent public property
Montgomery College Crime Statistics
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
GT=Germantown Campus RK=Rockville Campus TPSS=Takoma Park/Silver Spring Campus

| | VENUE | 2013 | | | 2014 | | | 2015 | | |
|--|---|------|----|------|------|----|------|------|------------------|------|
| | | GT | RK | TPSS | GT | RK | TPSS | GT | RK | TPSS |
| CRIMINAL HOMICIDE: Murder and Non-Negligent Manslaughter | On Campus | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | On Campus | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SEX OFFENSES: Forcible | On Campus | 1 | 2 | 1 | 1 | 3 | 0 | 0 | 0 | 1 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Non forcible | On Campus | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ROBBERY | On Campus | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 3 | 0 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| AGGRAVATED ASSAULT | On Campus | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 |
| BURGLARY | On Campus | 1 | 3 | 0 | 0 | 2 | 0 | 0 | 1 | 4 |
| | In or on a non-campus building or property | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ARSON | On Campus | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | In or on non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| MOTOR VEHICLE THEFT or Attempted | On Campus | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| | In or on non-campus building or property | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 |
| OTHER CRIME: Manifesting Hate or Bias | On Campus | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2(ra)* 2(re)* | 0 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Hate/Bias Crime Key (ra) Race, (g) Gender, (re) Religion, (s) Sexual Orientation, (e) Ethnicity, (d) Disability, (na) National Origin, (gi) Gender Identity

*These incidents involved graffiti on college property.

TABLE 1 (Cont'd)
Consolidated crime statistics for all College locations, adjacent property, and adjacent public property
Montgomery College Crime Statistics
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)
Data is collected and reported following the FBI uniform Crime Reporting (UCR) system
GT = Germantown Campus RK = Rockville Campus TPSS = Takoma Park/Silver Spring Campus

| | VENUE | 2013 | | | 2014 | | | 2015 | | |
|--------------------------------|---|------|----|------|------|----|------|------|----|------|
| | | GT | RK | TPSS | GT | RK | TPSS | GT | RK | TPSS |
| ARRESTS : | | | | | | | | | | |
| Liquor law violations | On Campus | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 1 | 0 | 0 | 3 | 0 | 0 | 0 |
| Drug-related violations | On Campus | 0 | 2 | 0 | 0 | 4 | 0 | 0 | 0 | 0 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 6** | 0 | 0 | 9 | 0 | 0 | 0 |
| Weapons possession | On Campus | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| | In or on a non-campus building or property | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DISCIPLINARY REFERRALS: | | | | | | | | | | |
| Liquor law violations | On Campus | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drug-related violations | On Campus | 0 | 1 | 0 | 1 | 0 | 2 | 1 | 3 | 1 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Weapons possession | On Campus | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 |
| | In or on a non-campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | On adjacent public property or thoroughfare | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**** Drug-related violations at Takoma Park/Silver Spring Campus related to police activity.**

TABLE 2
Crime statistics reported for Non-campus designated properties

GBTC = Gaithersburg Business Training Center 40WG = 40 West Gude Drive
 SWIM = Rockville Swim and Fitness Center OITB = Office of Information
 Technology Building WHPL = Westfield South

| | Year | Germantown | Rockville Campus | | | Takoma Park |
|---|------|------------|------------------|------|-------|-------------|
| | | GBTC | SWIM | OITB | 40 WG | WHPL |
| CRIMINAL HOMICIDES: Murder and Non-Negligent Manslaughter | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| Negligent Manslaughter | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| SEX OFFENSES: Forcible | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| Non-forcible | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| ROBBERY | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| AGGRAVATED ASSAULT | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| BURGLARY (forcible, non-forcible) | 2013 | 0 | 0 | 2 | 1 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 2 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| MOTOR VEHICLE THEFT or Attempted | 2013 | 0 | 0 | 1 | 1 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| OTHER CRIME: Manifesting Hate or Bias | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |

**WHPL – incidents reported includes commercial property*
***Swim Center - not currently used by MC*

**TABLE 2
(Cont'd)**

Crime statistics reported for Non-campus designated properties

GBTC = Gaithersburg Business Training Center 40WG = 40 West Gude Drive
 SWIM = Rockville Swim and Fitness Center OITB = Office of Information
 Technology Building WHPL = Westfield South

| ARRESTS : | | Germantown | Rockville Campus | | | Takoma Park |
|--------------------------------|-------------|------------|------------------|----------|----------|-------------|
| | | | GBTC | SWIM | OITB | 40 WG |
| Liquor Law Violation: | | | | | | |
| | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| Drug-related Violation: | | | | | | |
| | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| Weapons possession: | | | | | | |
| | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| DISCIPLINARY REFERRALS: | | | | | | |
| Liquor Law Violation: | | | | | | |
| | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| Drug-related Violation: | | | | | | |
| | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| Weapons possession | | | | | | |
| | 2013 | 0 | 0 | 0 | 0 | 1 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |

**WHPL – incidents reported includes commercial property*

***Swim Center - not currently used by MC*

SECTION V – VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT (VAWA) and CAMPUS SEXUAL VIOLENCE ELIMINATION (SaVE) ACT COMPLIANCE

The Violence Against Women Reauthorization Act (VAWA) embodies the Campus Sexual Violence Elimination Act (Campus SaVE Act) and expands the Clery Act coverage to include victims of domestic violence, dating violence and stalking. Montgomery College's Sexual Misconduct Policy and Procedure addresses awareness, prevention and remedies of sex discrimination, including domestic violence, dating violence, and stalking.

Montgomery College Sexual Misconduct Policy Statement

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

Definition of Sexual Misconduct

For purposes of this Policy, “sexual misconduct” is an umbrella term that encompasses various types of prohibited conduct, including sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, sexual intimidation, and stalking. The President is authorized and directed to establish procedures to define other terms relevant to this Policy, including but not limited to: “sexual harassment”, “sexual assault”, “domestic violence”, “dating violence”, “sexual exploitation”, “sexual intimidation”, and “stalking” (see specific definitions in Appendix 3 – Sexual Misconduct Procedure)

Who is covered by the Sexual Misconduct Policy?

All students and employees of the College must comply with this policy. Sexual misconduct is prohibited between students, between employees, between students and employees, and by students or employees against contractors, vendors, or other individuals whose relationship to the student or employee is through the College’s facilities, programs or activities. Similarly, the College will not tolerate sexual misconduct by College contractors, vendors, or other third parties, including visitors and guests to the College whose relationship to the victim is through the College’s facilities, programs or activities. This policy, applies regardless of the sex, sexual orientation, or gender identity of either the perpetrator or the victim of the sexual misconduct. This policy applies to sexual misconduct (i) that occurs on College premises, including any property owned or leased by the College (including College buses) or that the College has permission to occupy for purposes of conducting a College-sponsored program or event; (ii) that occurs in connection with any College-sponsored, College-recognized, or College-approved activities (e.g., off-campus education programs and activities such as College-sponsored field trips, athletic team travel, and events for officially recognized College clubs that occur off-campus, and social activities for employees sponsored by the College or relating to

the business of the College); (iii) that occurs during business travel or otherwise in connection with College-related business; or (iv) that results in creation or contribution to a hostile environment on campus or in an off-campus education or College-related program or activity, regardless of where the conduct occurred. All incidents of sexual misconduct should be reported so that the College may determine whether the conduct falls within the scope of this Policy.

Reporting and Confidentiality

All members of the Montgomery College community may report allegations of sexual misconduct at any time, but are encouraged to make such reports promptly in order to maximize the College's ability to respond and take appropriate action, including to obtain evidence and to conduct a prompt and equitable investigation. The College will assist complainants who wish to report sexual misconduct to law enforcement authorities, including campus public safety. The Title IX coordinator is available to assist a complainant in reporting to campus public safety, or a complainant may contact campus public safety directly. Campus public safety will also assist complainants in notifying law enforcement authorities locally or in other jurisdictions, as appropriate, however a complainant has a right not to report.

Students may report alleged sexual misconduct to the Title IX coordinator or to any "responsible College employee," which includes any College administrator, supervisor, faculty member, campus public safety officer, coach, trainer, or other employees with a responsibility for student welfare. Employees and other members of the College community may report sexual misconduct to the Title IX coordinator or the director of the Employee Relations, Diversity and Inclusion, and employees may also report sexual misconduct to their supervisor. A responsible College employee, the director of Employee Relations, Diversity and Inclusion, and any other employee (other than sworn police officer) who receives a report of sexual misconduct must promptly relay such report to the Title IX coordinator. No employee (other than sworn police officer) is authorized to investigate or resolve reports of sexual misconduct without the involvement of the Title IX coordinator. For more information on the reporting process, see Appendix 3 – Sexual Misconduct Policy and Procedure.

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

Both internal and external Confidential Resources are available. Upon receipt of a report of an alleged violation, confidential resources are not required to notify the Title IX coordinator (or alternatively, if the sexual misconduct is by or against an employee, the director of Employee Relations, Diversity and Inclusion) as described in Appendix 3, Sexual Misconduct Procedure (Section IV.G.). As a result, 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.

Resources External to the College:

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:

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

VASAP Campus Liaisons for Students and Employees:

Takoma Park/Silver Spring Campus - Alicia Beltran, LCPC, Therapist 240-777-1355
Germantown Campus - Margaret Parsons, LCPC, Therapist 240-777-1355
Rockville Campus - Ginger Ebner, LCPC, Therapist 240-777-1355

For Employees:

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

Internal Confidential Resources:

For students (contact a counselor directly):

- Rockville Counseling Department 240-567-5063 or 240-567-4104
- Germantown Counseling Department 240-567-7734
- Takoma Park/Silver Spring Counseling Department 240-567-1480

For Employees:

Office of the Ombuds at 240-687-6188 or ombuds@montgomerycollege.edu .
Christopher Moy is the College's Title IX coordinator and can be reached in person in Room 150 of the Mannakee Building, by phone at 240-567-5412 or by email at Christopher.Moy@montgomerycollege.edu.

Members of the College community may contact the Title IX coordinator in order to seek information about courses of action available to resolve reports or complaints that involve sexual misconduct; to file a complaint or otherwise make a report of sexual misconduct; to get information about available resources and support services available to victims of sexual misconduct, and; to ask any questions concerning College's policies and procedures relating to sexual misconduct. The College recognizes that allegations of sexual misconduct are a sensitive subject for all parties involved and is committed to maintaining the privacy of the parties involved to the fullest extent possible, consistent with applicable law and the need for investigation and resolution. The College, through the Title IX coordinator, may investigate and take reasonable action even when the individual making a report of sexual misconduct requests anonymity or requests that no action be taken. Thus, absolute confidentiality cannot be guaranteed. In all cases, the College will take care to protect the identity of the parties through

processes that provide for discussion of the allegations only among those who have a legitimate administrative, investigative, or legal need to know.

College Aid to Victims of Sexual Misconduct

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

Investigation and Timeframe

All reports of sexual misconduct will be taken seriously and investigated as appropriate. The president is authorized and directed to establish procedures for the investigation of such reports, which shall provide for a prompt, thorough, and impartial process. The College strives to investigate and resolve all complaints within sixty (60) days after the filing of a complaint. Actual resolution time may vary depending on many factors, including but not limited to, the complexity of the investigation and the severity and extent of the alleged misconduct.

Grievance: Resolution; Sanctions

Individuals found to have committed sexual misconduct in violation of this Policy will be subject to disciplinary action in accordance with applicable College policies and procedures and/or collective bargaining agreements. Sanctions will be based on the circumstances and nature of the violation, ranging from a reprimand up to and including termination of employment. Sanctions will be based on the circumstances and nature of the violation and include, but are not limited to, a warning, disciplinary probation, community service, participation in sexual misconduct education programming, suspension and dismissal from the College. In the event of sexual misconduct by a third party against a College student or employee, the College will take appropriate action within its control to address the misconduct and prevent its recurrence, including but not limited to, referring to local law enforcement to issue a “no trespass” notice denying access to the College’s buildings and grounds. As required or appropriate, parties will be informed of the outcome of any resolution process based on a violation of this policy. Persons who commit sexual misconduct in violation of federal, state, or local law may also be subject to criminal charges and penalties as a result of related legal proceedings.

Evidentiary Standard

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

Good Faith Reporting

Allegations of sexual misconduct are extremely serious, with potential for great harm to the accused if ill-conceived or made with malice. An individual found to have knowingly filed a false allegation may be subject to separate appropriate disciplinary action. A complaint made in

good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct.

Retaliation

This Policy (see Appendix 3 – Sexual Misconduct Policy and Procedure) prohibits retaliation by anyone in the College community against an individual because the individual reports or complains about sexual misconduct or participates in the College’s investigation or proceedings related to an allegation of sexual misconduct. When the College is aware of possible retaliation, it will take immediate and appropriate steps to investigate. Students or employees who commit retaliation in violation of this Policy are subject to appropriate disciplinary action. The complainant or participants in any report or investigation of sexual misconduct who believe they have experienced retaliation in violation of this policy should immediately report such conduct to the Title IX coordinator.

Education

The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College’s Sexual Misconduct Policy and Procedures. Sufficient periodic training will be conducted for responsible College employees and for those involved in the investigation and resolution of complaints, as determined by the president. Any mandatory education requirements will be announced and posted on the College’s website.

VAWA and FERPA

Compliance with VAWA regulations does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

TABLE 3
MONTGOMERY COLLEGE CRIME STATISTICS
Montgomery College Campus SaVE/VAWA Crime Statistics
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)
Campus Buildings
GT = Germantown Campus RK = Rockville Campus TPSS = Takoma Park/Silver Spring Campus

| | VENUE | 2013 | | | 2014 | | | 2015 | | |
|--------------------------|---|------|----|------|------|----|------|------|----|------|
| | | GT | RK | TPSS | GT | RK | TPSS | GT | RK | TPSS |
| VAWA CRIMES: | | | | | | | | | | |
| Domestic Violence | • On Campus | 2 | 3 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| | • In or on a non campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | • On adjacent public property or thoroughfare | - | - | - | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence | • On Campus | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 4 | 0 |
| | • In or on a non campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | • On adjacent public property or thoroughfare | - | - | - | 0 | 0 | 0 | 0 | 1 | 0 |
| Stalking | • On Campus | 0 | 7 | 1 | 0 | 5 | 0 | 2 | 4 | 1 |
| | • In or on a non campus building or property | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | • On adjacent public property or thoroughfare | - | - | - | 0 | 0 | 0 | 0 | 0 | 0 |

Note: 2013 Domestic Violence, Dating Violence and Stalking statistics not available from local law enforcement

TABLE 4
MONTGOMERY COLLEGE CRIME STATISTICS
Montgomery College Campus SaVE/VAWA Crime Statistics
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)
Non-Campus Buildings

GBTC = Gaithersburg Business Training Center
 SWIM = Rockville Swim and Fitness Center
 WHPL = Westfield South

40WG = 40 West Gude Drive
 OITB = Office of Information Technology Building

| | Year | Germantown Non-Campus | Rockville Campus Non-Campus | | | Takoma Park Non- Campus |
|--|------|--------------------------|-----------------------------------|------|------|-------------------------------|
| | | | GBTC | SWIM | OITB | |
| VAWA CRIMES Domestic Violence | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| | | | | | | |
| Dating Violence | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 0 |
| | | | | | | |
| Stalking | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2014 | 0 | 0 | 0 | 0 | 0 |
| | 2015 | 0 | - | 0 | 0 | 1 |

Sexual Assault Prevention Programs

The following events were held on all three campuses by the Office of Student Life as part of Montgomery College’s program to provide education to students concerning sexual misconduct:

Student Programs By Campus

Germantown

- October 15, 2015, Free 2B Club Movie: Valentine Road with a discussion held afterwards.
- October 27, 2015, Josh Blakley Presentation: Focused on all of the behaviors specifically prohibited by Title IX including sexual assault, sexual misconduct, sexual harassment, relationship/dating/intimate partner violence, stalking, and retaliation against individuals trying to stop these behaviors. After reviewing an overview of each of these behaviors, Josh discussed in more depth the issue of sexual assault/rape and the myths/facts surrounding it. He talked extensively about the issue of consent and also college hook-up culture, alcohol use, and rape culture. Josh used music videos, pop culture, and memes to remain engaging.

- October 2015, The Clothesline Project: Joined My Sister's place, DC's oldest domestic violence shelter to explore real survivors' stories of abuse, despair, hope and empowerment through t-shirts displayed on a clothesline.
- November 6, 2015, Leadership Conference, One Love Foundation Presentation: Students attended a presentation given by the One Love Foundation. One Love works with young people across the country to raise awareness about the warning signs of abuse and activate communities to work to change the statistics around relationship violence.
- Throughout the year HIV testing.

Rockville

- Alternative Winter Break at the Steinbruck Center in DC. Focus on woman & homelessness including issues of domestic violence, January 8-11, 2015.
- Dealing with Conflict Workshop, addressed domestic violence resources, April 14, 2015.
- Volunteer Fair on February 18, 2015 - Victim Assistance and Sexual Assault Program sponsored an info table.

Takoma Park/Silver Spring

- VASAP (Victims Assistance and Sexual Assault Program) attended the TPSS Volunteer Opportunity Fair in Sept 2015.
- Workshop on domestic violence prevention ("Escalation"), September 30, 2015.
- Mildred Muhammad former wife of the "DC Sniper" was a guest speaker discussing domestic violence, November 10, 2015
- Mental Health Awareness day, November 2015, topics included domestic violence
- The Hunting Ground (documentary on sexual assault on college campuses) shown plus speakers and Panel discussion, November 18, 2015

Collegewide - Student Health 101

Montgomery College uses Student Health 101 as a means to improve the health and wellness of its students. With all the decisions facing students today, having another retention tool that provides accurate student success information can make a major impact in a student's life—and can impact the overall success of students.

Graphic 1 – MC Health 101 Usage

USAGE STATISTICS through DECEMBER 31st (2015-2016)

TOTAL VISITS: 11,441

Distribution Target: 1,000

DO THIS FOR STUDENTS since Dec 2015)

TOTAL UNIQUE VISITORS: 8,078

Primary Distribution: School Sends Emails (NO LONGER CAN

| Month(s) | Edition | Monthly visits | Unique visitors | Monthly penetration | Year-to-date visits | Year-to-date unique visitors | Year-to-date penetration |
|---|----------------|----------------|-----------------|--|---------------------|------------------------------|--------------------------|
| July-Aug'15 | Nontraditional | 829 | 580 | 58.00% | 829 | 580 | 58.00% |
| Sept. '15 | Nontraditional | 3,994 | 3,470 | 347.00% | 4,677 | 3,823 | 382.30% |
| Compared to last year, monthly engagement has increased by 259% | | | | Compared to last year, year to date engagement has increased by 232% | | | |
| Oct. '15 | Nontraditional | 2,053 | 1,642 | 164.20% | 6,633 | 5,160 | 516.00% |
| Compared to last year, monthly engagement has increased by 39% | | | | Compared to last year, year to date engagement has increased by 123% | | | |
| Nov. '15 | Nontraditional | 1,466 | 1,171 | 117.10% | 8,174 | 6,221 | 622.10% |
| Compared to last year, monthly engagement has increased by 36% | | | | Compared to last year, year to date engagement has increased by 99% | | | |
| Dec. '15 | Nontraditional | 886 | 674 | 67.40% | 9,129 | 6,820 | 682.00% |
| Compared to last year, monthly engagement has decreased by 44% | | | | Compared to last year, year to date engagement has increased by 67% | | | |

76% of students polled responded that they learned something that they would apply to their daily life.

56% of students polled responded that they had seen or read something in Student Health 101 that caused them to want to get involved on campus, ask for help, take advantage of campus resources, or otherwise improve their health. (n=967)

Countywide Awareness and Education Programs

During 2015, the College's cable TV channel (MCTV) aired the following topics:

- Safe Sex PSA
- MSL Education Forum – Worldwide Treatment of Women
- Germantown Fall Opening Meeting – featuring a student's story of recovery from sexual abuse
- Portrait of Abuse – featuring domestic violence
- Date Rape Backlash

SECTION VI – DRUG/ALCOHOL ABUSE PREVENTION PROGRAMS

Drug/Alcohol Abuse Prevention Programs for Students

Montgomery College continues to provide a broad range of programs and activities to promote the education, awareness and prevention of substance abuse among students during the FY14 and FY15 academic years. During this time period, Dr. Clemmie Solomon, collegewide dean of student engagement and Takoma Park/Silver Spring Student Services, served as the College's administrator in charge of facilitating the promotion of these activities. He also continues to serve as the College's representative to the Countywide Alliance to Prevent Youth Substance Abuse, an initiative of the Montgomery County Collaboration Council. The name of this group changed and is also identified as Many Voices for Smart Choices. The following includes a review of several programs and activities that were specifically designed for students on all three campuses.

Germantown

- October 21, 2015, DUI Simulator: The simulator gave the students the opportunity to see the consequences of Drinking and Driving. Had handout information regarding drugs and alcohol abuse: 100+
- October 27, 2015, Josh Blakley: The presentation focused on all of the behaviors specifically prohibited by Title IX including sexual assault, sexual misconduct, sexual harassment, relationship/dating/intimate partner violence, stalking, and retaliation against individuals trying to stop these behaviors. After reviewing an overview of each of these behaviors, Josh discussed in more depth the issue of sexual assault/rape and the myths/facts surrounding it. He talked extensively about the issue of *consent* and also college hook-up culture, *alcohol use*, and rape culture. Josh used music videos, pop culture, and memes to remain engaging.

Rockville

- Alternative Breaks – alcohol and drug-free service-learning trips
 - January 8-11, 2015
 - March 15-21, 2015
 - May 17-21, 2015

Takoma Park/Silver Spring

- The Volunteer Fairs by Service Learning TPSS. Listed organizations below attended a volunteer fair and work in related field OR provide a service related to substance abuse:
 - Lutheran Social Services
 - Asian/Pacific Islander Domestic Violence Resource project
 - Help Africa Inc
 - On Our Own of Montgomery County
 - Victim Assistance and Sexual Assault Program
 - MADD
 - Montgomery County Coalition for the Homeless
- Escalation Workshop – April 9th, 2015

Collegewide Athletics

Mandatory orientation workshops on substance abuse prevention and education were held on the dates listed below by the Athletic Student Department in 2015-2016. Sport medicine staff provided valuable information to the student-athletes on (a) discouraging the use of illegal drugs, (b) abuse of legal drugs and dietary supplements and (c) the abuse of alcohol and power/energy drinks. The student athletes were provided with information to contact Athletic Department staff/coaches, or campus resources if they feel they need assistance with any substance abuse issue.

| Date | Campus | Attendance |
|-------------|---------------------------|-------------------|
| 9/10/15 | Germantown | 34 |
| 9/14/15 | Rockville | 38 |
| 9/21/15 | Takoma Park/Silver Spring | 64 |

Collegewide - Student Health 101

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Graphic 2 – MC Health 101 Usage

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Countywide Awareness and Education

During 2015 the College’s cable TV channel (MCTV) aired the following topics:

- Your Health: Addictions
- Road to Recovery
 - Young Adults in Recovery
 - Supporting Recovery
 - Treatment and Recovery in Juveniles and Adults
 - Using New Technologies

Drug/Alcohol Abuse Prevention Programs for Employees, Education and Notification Procedures

Drug and alcohol education programs for employees are primarily provided through the Office of Human Resources and Strategic Talent Management. The mission is to promote responsible decision making regarding alcohol and drug use to students and employees through educational programs and other resources. Educational information is disseminated through workshops and training seminars, new employee orientation, Staff Enrichment Day, the intranet and flyers placed on bulletin boards on all campuses. Current employees are notified via email of the Drug and Alcohol Abuse Prevention Policy twice per year at the beginning of the fall and spring semesters.

Alcohol and Drug Education Presentations

These presentations deliver information on alcohol and drug use to employees via a lecture and other interactive activities. The objectives of the program are:

- to discuss the harmful effects of substance abuse,
- to explain the college's substance abuse policy; and
- to provide the consequences for violating the policy and to describe how employees can get help for substance abuse problems.

Presentations are delivered to college employees at training seminars, department meetings and workshops.

Faculty Staff Assistance Program

Employees that need assistance are referred to The Faculty Staff Assistance Program (FSAP). The FSAP is a voluntary, confidential assistance program available 24 hours a day, 7 days a week, and 365 days a year at no cost to employees. The FSAP provides telephonic and face to face sessions. It has licensed masters-level Employee Assistance Program specialists answering calls. It has a diverse and credentialed national and international affiliate network to provide face-to face sessions. The FSAP provides short-term, solution-focused interventions and consultations.

Tip Sheets

Tip sheets on topics related to substance abuse prevention are placed on bulletin boards on all three campuses and at eight satellite locations throughout Montgomery College. These tip-sheets are also featured on Inside MC Online which is an online newsletter that is accessible to all employees and students. The tip sheets are run twice a month for the entire year. There have been over 822 "reads" on these topics:

- Alcoholism in the Workplace: A Managers Role
- Alcohol and the Family
- What do you know about Alcohol & Drugs?
- Addiction

New Employee Orientation

New employees are provided with a hard copy of the College's "Drug and Alcohol Abuse Prevention Policy and Procedure." New employees are advised that short-term counseling is available to employees and eligible dependents at no cost via the Faculty Staff Assistance Program. A list of resources in the community related to substance abuse prevention and treatment is also provided to all new employees.

Staff Enrichment Day

Staff Enrichment Day is a day set aside to celebrate staff and to provide them with a wide variety of programs that will enrich their lives. Employees can attend workshops on various subjects of interest to them. Every year two workshops on Drug and Alcohol Abuse Prevention are offered to employees.

Workshop Objectives:

- Have a clear understanding of the Drug and Alcohol Abuse Prevention Policy and Procedure at Montgomery College
- Understand the supervisor's responsibilities in maintaining a drug-free workplace
- Understand the effects of drugs and alcohol
- Know that help is available
- Identify resources for assistance with substance abuse problems

Prevention of Workplace Violence Workshops

It is mandatory for all managers and supervisors to attend Prevention of Workplace Violence training. Information on the Drug and Alcohol Abuse Prevention Policy and Procedure, tools to recognize the signs of substance abuse and the resources available to manage these situations is discussed at length with attendees. Real-life scenarios and case studies are presented and discussion is encouraged. Employees leave feeling empowered to manage these situations, knowledge of the policy and how to get assistance as needed.

Employee Handbook

The employee handbook is provided to all new employees during orientation. The employee handbook is also available to all employees on the Human Resources website.

The Drug and Alcohol Abuse Prevention Policy is published in the employee handbook along with community resources to address issues related to drug and alcohol abuse. New employees receive a summary of the College's drug-free workplace policy and sign a statement that confirms they received it when they complete their packet of new hire paperwork.

Table 2 at the end of this section contains a description of health risks associated with the use of illicit drugs and abuse of alcohol and Table 3 contains a list of drug and alcohol resources and clinical services. For more detailed information concerning Montgomery College programs for students and employees to prevent drug/alcohol abuse, please consult the Drug-Free Schools and Community Act Biennial Review at: <http://www.montgomerycollege.edu/heoa/>.

| Substances: Category and Name | Examples of Commercial and Street Names | DEA Schedule*/How Administered** | Acute Effects/Health Risks |
|--------------------------------------|--|---|--|
| Tobacco | | | |
| Nicotine | Found in cigarettes, cigars, bidis, and smokeless tobacco (snuff, spit tobacco, chew) | Not scheduled/smoked, snorted, chewed | Increased blood pressure and heart rate; chronic lung disease; cardiovascular disease; stroke; cancers of the mouth, pharynx, larynx, esophagus, stomach, pancreas, cervix, kidney, bladder, and acute myeloid leukemia; adverse pregnancy outcomes; addiction |
| Alcohol | | | |
| Alcohol (ethyl alcohol) | Found in liquor, beer, and wine | Not scheduled/swallowed | In low doses, euphoria, mild stimulation, relaxation; lowered inhibitions; in higher doses, drowsiness, slurred speech, nausea, emotional volatility, loss of coordination, visual distortions, impaired memory, sexual dysfunction, loss of consciousness/increased risk of injuries, violence, fetal damage (in pregnant women); depression; neurologic deficits; hypertension; liver and heart disease; addiction; fatal overdose |
| Cannabinoids | | | |
| Marijuana | Blunt, diplo, ganja, grass, herb, joint, bud, Mary Jane, pot, reefer, green, trees, smoke, sissamilla, skunk, weed | I/smoked, swallowed | Euphoria; relaxation; slowed reaction time; distorted sensory perception; impaired balance and coordination; increased heart rate and appetite; impaired learning, memory; anxiety; panic attacks; psychosocial; frequent respiratory infections; possible mental health decline; addiction |
| Heshishi | Boom, gangster, hash, hash oil, hemp | I/smoked, swallowed | Euphoria; drowsiness; impaired coordination; dizziness; confusion; nausea; sedation; feeling of heaviness in the body; slowed or arrested breathing/inspiration; endocarditis; hepatitis; HIV; addiction; fatal overdose |
| Opioids | | | |
| Heroin | <i>Diacetylmorphine</i> : smack, horse, brown sugar, diplo, H, junk, sleg, skunk, white horse, China white; cheese (with OTC cold medicine and antihistamine) | I/injected, smoked, snorted | Increased heart rate, blood pressure, body temperature, metabolism; feelings of exhilaration; increased energy; mental alertness; tremors; reduced appetite; irritability; anxiety; panic; paranoia; violent behavior; psychosis; weight loss; insomnia; cardiac or cardiovascular complications; stroke; seizures; addiction |
| Opium | <i>Laudanum, paregoric</i> : big O, black stuff, block, gum, hop | II, III, V/swallowed, smoked | Also, for cocaine —nasal damage from snorting |
| Stimulants | | | |
| Cocaine | <i>Cocaine hydrochloride</i> : blow, bump, C, candy, Charlie, coke, crack, fake, rock, snow, hot | II/snorted, smoked, injected | Also, for methamphetamine —severe dental problems |
| Amphetamine | <i>Biphetazine, Dexedrine</i> : benites, black headlines, crosses, hearts, LA turnaround, speed, truck drivers, uppers | II/swallowed, snorted, smoked, injected | MDMA—mild hallucinogenic effects; increased tactile sensitivity, empathic feelings; lowered inhibition; anxiety; chills; sweating; teeth clenching; muscle cramping/sleep disturbances; depression; impaired memory; hypothermia; addiction |
| Methamphetamine | <i>Desoxy</i> : meth, ice, crank, chalk, crystal, fire, glass, go fast, speed | II/swallowed, snorted, smoked, injected | <i>Flunitrazepam</i> —sedation; muscle relaxation; confusion; memory loss; dizziness; impaired coordination/addiction |
| Club Drugs | | | |
| MDMA (methylenedioxymethamphetamine) | Ecstasy, Adam, clarity, Eve, lover's speed, peace, uppers | I/swallowed, snorted, injected | GHB—drowsiness; nausea; headache; disorientation; loss of coordination; memory loss/unconsciousness; seizures; coma |
| Flunitrazepam** | <i>Rohypnol</i> : forget me pill, Mexican Valium, R2, roach, Roche, roofies, roofmof, rope, rophies | IV/swallowed, snorted | Feelings of being separate from one's body and environment; impaired motor function/anxiety; tremors; numbness; memory loss; nausea |
| GHB** | <i>Gamma-hydroxybutyrate</i> : G, Georgia home boy, greivous bodily harm, liquid ecstasy, soap, scoop, goop, liquid X | I/swallowed | Also for ketamine —analgesia; impaired memory; delirium; respiratory depression and arrest; death |
| Dissociative Drugs | | | |
| Ketamine | <i>Ketalar SV</i> : cat 'allium, K, Special K, vitamin K | III/injected, snorted, smoked | Also for PCP and analogs —analgesia; psychosis; aggression; violence; slurred speech; loss of coordination; hallucinations |
| PCP and analogs | <i>Phencyclidine</i> : angel dust, boat, hood, love boat, peace pill | I, II/swallowed, smoked, injected | Also for DXM —euphoria; slurred speech; confusion; dizziness; distorted visual perceptions |
| Salvia divinorum | Salvia, Shepherdess's Herb, Maria Pastora, magic mint, Sally-D | Not scheduled/chewed, swallowed, smoked | Altered states of perception and feeling; hallucinations; nausea |
| Dextromethorphan (DXM) | Found in some cough and cold medications: Robitussin, Robo, Triple C | Not scheduled/swallowed | Also for LSD and mesocaine—increased body temperature, heart rate, blood pressure; loss of appetite, sweating, sleeplessness; numbness; dizziness; weakness; tremors; impulsive behavior; rapid shifts in emotion |
| Hallucinogens | | | |
| LSD | <i>Lysergic acid diethylamide</i> : acid, blotter, cubes, microdot, yellow sunshine, blue heaven | I/swallowed, absorbed through mouth tissues | Also for psilocybin —nervousness; paranoia; panic |
| Mescaline | Buttons, cactus, mesq, peyote | I/swallowed, smoked | Serious—no intoxication effects; hypertension; blood chilling and cholesterol changes; liver cysts; hostility and aggression; acne; in adolescents—premature stoppage of growth; in males—prostate cancer, reduced sperm production, stunted testicles, breast enlargement; in females—menstrual irregularities, development of beard and other masculine characteristics |
| Psilocybin | Magic mushrooms, purple passion, shrooms, little smoke | I/swallowed | Inhalants (varies by chemical) —stimulation; loss of inhibition; headache; nausea or vomiting; slurred speech; loss of motor coordination; wheezing/cramps; muscle weakness; depression; memory impairment; damage to cardiovascular and nervous systems; unconsciousness; sudden death |
| Other Compounds | | | |
| Anabolic steroids | <i>Anadrol, Dianabol, Durabolin, Depo-Testosterone</i> : Equipose, ruds, juice, gym candy, pumpers | III/injected, swallowed, applied to skin | |
| Inhalants | <i>Solvents (paint thinners, gasoline, glue); gases (butane, propane, aerosol propellants, nitrous oxide); nitrates (isoamyl, isobutyl, cyclohexyl); laughing gas, poppers, snappers, whippets</i> | Not scheduled/inhaled through nose or mouth | |

| | | | |
|-------------------------------|---|----------------------------------|----------------------------|
| Substances: Category and Name | Examples of Commercial and Street Names | DEA Schedule*/How Administered** | Acute Effects/Health Risks |
| Prescription Medications | | | |
| CNS Depressants | | | |
| Stimulants | | | |
| Opioid Pain Relievers | | | |

For more information on prescription medications, please visit <http://www.nida.nih.gov/DrugPages/PrescriptDrugsChart.html>.

* Schedule I and II drugs have a high potential for abuse. They require greater storage security and have a quota on manufacturing, among other restrictions. Schedule I drugs are available for research only and have no approved medical use; Schedule II drugs are available only by prescription (unreliable) and require a form for ordering. Schedule III and IV drugs are available by prescription, may have five refills in 6 months, and may be ordered orally. Some Schedule V drugs are available over the counter.

** Some of the health risks are directly related to the route of drug administration. For example, injection drug use can increase the risk of infection through needle contamination with staphylococci, HIV, hepatitis, and other organisms.

*** Associated with sexual assaults.

Principles of Drug Addiction Treatment

More than three decades of scientific research show that treatment can help drug-addicted individuals stop drug use, avoid relapse and successfully recover their lives. Based on this research, 13 fundamental principles that characterize effective drug abuse treatment have been developed. These principles are detailed in *NIDA's Principles of Drug Addiction Treatment: A Research-Based Guide*. The guide also describes different types of science-based treatments and provides answers to commonly asked questions.

1. **Addiction is a complex but treatable disease that affects brain function and behavior.** Drugs alter the brain's structure and how it functions, resulting in changes that persist long after drug use has ceased. This may help explain why abusers are at risk for relapse even after long periods of abstinence.

2. **No single treatment is appropriate for everyone.** Matching treatment settings, interventions, and services to an individual's particular problems and needs is critical to his or her ultimate success.

3. **Treatment needs to be readily available.** Because drug-addicted individuals may be uncertain about entering treatment, taking advantage of available services the moment people are ready for treatment is critical. Potential patients can be lost if treatment is not immediately available or readily accessible.

4. **Effective treatment attends to multiple needs of the individual, not just his or her drug abuse.** To be effective, treatment must address the individual's drug abuse and any associated medical, psychological, social, vocational, and legal problems.

5. **Remaining in treatment for an adequate period of time is critical.** The appropriate duration for an individual depends on the type and degree of his or her problems and needs. Research indicates that most addicted individuals need at least 3 months in treatment to significantly reduce or stop their drug use and that the best outcomes occur with longer durations of treatment.

6. **Counseling—individual and/or group—and other behavioral therapies are the most commonly used forms of drug abuse treatment.** Behavioral therapies vary in their focus and may involve addressing a patient's motivations to change, building skills to resist drug use, replacing drug-using activities with constructive and rewarding activities, improving problem-solving skills, and facilitating better interpersonal relationships.

7. **Medications are an important element of treatment for many patients, especially when combined with counseling and other behavioral therapies.** For example, methadone and buprenorphine are effective in helping individuals addicted to heroin or other opioids stabilize their lives and reduce their illicit drug use. Also, for persons addicted to nicotine, a nicotine replacement product (nicotine patches or gum) or an oral medication (bupropion or varenicline) can be an effective component of treatment when part of a comprehensive behavioral treatment program.

8. **An individual's treatment and services plan must be assessed continually and modified as necessary to ensure it meets his or her changing needs.** A patient may require varying combinations of services and treatment components during the course of treatment and recovery. In addition to counseling or psychotherapy, a patient may

require medication, medical services, family therapy, parenting instruction, vocational rehabilitation and/or social and legal services. For many patients, a continuing care approach provides the best results, with treatment intensity varying according to a person's changing needs.

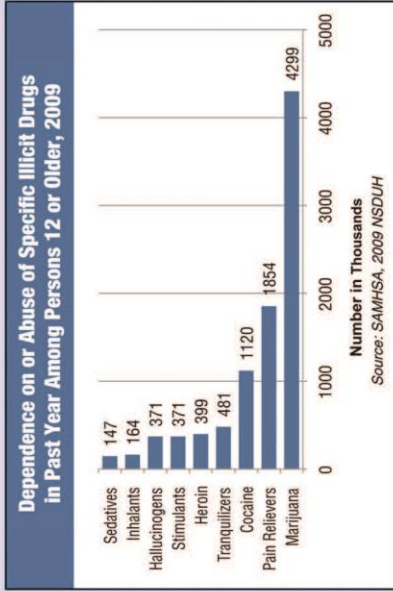
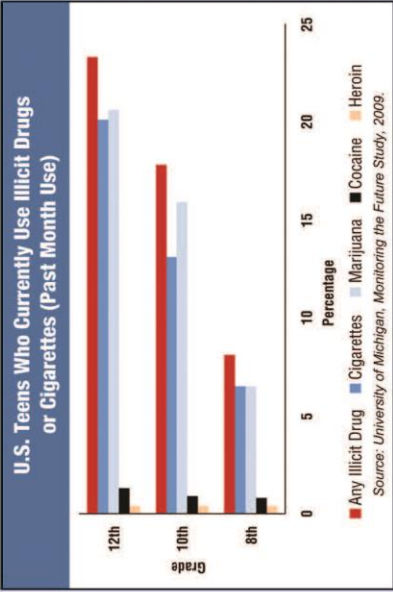
9. **Many drug-addicted individuals also have other mental disorders.** Because drug abuse and addiction—both of which are mental disorders—often co-occur with other mental illnesses, patients presenting with one condition should be assessed for the other(s). And when these problems co-occur, treatment should address both (or all), including the use of medications as appropriate.

10. **Medically assisted detoxification is only the first stage of addiction treatment and by itself does little to change long-term drug abuse.** Although medically assisted detoxification can safely manage the acute physical symptoms of withdrawal, detoxification alone is rarely sufficient to help addicted individuals achieve long-term abstinence. Thus, patients should be encouraged to continue drug treatment following detoxification.

11. **Treatment does not need to be voluntary to be effective.** Sanctions or enticements from family, employment settings, and/or the criminal justice system can significantly increase treatment entry, retention rates, and the ultimate success of drug treatment interventions.

12. **Drug use during treatment must be monitored continuously, as lapses during treatment do occur.** Knowing their drug use is being monitored can be a powerful incentive for patients and can help them withstand urges to use drugs. Monitoring also provides an early indication of a return to drug use, signaling a possible need to adjust an individual's treatment plan to better meet his or her needs.

13. **Treatment programs should assess patients for the presence of HIV/AIDS, hepatitis B and C, tuberculosis, and other infectious diseases, as well as provide targeted risk-reduction counseling to help patients modify or change behaviors that place them at risk of contracting or spreading infectious diseases.** Targeted counseling specifically focused on reducing infectious disease risk can help patients further reduce or avoid substance-related and other high-risk behaviors. Treatment providers should encourage and support HIV screening and inform patients that highly active antiretroviral therapy (HAART) has proven effective in combating HIV, including among drug-abusing populations.



This chart may be reprinted. Citation of the source is appreciated.



Order NIDA publications from DrugPubs:
1-877-643-2644 or 1-240-645-0228 (TTY/TDD)

Revised March 2011
Reprinted April 2012

**TABLE 5
DRUG AND ALCOHOL RESOURCES AND CLINICAL SERVICES**

Montgomery College Faculty/Staff Assistance Program
Guidance resources.com
 844-236-2668
 WebID: MCC
 Available 24/7

Montgomery County Department of Health and Human Services
Behavioral Health – Addiction Services (ACCESS)
 255 Rockville Pike, Suite 145
 Rockville, MD 20850
 240-777-1770
Behavioral Health – Outpatient Addiction Services
 981 Rollins Avenue
 Rockville, MD 20852
 240-777-1680

Mental Health Association of Montgomery County
 301-738-9697 - Youth Hotline
 301-738-2255 - General Hotline, Text capable
crisischat.org – online chat

Crisis Center
 1301 Piccard Drive
 Rockville, MD 20850
 240-777-4000
 Available 24 hours a day, 7 days per week

NATIONAL HOTLINES

Alcohol Hotline
Information and referral 24 hour
 1-800-ALCOHOL(252-6465)

National Treatment Referral
 1-800-662-HELP(4357)

National Suicide Prevention Lifeline
 1-800-273-TALK(8255)
crisischat.org – online chat

Substance Abuse and Mental Health Services Administration (SAMHSA) *Treatment Facility Locator* <https://findtreatment.samhsa.gov>

SELF –HELP GROUPS

Alcoholics Anonymous
Self-help group for alcoholic and alcohol abusers
 202-966-9115 (DC, MD, VA)
www.aa-dc.org

Montgomery Recovery Services Inc.
 14636 Rothgeb Drive
 Rockville, MD 20850
 Phone: 301-762-5300
www.montgomeryrecovery.com

Avery House (Group)
 14705 Avery Road
 Rockville, MD 20853
 Phone: 301-762-4651
 Treatment Center - Phone: 301-762-5613
 Women/Children - 301-762-4651
 Long Term & Out-Patient Care – 301-279-8828

Narcotics Anonymous
 Group for narcotics abusers
 202-399-5316 DC and MD
www.na.org

Bilingual Counseling Center
 11301 Georgia Avenue
 Silver Spring, MD 20902
 Phone: 301-942-7821

New Beginnings at Potomac Valley Nursing and Wellness Center
 1235 Potomac Valley Road
 Rockville, MD 20850
 Phone: 301-762-0700

Circle Treatment Center PC
 424 N. Frederick Avenue
 Gaithersburg, MD 20877
 Phone: 301-258-2626

Adventist Behavioral Health and Wellness Services
 14901 Broschart Rd
 Rockville, MD 20850
 Phone: 301-251-4500

TABLE 5
DRUG AND ALCOHOL RESOURCES AND CLINICAL SERVICES
(continued)

Cocaine Anonymous National Referral Line

Group for cocaine abusers

800-347-8998 24 hours

www.ca.org

Counseling Plus Inc.

8561 Fenton Street

Silver Spring, MD 20910

Phone: 301-565-9001

Family Health Center Psychological Services

6 Montgomery Village Ave Suite 400

Gaithersburg, MD 20879

www.fhcenter.com

Phone: 301-963-7222

Journeys Adult Program

402 Hungerford Drive

Rockville, MD 20850

Phone: 301-294-4015

Kolmac Clinic

8561 Fenton Street

Silver Spring, MD 20910

Phone: 301-589-0255

www.kolmac.com

Lawrence Court Halfway House

1 Lawrence Court

Rockville, MD 20850

Phone: 301-251-8920

Medstar Montgomery Medical Center Addiction and Mental Health Center

18101 Prince Philip Drive

Olney, MD 20832

Phone: 301-774-8801

Prince George's County Addictions Treatment Centers(Group)

3003 Hospital Drive

Cheverly, MD 20785

Phone: 301-583-5920

Step Ahead Program

19530 Doctors Drive

Germantown, MD 20874

Phone: 240-686-0707

Suburban Hospital Addiction Treatment Center Outpatient Services

6001 Montrose Road

Rockville, MD 20852

www.suburbanhospital.org

Phone: 301-896-2036

Suburban Hospital Behavioral Health

8600 Old Georgetown Road

Bethesda, MD 20814

Phone: 301-896-3100

Washington Adventist Hospital

7600 Carroll Avenue

Takoma Park, MD 20912

Phone: 301-891-7600

Metro Counseling Services

15719 Crabbs Branch Way

Rockville, MD 20855

Phone: 301-670-6161

SECTION VII – COLLEGE POLICIES AND PROCEDURES RELATED TO CLERY ACT

Clery Amendment-Sex Crimes Prevention Act

The Campus Sex Crimes Prevention Act requires sex offenders to notify states when they enroll or become employees at an institution of higher education. Information provided by the state of Maryland concerning registered sex offenders may be obtained from the Department of Public Safety and Correctional Services. Maryland's sex offender registry can be found online at <http://www.dpscs.state.md.us/sorSearch>.

College Policies and Procedures

As mandated by the Clery Act and Campus SaVE Act, the following policies and procedures have been provided in the appendices at the end of this report.

Table 6
Montgomery College Policies and Procedures

| Policy | What does this policy tell me? | Who does this policy apply to? |
|---|---|---------------------------------------|
| 31005 – Drug and Alcohol Abuse Prevention | Sanctions against students and employees that abuse illegal drugs or alcohol. Prohibition of illegal drugs or alcohol at MC. | Students and Employees |
| 31001 – Sexual Misconduct | Definition of sexual misconduct (including sexual assault and sexual harassment). How to report sexual misconduct. Resources available to victims. Education made available to College Community to reduce sexual misconduct. Sanctions against those committing sexual misconduct. | Students and Employees |
| 31011 – Prevention of Workplace Violence | Definition of workplace violence. Process for evaluating workplace violence threats. Sanctions against those threatening or creating workplace violence acts. Resources for victims of workplace violence. | Employees |
| 31002 – Hate/Violence Activity | Definition of hate/violence activities. Education made available to College community to reduce hate/violence activities. Sanctions against those conducting hate/violence. | Students and Employees |
| 75005 – Protection of Minors | Definition of child sexual abuse, including reporting requirements. Procedures for criminal background checks. Requirements for supervision of minors on campus. | Students, Employees, Visitors |

APPENDIX 1

MONTGOMERY COLLEGE
Office of Public Safety & Emergency Management

CRIME ALERT

In compliance with the “Timely Notice” provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Montgomery College posts crime alerts for serious crimes that occur within its Clery geography and that may pose an ongoing risk to members of the College community. Through crime alerts, the College seeks to encourage crime prevention and safety practices.

Date:

Incident Number:

The contents should include:

Date and Time of Incident

A brief description of the incident

Suspect description when appropriate, and if there is sufficient detail (If the only provided detail is race, for example, a description should NOT be included).

Other information as deemed appropriate by the campus Public Safety Supervisor or his/her designee

Police/Public Safety agency contact information

Information that will promote safety and potentially aid in the prevention of similar crimes (Crime prevention or safety tips)

APPENDIX 2

Chapter: Personnel

Modification No. 001

Subject: **Drug and Alcohol Abuse Prevention**

- I. The Board of Trustees is committed to the education of students, employees, and community members regarding substance abuse prevention, detection, and treatment services; to the continuation of a collegewide substance abuse prevention program and other ongoing efforts which foster such education; and to the maintenance of a drug-free environment throughout the College.
- II. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited at Montgomery College.
- III. College employees and students are subject to appropriate disciplinary action for violation of this policy, in accordance with College policies and procedures regarding employee discipline and discharge and in accordance with the student code of conduct.
- IV. The President is authorized to establish procedures to implement this policy.

Board Approval: May 15, 1989

Chapter: Personnel

Modification No. 001

Subject: **Drug and Alcohol Abuse Prevention**

- I. The College's Drug and Alcohol Abuse Prevention (substance abuse) program shall consist of the following:
- A. Notification to all employees at the time of hire and annually thereafter through handbooks and other informational means:
 - 1. Of the College's policy on drug and alcohol abuse prevention;
 - 2. That the possession, use, or distribution of unlawful drugs and alcohol on its property or as part of any of its activities is prohibited;
 - 3. That the College will impose disciplinary sanctions on students and employees for violations of the policy, up to and including expulsion or termination of employment;
 - 4. Of the availability of counseling services available through the Faculty/Staff Assistance Program for those who voluntarily seek assistance;
 - 5. Of the educational opportunities and training programs available for all students and employees concerning the adverse effects of alcohol and drug abuse and the identification of behaviors and conduct that may be indicative of alcohol and drug abuse; and
 - 6. Of the treatment options available locally.
 - B. Maintaining data on the number of reported cases of drug and alcohol-related violations to assist in determining the effectiveness of programs and activities offered; and
 - C. Maintaining data on the number and type of sanctions imposed for violations of drug and alcohol-related violations for federal reporting purposes
 - D. The Drug-Free Schools and Communities Act Amendments of 1989 (amends the Higher Education Act) requires the College to conduct a written biennial review which will be coordinated by the Office of Compliance. The review is to determine the effectiveness of programs to implement any needed changes to the prevention program and to ensure that sanctions developed for violating standards of conduct are enforced consistently.
- II. Standards of Conduct for Employees
- A. Employees should report for work fit for duty and free of any adverse effects of illegal drugs or alcohol. This does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their physicians about the medication's effect on their fitness for duty and the ability to work safely and promptly disclose restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions to supervisors, but should do so to the HIPPA Privacy Official in the Office of Human Resources, Development and Engagement.
 - B. The unlawful manufacture, sale, distribution, dispensing, possession or use of controlled substances, and the unlawful use or abuse (e.g., being intoxicated) of alcohol by anyone on College property (including any facilities leased or used by the College) or in College vehicles is prohibited. The use of alcohol by anyone under 21 years of age or the abuse of alcohol by anyone at any College sponsored or supervised activity off campus is also

prohibited.

C. Notification of Criminal Conviction

1. As required by the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments, the Maryland Higher Education Commission's Policies Concerning Drug and Alcohol Abuse Control, and as a condition of employment, employees must abide by the terms of this procedure and notify the Office of Human Resources, Development and Engagement in writing, of
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any criminal drug statute conviction for a violation occurring on or off Montgomery College property, no later than five calendar days after such conviction. Lack of compliance with these requirements may subject the employee to immediate disciplinary action, up to and including dismissal.

2. Upon receipt of notification of a conviction, the College will take the following actions as required by law:
 - a. Notify the appropriate federal agencies of such convictions, and
 - b. Take appropriate personnel action against the employee, up to and including termination; and/or
 - c. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

D. Consequences of Alcohol and Drug Abuse

1. The unlawful manufacture, distribution, use, sale, or possession (e.g., on the person or in a desk, or vehicle) of illegal drugs or of opened alcohol while on the job or on College leased or owned property is a dismissible offense and may result in criminal prosecution. Any illegal drugs found will be turned over to the appropriate law enforcement agency.
2. The illegal use or abuse of alcohol on campus or as a part of any College activity whether on College leased or owned property is prohibited in accordance with all applicable Federal, State and local laws and the Drug and Alcohol Abuse Prevention Policy. In addition to possible prosecution under the aforementioned laws, employees who violate the prohibitions of this policy are subject to College imposed disciplinary sanctions consistent with applicable procedures and regulations. Sanctions may include, but need not be limited to, suspension, termination of employment, or referral to appropriate authorities for prosecution. Any disciplinary sanction imposed may also include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued employment.

III. Standards of Conduct for Students

- A. Students are expected to abide by 42001 Student Code of Conduct. The unlawful manufacture, sale, distribution, dispensing, possession or use of controlled substances, and the unlawful use or abuse (e.g., being intoxicated) of alcohol by students on College

property (including any facilities leased or used by the College) or in College vehicles is prohibited. The use of alcohol by anyone under 21 years of age or the abuse of alcohol by students at any College sponsored or supervised activity off campus is also prohibited.

B. Consequences of Alcohol and Drug Abuse

1. The unlawful manufacture, distribution, use, sale, or possession (e.g., on the person or in a desk, or vehicle) of illegal drugs or of opened alcohol while on College leased or owned property may result in criminal prosecution. Any illegal drugs found will be turned over to the appropriate law enforcement agency.
2. The illegal use or abuse of alcohol on campus or as a part of any College activity whether on College leased or owned property is prohibited in accordance with all applicable Federal, State and local laws and the Drug and Alcohol Abuse Prevention Policy. In addition to possible prosecution under the aforementioned laws, students who violate the prohibitions of this policy are subject to College imposed disciplinary sanctions consistent with applicable procedures and regulations. Sanctions may include, but need not be limited to, dismissal, suspension, disciplinary probation, community service, or referral to appropriate authorities for prosecution. Any disciplinary sanction imposed may also include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued enrollment.

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3. The Dean of Student Development or designated instructional Dean of Workforce Development and Continuing Education should be informed in writing about any situation that should be addressed through the formal disciplinary process. The faculty or staff member will provide the Dean of Student Development with a written summary of the facts or conduct on which the referral is based within 48 hours of the incident for appropriate and effective disciplinary process, which must include the date, time, place, and a description of the incident.

IV. Responsibility

- A. The Office of Human Resources, Development and Engagement and the Office of Business Services shall collaborate to make the Drug and Alcohol Abuse Prevention (substance abuse) program known and available to all employees and manage the procedural aspects of managing cases.
- B. The Risk Management Coordinator is responsible for employee education and providing community resources on the topics of drugs and alcohol and for tracking and reporting the number of initiatives, programs and people attending to ensure programming is adequate to address the needs of employees.
- C. The Deans of Student Services are responsible for educating students on the topics of drugs and alcohol and providing students with community resources and for tracking and reporting on the number of initiatives, programs and attendance to ensure programming is adequate to address the needs of students.
- D. The President, or designee, shall from time to time promote opportunities to educate the community regarding substance abuse prevention, detection, and available treatment options.

Administrative Approval: June 24, 2013

APPENDIX 3

Chapter: Personnel

Modification No. 002

Subject: **Sexual Misconduct**

I. Policy Statement

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

II. Definitions

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

III. Applicability

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

IV. Reporting and Confidentiality

All members of the Montgomery College community may report allegations of sexual misconduct

at any time, but are encouraged to make such reports promptly in order to maximize the College's ability to respond and take appropriate action, including to obtain evidence and to conduct a prompt and equitable investigation.

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

Christopher Moy is the College's Title IX Coordinator and can be reached in person in Room 150 of the Mannakee Building, by telephone at 240-567-5412, or by e-mail at christopher.moy@montgomerycollege.edu.¹ Members of the College community may contact the Title IX Coordinator in order to seek information about courses of action available to resolve reports or complaints that involve sexual misconduct; to file a complaint or otherwise make a report of sexual misconduct; to get information about available resources and supports services available to victims of sexual misconduct, and; to ask any questions concerning College Policies and Procedures relating to sexual misconduct.

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

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

V. College Aid to Victims of Sexual Misconduct

The President is authorized and directed to establish procedures to provide victims of sexual misconduct with reasonable accommodations (e.g., changes in academic, transportation and/or

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

working situations) and/or protective measures that may be made available upon request to a victim of sexual misconduct, regardless of whether the victim chooses to report the sexual misconduct to campus security or local law enforcement.

VI. Investigation

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

VII. Time Frame

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

VIII. Grievance; Resolution; Sanctions

Individuals found to have committed sexual misconduct in violation of this Policy will be subject to disciplinary action

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in accordance with applicable College policies and procedures and/or collective bargaining agreements.

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

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

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

IX. Evidentiary Standard

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

X. Good Faith Reporting

Allegations of sexual misconduct are extremely serious, with potential for great harm to the

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

XI. Retaliation

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

XII. Education

Education is a key element of this Policy. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Sexual Misconduct Policy and Procedures. Sufficient periodic training will be conducted for Responsible College Employees and for those involved in the investigation and resolution of complaints, as determined by the President. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to prevent sexual misconduct, promote safety, and reduce perpetration. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, students, and other members of the college community, including contractors, about the proper way to recognize and address complaints involving a violation of this Policy; (d) preventing issues that this Policy addresses, and; (e) identifying the necessary steps for preventing sexual misconduct and addressing its effects.

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

Board Approval: December 15, 2014; September 21, 2015

Chapter: Personnel

Modification No. 002

Subject: **Sexual Misconduct**

I. Introduction

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

II. Applicability

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

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

off-campus education- or College-related program or activity, regardless of where the conduct occurred;

- D. All incidents of sexual misconduct should be reported so that the College may determine whether the conduct falls within the scope of the Policy and may respond appropriately under these procedures.

III. Definitions

The following capitalized defined terms are used throughout the Procedure:

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- A. Attorney/Non-Attorney Advisor – an individual selected by a Complainant or Respondent to be present at any part of the College processes related to a report under this Procedure. The role of the Attorney or Non-Attorney Advisor is limited to providing advice and consultation directly to the Complainant or Respondent (i.e., the Attorney or Non-Attorney Advisor is not to take an active representation role under this Procedure on behalf of the Complainant or Respondent, as an Attorney would do in a formal legal proceeding).
 - B. Complainant – the person against whom the sexual misconduct is alleged to have occurred (i.e., the person who is alleged to have been a victim/survivor of sexual misconduct). A Complainant may also be a third party (e.g., a Third-Party Witness or other individual with knowledge or evidence of misconduct) who reports sexual misconduct against another individual. Unless otherwise noted or determined by the Title IX Coordinator or Investigator, for purposes of this Procedure the term Complainant refers generally to an individual who reports misconduct against himself/herself or against another individual.
 - C. Confidential Resource – specific College employees whose role under this procedure is limited to providing confidential support and guidance to any individuals who wish to discuss alleged incidents of sexual misconduct. Confidential resources are specific College employees who are not considered to be Responsible College Employees and therefore are not required to notify the Title IX Coordinator (or alternatively, if the sexual misconduct is by or against an employee, the Director of Employee Relations, Diversity and Inclusion) upon receipt of a report of sexual misconduct (see Section IV, H below).
 - D. Consent – a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Consent may be expressed either by words and/or actions as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity and are given by a person with the ability and capacity to exercise free will and make a rational, reasonable judgment. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time. Additionally:
 - 1. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity (e.g., consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another).
 - 2. Previous relationships or prior consent cannot imply consent to future sexual acts.

3. In order to give effective consent, one must be of legal age, as defined by applicable Maryland law.
 4. It is a violation of Policy 31001 to engage in sexual activity with someone whom one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated. To be incapacitated means that a person cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). Incapacitation may result from sleep or unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, or the influence of drugs or alcohol.
- E. Corrective Action – action(s) recommended by the Investigator to be taken to sanction the Respondent(s) and provide appropriate remedies to the Complainant, if the Investigator concludes that there has been a violation of the College’s Sexual Misconduct Policy.
- F. Dating violence – violence including, but not limited to, sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For purposes of this Procedure, the existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- G. Domestic violence – a felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (v) by any other person against an adult or youth

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victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- H. Formal Resolution – one of several available routes for resolution of allegations of sexual misconduct under this Procedure. Formal Resolution involves initiation of a prompt, fair, and impartial Investigation.
- I. Informal Resolution – a remedies-based, non-judicial style approach designed to address allegations of sexual misconduct without taking disciplinary action against a Respondent. Informal Resolution may not be appropriate for resolving allegations of some types of sexual misconduct.
- J. Initial Title IX Assessment – an assessment, conducted by the Title IX Coordinator upon receipt of a report of an alleged violation of Policy 31001- Sexual Misconduct, to provide an integrated and coordinated response to a report of sexual misconduct.
- K. Investigation – a prompt and thorough process for providing a fair and reliable means of gathering information in the course of Formal Resolution, which is one of several available routes for resolution of allegations of sexual misconduct under this Procedure.

- L. Investigator – the College official, or designee, responsible for conducting investigations of reports of sexual misconduct. Typically, the Title IX Coordinator serves as the Investigator, but the College may engage internal or external individuals who are trained to conduct the resolution processes described in these procedures.
- M. Hostile Environment - when unwelcome conduct of a sexual nature is sufficiently serious that it affects a student's or employee's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational or working environment. A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school.
- N. Respondent – the individual accused of engaging in conduct prohibited under Policy 31001 - Sexual Misconduct.
- O. Responsible College Employee - any College employee:
1. who has the authority to take action to redress incidents of sexual misconduct;
 2. who has the duty to report to appropriate College officials sexual misconduct by or against students or employees; or
 3. whom a student could reasonably believe has such authority or responsibility.

For student Complaints, Responsible College Employees are:

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

For employee Complaints, Responsible College Employees are:

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

Employees designated as Confidential Resources are not Responsible College Employees.

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- P. Sexual Assault – an offense that meets the definition of (i) rape (i.e., the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim); (ii) fondling (i.e., the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity); (iii) incest (i.e., sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law); or (iv) statutory rape (i.e., sexual intercourse with a person who is under the statutory age of consent).
- Q. Sexual Exploitation – when an individual takes non-consensual (i.e., without consent as

defined in this Procedure) or abusive sexual advantage of another for his/her own advantage or benefit, or the benefit or advantage of anyone other than the one being exploited, and such behavior does not otherwise constitute one of other sexual misconduct offenses listed in this Section III.

- R. Sexual Harassment – unwelcome sexual advances, requests for sexual favors, or other behavior of a sexual or gender-based nature where:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, evaluation of academic work, or participation in a College-sponsored educational program or activity;
 2. Submission to or rejection of such conduct by an individual is used as the basis for an academic, employment, activity, or program participation decision affecting that individual; or
 3. Such conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's academic or work performance, denying or limiting a student's ability to participate in or benefit from the College's educational program, or creating an intimidating, hostile, or offensive academic or working environment.
- S. Sexual Intimidation – threatening to sexually assault, exploit, harass, or abuse another person, or engaging in indecent exposure.
- T. Sexual Misconduct – conduct prohibited by Policy 31001 - Sexual Misconduct, including any act of sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, sexual intimidation, or stalking as defined in this Procedure.
- U. Support Person - an individual age eighteen (18) or older who is not a Complainant, Respondent, or Third-Party Witness to the alleged misconduct and who serves as a silent and non-participating presence during any part of the processes under this Procedure. The role of the Support Person is solely to observe and provide moral support to a Complainant or Respondent in a way that does not disrupt or delay the process.
- V. Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.
- W. Third-Party Witness - an individual who may have relevant direct or circumstantial knowledge or information about the alleged misconduct.
- X. Title IX Coordinator – the College administrator who oversees the College's centralized review, investigation, and resolution of reports of sexual misconduct. The Coordinator also oversees the College's overall compliance with Title IX. The Title IX Coordinator is responsible for:
1. providing oversight of the investigation and resolution of all reports of sexual misconduct involving students, employees (including staff, administrators, and faculty), vendors, and visitors;
 2. recommending updates to the College's policies and procedures related to sexual misconduct;

3. designing and/or providing or overseeing training on sexual misconduct and the implementation of the College's 31001- Sexual Misconduct Policy and Procedure;

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4. advising any individual, including a Complainant, a Respondent, or a third party, about the courses of action available at the College, both informally and formally, and in the community;
5. providing assistance to any College employee or student regarding how to respond appropriately to a report of sexual misconduct;
6. monitoring full compliance with all procedural requirements and time frames outlined in this Procedure; and,
7. training, prevention, and education efforts and periodic reviews of climate and culture.

The College's current Title IX Coordinator is:

Christopher Moy, Title IX Coordinator
900 Hungerford Drive, Room 150
Rockville, MD 20850
240-567-5412
christopher.moy@montgomerycollege.edu

IV. Reporting Sexual Misconduct

- A. Making a report means telling someone in authority what happened – in person, by telephone, in writing, or by email. At the time a complaint is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making a report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions and to the extent possible and reasonable will respect an individual's autonomy in deciding how to proceed. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.
- B. Upon receiving a report, the College shall immediately inform the Complainant of available options about the involvement of law enforcement, including the Complainant's option to (1) notify law enforcement authorities, including the campus security office and local police; (2) be promptly assisted by the College, at the victim's request, in notifying local law enforcement authorities and in obtaining appropriate medical attention, including arranging transportation to the nearest hospital equipped with the Maryland State Police sexual assault evidence collection kit; and, (3) decline to notify such authorities. In Montgomery County, the only facility equipped with the Maryland State Police sexual assault evidence collection kit (SAFE) and specially trained forensic nurses is:

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

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

- C. Members of the College community are encouraged, and Responsible College Employees are required, to report all instances of sexual misconduct to the College. In cases where the misconduct is believed to be a crime, reports to local law enforcement are encouraged.
- D. Reports to law enforcement and reports to the College may be pursued simultaneously. A criminal investigation and/or proceeding is not a determination that a violation of Policy 31001–Sexual Misconduct has occurred and the College may implement appropriate interim protective measures and conduct its own Initial Title IX Assessment and resolution process described herein. However, at the request of law enforcement, the College, through the Title IX Coordinator, may defer action described in this Procedure until the initial stages of a criminal investigation are complete. If such a request is made by law enforcement, the Complainant will be notified, and the College will promptly resume action described in this Procedure as

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soon as possible.

- E. In addition, members of the College community may also report certain instances of sexual misconduct to applicable federal, state, or local government agencies responsible for enforcing laws prohibiting sexual harassment against students or employees. For more information please contact:
 - U.S. Department of Education
Office for Civil Rights
800-421-3481
OCR@ed.gov
 - U.S. Equal Employment Opportunity Commission
800-669-4000
info@eeoc.gov
 - Maryland Commission on Civil Rights
800-637-6247
mccr@maryland.gov
 - Montgomery County Office of Human Rights
Compliance Section
240-777-8450
- F. Reporting to local law enforcement
 - 1. Sexual misconduct, including but not limited to sexual assault, may be a crime as well as a violation of Policy 31001. The College encourages all individuals to make a report to the College and to local law enforcement whenever a crime may have been committed.

In an emergency, contact the Montgomery County Police Department by dialing 911.
 - 2. The College will assist Complainants who wish to report sexual misconduct to law enforcement authorities, including campus security. The Title IX Coordinator

is available to assist a Complainant in reporting to campus security, or a Complainant may contact campus security directly:

- a. Germantown Campus Safety and Security
282 Science and Applied Sciences (SA) Building
240-567-7777
- b. Rockville Campus Safety and Security
101 Counseling and Advising (CB) Building
240-567-5111
- c. Takoma Park/Silver Spring Safety and Security
117 Charlene Nunley Student Services (ST) Building
240-567-1600

Campus security will also assist Complainants in notifying other law enforcement authorities locally or in other jurisdictions, as appropriate.

G. Reporting to the College

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 respond and take appropriate action. Individuals are encouraged to report incidents of sexual harassment before they become pervasive or severe, in order to allow the College to respond to the conduct. An individual who has witnessed or has knowledge about an incident of sexual misconduct may report the incident even if such Complainant was not the person against whom such misconduct was directed.

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2. As set forth below in Section V of this Procedure, at the time a report is made, the College will 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 its obligation to provide a safe and non-discriminatory environment for all members of the College community.
 - a. Students may report alleged sexual misconduct to the Title IX Coordinator or to any other Responsible College Employee, as defined in Section III.
 - b. Employees and other members of the College community who are not students may report sexual misconduct to the Title IX Coordinator, the Director of Employee Relations, Diversity and Inclusion, or any other Responsible College Employee, as defined in Section III.
3. Before a student or employee reveals information that he or she may wish to keep confidential, a Responsible College Employee should make every effort to ensure that the student or employee understands:
 - a. The Responsible College Employee's obligation to report the names of the alleged Respondent and Complainant involved in the alleged sexual

misconduct, as well as relevant facts regarding the alleged incident (including the date, time, and location) to the Title IX Coordinator or other appropriate College administrators;

- b. The Complainant's option to request that the school maintain his or her confidentiality, which the College (e.g., the Title IX Coordinator) will consider; and,
 - c. The Complainant's ability to share the information confidentially with Confidential Resources identified in Section IV, H, 1 below.
4. A Responsible College Employee must promptly notify the Title IX Coordinator (or alternatively, in the case of alleged sexual misconduct by or against an employee, the Director of Employee Relations, Diversity and Inclusion) of any report of sexual misconduct that is brought to his or her attention. The Title IX Coordinator can be reached in person in Room 150 of the Mannakee Building, by telephone at (240) 567-5412, or by e-mail at christopher.moy@montgomerycollege.edu. The Director of Employee Relations, Diversity and Inclusion can be reached in person in Room 130 of the Mannakee Building, by telephone at 240-567-5367, or by e-mail at brenda.williams@montgomerycollege.edu.

Failure of such an individual who must report sexual misconduct to comply with these requirements will be treated as a failure to fulfill duties and may result in counseling and/or disciplinary action as appropriate.

- 5. Reports of sexual misconduct allegedly committed by College employees will be investigated as the College determines appropriate and disciplinary action may be taken against an employee found to have violated this Policy regardless of the wishes of the Complainant.
- 6. Any Complainant who reports sexual misconduct to the College can be assured that all reports will be addressed and resolved in a prompt, thorough, and impartial manner. A Complainant, a Respondent, and all other individuals involved can expect to be treated with dignity and respect.
- 7. There also may be instances when a Complainant, after making a report of sexual misconduct to a Responsible College Employee, requests that the College not investigate and/or take any action against the Respondent. Upon receiving such a report of sexual misconduct under this Procedure, the College will in every instance conduct an Initial Title IX Assessment as described in Section V.A. At the conclusion of that assessment, the College will determine the appropriate course of action as described in Section V.A.4. Thus, the College, through the Title IX Coordinator, may in some cases determine that it must use Informal Resolution or Investigation/Formal Resolution to resolve the matter and take action against a Respondent even when the Complainant requests that no further

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procedures or disciplinary action be taken, in order to provide a safe and non-discriminatory environment for all College community members, including the Complainant.

- 8. It is in the best interest of this community that as many Complainants as possible

choose to report sexual misconduct to College officials, and that witnesses come forward to share what they know. To encourage reporting, an individual who reports sexual misconduct, either as a Complainant or a Third-Party Witness, will not be subject to disciplinary action by the College for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational or employment discussion or pursue other remedies regarding alcohol or other drugs.

H. Internal Confidential Reporting

1. Certain College employees have been deemed Confidential Resources for purposes of this Procedure:
 - a. For Students (contact a counselor directly):

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

Germantown Counseling Department
240-567-7734

Takoma Park/Silver Spring Counseling Department
240-567-1480
 - b. For Employees:

Office of the Ombuds
240-687-6199
ombuds@montgomerycollege.edu
2. Confidential Resources are not considered to be Responsible College Employees—that is, upon receipt of a report of an alleged violation, Confidential Resources are not required to notify the Title IX Coordinator (or alternatively, if the sexual misconduct is by or against an employee, the Director of Employee Relations, Diversity and Inclusion) as described in Section IV.G. of this Procedure. As a result, 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.
3. Confidential Resources are not necessarily confidential or privileged as a matter of law and may need to make reports or a disclosure under certain circumstances. Moreover, as required by the Clery Act, Confidential Resources are required to report to relevant College administrators the occurrence of any crime (as defined by the Clery Act and its implementing regulations) of which they have knowledge. 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 itself lead to an investigation or resolution of the incident as set forth in this Procedure. Confidential Resources do not have the authority to establish interim protective measures or resolve incidents through either Informal Resolution or Investigation/Formal Resolution, nor can they cause these processes to take place. Instead, their role is to provide support and guidance

based on their training and professional experience. Individuals are therefore encouraged to report sexual misconduct to a Responsible College Employee to allow the College the opportunity to address and resolve the matter through the processes described in this Procedure.

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5. The College recognizes that allegations of sexual misconduct are a sensitive subject for all persons involved and is committed to maintaining the privacy of the persons involved to the fullest extent possible, consistent with applicable law and the need for investigation and resolution.

I. External Confidential Reporting

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

1. Resource for Employees

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

2. Community Resources for Students and Employees

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

b. VASAP Campus Liaisons:

Silver Spring/Takoma Park Campus
Alicia Beltran, LCPC, Therapist
240-777-1502

Germantown Campus
Margaret Parsons, LCPC, Therapist
240-777-1371

Rockville Campus
Ginger Ebner, LCPC, Therapist
240-777-1369

J. Retaliation

Policy 31001 prohibits retaliation (including any attempt to intimidate, threaten, coerce, or otherwise discriminate against any individual) by the College, or by anyone in the College community, against an individual because the individual reports sexual misconduct or participates in the College's processes related to an allegation of sexual misconduct as described in this Procedure. When the College is aware of possible retaliation, it will take

immediate steps to investigate. Students or employees who commit retaliation in violation of Policy 31001 are subject to appropriate disciplinary action. A Complainant or other participant in any proceedings described in this Procedure who believes he or she has experienced retaliation in violation of Policy 31001 should immediately report such conduct to the Title IX Coordinator.

V. Resolution Process

A. Initial Title IX Assessment

1. Upon receipt of a report of an alleged violation under Section VIII.A of this Procedure, the Title IX Coordinator will conduct an Initial Title IX Assessment. The purpose of the Initial Title IX Assessment is to gather facts that will enable to the Title IX Coordinator to assess:
 - a. the nature and circumstances of the allegation, including the severity of the conduct;

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- b. whether the conduct falls within the definition of sexual misconduct prohibited by Policy 31001 and governed by this Procedure;
 - c. the safety of the individual and the College community and the need for any interim protective measures;
 - d. the individual's expressed preference regarding resolution, including any request that no further action be taken;
 - e. any request from the individual for confidentiality;
 - f. the reported conduct for possible referral for a timely warning under the Clery Act; and,
 - g. in the event of an alleged violation by or against a College employee, whether the Title IX Coordinator or the Director of Employee Relations, Diversity and Inclusion should lead any subsequent resolution process.
2. If a report has been made by a Third-Party Witness or other individual with knowledge of sexual misconduct but no report has been made by the individual against whom the violation is alleged to have been committed, the Title IX Coordinator will make contact with the individual against whom the violation is alleged to have been committed. The Title IX Coordinator will provide the individual an opportunity to make his/her own report, and to become the Complainant for purposes of this Procedure. The individual is not obligated to make such a report or to participate in the Initial Title IX Assessment or any subsequent processes. In addition, the individual may request that the College not investigate or take any action against the Respondent, as described in Section V.B of this Procedure. If the individual elects not to report or participate in the Initial Title IX Assessment, the College will still conduct an Initial Title IX Assessment and decide upon an appropriate course of action.
3. The Title IX Coordinator will ensure that the individual against whom a violation is alleged to have been committed is provided with a copy of the College's 31001-

Sexual Misconduct Policy and this Procedure. The Title IX Coordinator will also inform the individual (and, if the initial Complainant was a Third Party Witness or other individual with knowledge of the alleged misconduct, such Third Party Witness or other individual) in writing of:

- a. available College and community resources and services;
 - b. the right to a Support Person and an Attorney or Non-Attorney Advisor, and the roles of such persons;
 - c. the College's prohibition against retaliation, as described in Section IV.J. of this Procedure; and,
 - d. any other information as required by law.
4. The Title IX Coordinator will conduct a preliminary meeting with the individual against whom a violation is alleged to have been committed, assuming the individual has agreed to meet.
- a. If this individual is an employee of the College, or if the violation is alleged to have been committed by a College employee, the Director of Employee Relations, Diversity and Inclusion shall also participate in the preliminary meeting.
 - b. If the individual is a student of the College, the appropriate Associate Dean shall also participate in the preliminary meeting.
 - c. If the individual is not of the same gender as the Title IX Coordinator, and if the individual so requests, the Title IX Coordinator shall obtain the assistance of a qualified person of the

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same gender as the individual to assist in the processing of a report under this Procedure.

5. Where possible under the terms of Section V.B of this Procedure, the Title IX Coordinator will proceed consistent with the individual's expressed preferences, as described in such Section V.B. However, the College's ability to investigate fully and respond effectively to a report may be limited if the individual requests that his/her name not be disclosed to the Respondent or declines to participate in the process.
6. The Title IX Coordinator will ensure that the College provides the Complainant (or the individual against whom a violation is alleged to have been committed, if the Complainant is someone other than that individual) with appropriate interim protective measures as described in Section VI of this Procedure. Interim protective measures will be provided, as appropriate, even if the individual against whom a violation is alleged to have been committed elects to not make his/her own report or to otherwise participate in the Initial Title IX Assessment or any subsequent process under this Procedure.
7. An individual against whom a violation is alleged to have occurred may withdraw his/her report at any point during the Initial Title IX Assessment; however the College reserves the right to investigate all reports that pose an immediate or

ongoing threat of harm to individuals, including the Complainant, or other members of the College community.

8. At the conclusion of the Initial Title IX Assessment, the Title IX Coordinator will determine the appropriate resolution route, including:
 - a. no further action;
 - b. Informal Resolution;
 - c. the initiation of an Investigation and Formal Resolution; or,
 - d. in the event of an alleged incident of sexual harassment (and that does not also constitute another type of sexual misconduct) by an employee against an employee, referral to the Director of Employee Relations, Diversity and Inclusion to investigate the incident under Procedure 31006CP, relating to alleged violations of the College's equal employment opportunity and non-discrimination policy.

B. Interim Protective Measures

1. With regard to every report made to the College under Section IV.B.2 of this Procedure, as part of the Initial Title IX Assessment in Section V.A. of this Procedure, the College will make an immediate assessment of whether interim measures are appropriate based on the particular circumstances. These steps may include interim protective measures to provide for the safety of the individual Complainant and the campus community when warranted. The College will make accommodations and provide protective measures if the Complainant requests them and they are reasonably available, regardless of whether the Complainant chooses to report a crime to campus security or local law enforcement. Interim measures may include, but are not limited to:
 - a. For students or employees
 - 1) Providing information on available medical services;
 - 2) Access to counseling services and assistance in setting up initial counseling appointment, both on- and off-campus;
 - 3) Imposition of campus "No Contact Letter" (i.e., an official College directive that serves as a notice to an individual that they must not have verbal, electronic, written, or third-party communications with another individual);

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- 4) Change in work schedule or job assignment or reassignment to other work group/team (for either Complainant or Respondent, as the College may determine in its discretion), or an alternative supervisor/management relationship;
 - 5) Limit an individual or organization's access to certain College facilities or activities pending resolution of the matter;

- 6) Voluntary leave of absence;
- 7) Emergency suspension or College-imposed leave, pursuant to the appropriate College Policy and/or Procedure;
- 8) Any other remedy that can be tailored to the involved individuals to achieve the goals of Policy 31001 – Sexual Misconduct; and,
- 9) Providing an escort to ensure safe movement between classes and activities.

b. Additional options for students

- 1) Rescheduling of assignment(s) and/or examination(s) (in consultation with appropriate faculty)
- 2) Providing alternative course completion options (with the agreement of the appropriate faculty)
- 3) Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty, or transfer sections (with the agreement of the appropriate faculty)
- 4) Providing academic support services, such as tutoring

2. All individuals are encouraged to report to the Title IX Coordinator concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

C. Notice to Respondent

1. Except as described in sub-section C.3 below, upon a determination that the appropriate resolution route is Informal Resolution or the initiation of an Investigation/Formal Resolution, the Title IX Coordinator shall deliver, or cause to be delivered, a copy of the College’s 31001- Sexual Misconduct Policy and Procedures to the Respondent and shall inform the Respondent in writing of:
 - a. Summary of the conduct at issue;
 - b. Potential violation(s) of Policy 31001 – Sexual Misconduct;
 - c. List of possible sanctions that the College may impose upon a finding that a violation has occurred;
 - d.
 - e. The identity of the Investigator (and any applicable assistant, such as the Director of Employee Relations, Diversity & Inclusion or Associate Dean);
 - f. Available College and community resources and services;
 - g. The right to a Support Person and an Attorney or Non-Attorney Advisor, and the roles of such persons; and,
 - h. The College’s prohibition against retaliation, as described in Section IV.J.

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2. A summary of the report shall be simultaneously delivered to the appropriate Senior Vice President(s) and the General Counsel. If the initial report involves a College employee, a copy will be sent to the Associate Senior Vice President of Human Resources and Strategic Talent Management, the immediate supervisor of the Respondent, and other appropriate administrators. Delivery shall be made in a manner consistent with the confidentiality of the matter.
3. There are certain circumstances under which the Respondent will not receive notice as described above (e.g., if the individual against whom the misconduct is alleged to have been committed requests that the College take no further action, and the Title IX Coordinator determines that would be an appropriate resolution route, as described in Section V.E.3. or if the Title IX Coordinator determines that the alleged conduct does not constitute sexual misconduct as defined in this Procedure and that no further action is necessary). Under certain circumstances (e.g., if the individual against whom the misconduct is alleged to have been committed requests that his or her name not be used and the Title IX Coordinator agrees to such request), the Respondent may receive a form of notice that does not identify the individual against whom the misconduct is alleged to have occurred.

D. Roles of the Support Person, Attorney or Non-Attorney Advisor

1. Throughout the processes described in this Procedure, the Complainant and the Respondent(s) may have a Support Person present at any part of the processes related to a report under this Procedure. The Support Person may be anyone age eighteen (18) or older, of the individual's choosing, who is not a Complainant, Respondent, or Third-Party Witness to the alleged misconduct, and who wishes to assist the Complainant or Respondent (as applicable) by providing emotional and/or moral support.
2. In the event that either the individual against whom the misconduct is alleged to have been committed or the Respondent is a College employee, such individual's Support Person may not be another College employee.
3. The Support Person is a silent and non-participating presence who is there solely to observe and provide moral support in a way that does not disrupt or delay the process. The Support Person may not make any statement, except to ask for a short recess if the Complainant or Respondent requires some time to compose him or herself or collect his or her thoughts. The Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of a Support Person and whether the Support Person may remain present.
4. Absent extenuating circumstances, witnesses and others involved in an investigation are not entitled to have a Support Person present.
5. Throughout the processes described in this Procedure, the Complainant and the Respondent may have an Attorney or Non-Attorney Advisor present. In the event that either the individual against whom the misconduct is alleged to have been committed or the Respondent is a College employee, such individual's Attorney or Non-Attorney Advisor may not be another College employee.

6. The role of the Attorney or Non-Attorney Advisor is limited to providing advice and consultation directly to the Complainant or Respondent (i.e., the Attorney or Non-Attorney Advisor is not to take an active representation role on behalf of the Complainant or Respondent, as an Attorney would do in a formal legal proceeding). The Attorney or Non-Attorney Advisor may not speak while present during any process under this Procedure or otherwise delay or interfere with the process. If the Complainant or Respondent elects to have an Attorney or Non-Attorney Advisor present, the Attorney or Non-Attorney Advisor's presence is at the Complainant's or Respondent's, as applicable, own initiative and expense, and it is the Complainant's or Respondent's, as applicable, responsibility to communicate and share information with the Attorney or Non-Attorney Advisor.
7. The College has no obligation to recognize or enforce agreements (e.g., as negotiated by the Complainant and Respondent's respective Attorneys) between a Complainant and Respondent(s)

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outside of this Procedure.

E. Informal Resolution

Informal Resolution is a remedies-based, non-judicial style approach designed to address allegations of sexual misconduct without taking disciplinary action against a Respondent. Informal Resolution is not appropriate for resolving allegations of all types of sexual misconduct.

- I. Participation in Informal Resolution is voluntary, and either the Complainant or the Respondent may request to terminate Informal Resolution and pursue Investigation/Formal Resolution at any time, including if Informal Resolution is unsuccessful at resolving the report.
- II. Resolutions available as part of Informal Resolution will be tailored to the individual circumstances. They may include those interim protective measures identified in Section V.B if determined to be appropriate. Other potential resolutions include targeted or broad-based educational programming or training; facilitating a meeting between the Complainant and Respondent (in cases that do not involve allegations of sexual assault or other serious acts of violence); and any other resolution that can be tailored to the individuals involved to achieve the goals of the 31001- Sexual Misconduct Policy and this Procedure.
- III. In some forms of Informal Resolution, measures may be taken that will focus on supporting the Complainant with no participation or involvement by the Respondent. In other forms of Informal Resolution, the Respondent may agree to participate. Depending on the form of Informal Resolution used, it may be possible to maintain anonymity.
- IV. The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of Informal Resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault.
- V. If a mutually agreed upon resolution is achieved, the report will be considered resolved as it pertains to the College.

- VI. The Title IX Coordinator will maintain records of all reports and conduct referred for Informal Resolution. Informal Resolution will typically be completed within sixty (60) days after the initial report.

F. Investigation/Formal Resolution

If at the conclusion of the Initial Title IX Assessment, the Title IX Coordinator determines the appropriate resolution route is initiation of an Investigation/Formal Resolution, the Title IX Coordinator shall initiate a prompt, thorough, and impartial Investigation. The Investigation is designed to provide a fair and reliable means of gathering relevant information.

1. Investigator. The Investigation will be conducted by the Title IX Coordinator or, at the discretion of the Title IX Coordinator, the College may engage an external investigator whenever, in the exercise of the Title IX Coordinator's judgment, in coordination with other appropriate administrators, doing so will best serve the fair and equitable resolution of the report. In the case of sexual misconduct allegedly committed by or against a College employee and investigated under this Procedure, the Title IX Coordinator (or the external investigator) will consult during the investigation with the Director of Employee Relations, Diversity and Inclusion. The person responsible for conducting the investigation—whether the Title IX Coordinator or an external investigator—is hereinafter referred to as the Investigator.
2. Consolidation of Investigations. At the discretion of the Investigator, multiple reports 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.
3. Participation of the Complainant and Respondent. All members of the College community, including

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students, faculty, and other College employees, are expected to cooperate with the Investigator. The Complainant and the Respondent are expected to participate in the Investigation.

A Complainant may decide that he or she no longer wants to pursue the report or to participate in the resolution process. However, such a request does not necessarily relieve the College of its Title IX obligation to investigate reports of sexual misconduct. Therefore, the College will determine whether it must continue an Investigation even if the Complainant withdraws his or her involvement.

4. Timeline for Formal Resolution.
 - a. The Investigator will use his or her best efforts to complete the Investigation in a timely manner, balancing principles of thoroughness and fairness with promptness, with a goal to conclude an Investigation within sixty (60) days from its commencement.
 - b. The time frame for completion of any step in the Investigation/Formal

Resolution may be extended for good cause as necessary – for example, to ensure the integrity and completeness of the Investigation, to comply with a reasonable request by law enforcement, to accommodate availability of witnesses, or to account for the complexities of a particular case (e.g., number of Complainants, Respondents, and/or witnesses; volume of information collected).

- c. An Investigation may take longer than sixty (60) days if the Investigation occurs in whole or in part during a break in the College’s academic calendar; however, the College will make every effort to conduct an Investigation during these breaks unless doing so would sacrifice witness availability or otherwise compromise the process.
- d. The Complainant and Respondent may receive periodic updates regarding the status of the investigation, either upon request or by the College without a request. If the Investigator needs more than sixty (60) days to conduct an Investigation, the Investigator or his/her representative will notify the Complainant and Respondent in writing of the delay and the reason for the delay.
- e. If, in the course of the Investigation, additional facts emerge that were not contained in the original report but which nonetheless warrant investigation, the Investigator may include such facts in the Investigation and the resulting Investigative Summary without initiating a separate investigation (e.g., preparing a new Notice of Investigation, soliciting additional Written Statements, etc.).

5. Notice of Investigation. The Investigator will send the Complainant and the Respondent(s) a written Notice of Investigation.

- A. The Notice of Investigation will generally be issued within five (5) days after the Investigator’s receipt of the conclusion of the Initial Title IX Assessment and will include the following:
 - 1) Summary of the conduct at issue;
 - 2) Potential violation(s) of Policy 31001 – Sexual Misconduct;
 - 3) List of possible sanctions that the College may impose upon a finding that a violation has occurred;
 - 4) The identity of the Investigator (and any applicable assistant, such as the Director of Employee Relations, Diversity and Inclusion or Associate Dean);
 - 5) Available College and community resources and services;

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- 6) The right to a Support Person and an Attorney or Non-Attorney Advisor, and the roles of such persons; and,
 - 7) The College’s prohibition against retaliation, as described in Section IV.J. of this Procedure.

- b. The Notice of Investigation will invite the Complainant and Respondent(s) to meet with the Title IX Coordinator separately and invite each to identify any Third-Party Witnesses with information relevant to the complaint. The Complainant, Respondent(s), and any Third-Party Witnesses may be invited to submit a Written Statement, to include any and all information deemed by the individual to be relevant to the investigation.
 - c. The Complainant or the Respondent may submit a written request to the Title IX Coordinator, with a copy to the Senior Vice President for Administrative and Fiscal Services, that the Investigator excuse him/herself from the Investigation. The grounds for such request are limited to: (1) claim of bias, (2) conflict of interest, and (3) inability to be fair or impartial. The request must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within two (2) days after receipt of the Notice of Investigation. The Senior Vice President for Administrative and Fiscal Services shall grant or deny the recusal request within two (2) days after receipt of the request.
6. Meeting with the Complainant and Respondent. The Investigator shall meet separately with the Complainant, the Respondent(s), and any Third-Party Witness. As described in Section V.D. above, the Complainant and the Respondent(s) may be accompanied at any such meeting by a Support Person and/or an Attorney or Non-Attorney Advisor.
- A. The Complainant and Respondent each will be provided with timely notice (i.e., three (3) days in advance) of any meeting that he/she is invited to attend.
 - B. The Complainant and Respondent each can request to have a meeting with the Investigator rescheduled. Absent extenuating circumstances, requests to reschedule must be submitted to the Investigator with an explanation for his or her request at least 24 hours prior to the date of the scheduled meeting.
7. Collection of Physical and Documentary Evidence. The Investigator will gather any available physical or documentary evidence (e.g., communications between the Complainant and Respondent such as e-mail messages or text messages). E-mails sent or received on College e-mail systems by College employees may be obtained by appropriate College officials without the employee's consent, pursuant to applicable College policies, including the 66001- Acceptable Use of Information Technology Policy. The Investigator shall also have access to personnel information about College employees and to the educational records of students, in whole or in part, when relevant. Personal information obtained from educational records of students shall not, however, be disclosed to third parties other than: (a) the College's General Counsel, the appropriate Senior Vice President, President, and the appropriate Administrative Official(s) who may require access in order to implement a Corrective Action, or (b) as required by law.
8. Assurances to Persons Involved, 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 and College policy and the need to investigate the matter.

9. Findings of the Investigator. At the conclusion of the investigation, the Investigator shall submit simultaneously to the Complainant and each Respondent a written Investigative Summary. The Investigative Summary will contain: (a) a summary statement of Investigative Findings, (b) a Determination regarding whether under a preponderance of the evidence standard (i.e., it is more likely than not) the Respondent(s) has/have violated the College's Sexual Misconduct Policy, and, if applicable, (c) a recommended sanction/Corrective Action, to be contained in a Letter of Outcome.

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In making his/her Investigative Findings and reaching a Determination, the Investigator shall take into account whether there are prior substantiated reports of misconduct by the Respondent(s). Prior Investigative Findings/Determinations may not be used to substantiate the current report, but may be considered by the Investigator for other purposes, such as assessing the credibility of the Respondent(s) and/or ascertaining the existence of a pattern of conduct by the Respondent(s). Information regarding prior reports will not be made available to anyone under these Procedures, except as permitted or required by law.

- a. A copy of the Investigative Summary shall also be sent to the appropriate unit administrator(s) of any individual(s) found to have violated College policy, the appropriate Senior Vice President, the campus Vice President and Provost, the General Counsel, and the Director of Public Safety and Emergency Management.
- b. If the Investigator finds that there has been a violation by a student, a copy of the Investigative Summary shall be forwarded to the appropriate Dean or the appropriate campus Vice President and Provost, and other appropriate administrators.
- c. If the Investigator finds that an employee has violated the Policy, a copy of the Investigative Summary shall be forwarded to the Associate Senior Vice President of Human Resources and Strategic Talent Management, the Respondent's immediate supervisor, and other appropriate administrators.
- d. If the Investigator finds there has been a violation by a participant in a College program or activity, other than an employee or student, or by a contractor, vendor, or other non-student or non-employee, a copy of the Investigative Summary shall be sent to the administrator responsible for the College program, contract, or activity.

A finding of the Investigator that no violation of the 31001 - Sexual Misconduct Policy occurred does not prevent discipline of the Respondent for inappropriate or unprofessional conduct under other applicable College policies and procedures. Thus, even if no violation has been found, the Investigator may recommend Corrective Action as set forth in Section VII below, and may send a copy of the Investigative Summary to the appropriate individuals as described above. Unless otherwise specifically provided herein, no provision of this Procedure shall be construed as a limitation on the authority of a disciplinary

authority to initiate disciplinary action under other applicable College policies and procedures.

10. Letter of Outcome

- a. If the Investigator concludes that there has been a violation of the College's 31001-Sexual Misconduct Policy (i.e., issues an Investigative Summary containing a Determination to that effect), s/he will recommend Corrective Action to be taken to sanction the Respondent(s) and provide appropriate remedies to the Complainant. The recommendation for any Corrective Action will be formulated in consultation with the appropriate administrators/disciplinary authority, including: (a) where the Respondent is an employee, the Director of Employee Relations, Diversity and Inclusion and the Associate Senior Vice President for Human Resources, Development and Engagement, or (b) where the Respondent is a student, the Associate Dean. Any recommended Corrective Action shall be documented in a separate writing and appended to the Investigative Summary.
- b. In keeping with the College's commitment to being a learning and working environment free from sexual misconduct, the College may impose sanctions tailored to the facts and circumstances of each case, the impact of the misconduct on the Complainant and the

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College community, and the accountability of the Respondent. The imposition of sanctions is designed to eliminate prohibited conduct, prevent its recurrence, and remedy its effects, while supporting the College's mission.

- c. Sanctions may be imposed individually or in combination and may include, but are not limited to, any action instituted by the College which is designed to remedy or reform any behavior, conduct, practice, or activity that is deemed to be in violation of College policy 31001-Sexual Misconduct. All sanctions shall be consistent with the College's applicable policies, depending on the identity of the Respondent. A list of all possible sanctions the College may impose is included in Appendix A of this Procedure.
 - 1) Students: [Student Code of Conduct \(42001\)](#),
 - 2) Employees: the College's [Disciplinary Action and Suspension Policy \(34002/32002CP\)](#), the College's [Discharge of Administrative, Associate and Support Staff Policy \(34003/34003CP\)](#), the [Personnel Grievance Process for Employees \(34101/34101CP\)](#), the grievance procedure under applicable [collective bargaining procedures](#), or any other applicable processes.

In the event of sexual misconduct by a third party against a College student or employee, the College will take appropriate action within its control to address the misconduct and prevent its occurrence, including but not limited to requesting appropriate action by an employer of the third party if the latter's relationship to the College is through his or her employer and referring to local law enforcement to issue a "No Trespass" notice denying access to the College's public buildings and grounds

when warranted.

- d. In addition to any of the sanctions described above, the Investigator may also recommend reasonable remedies to address the effects of the misconduct on the Complainant, ensure the Complainant's safety and well-being, maximize the Complainant's educational and/or employment opportunities, and prevent the recurrence of misconduct by the Respondent. Such remedies include, but are not limited to, the interim protective measures identified in Section V.B. (for the Complainant), and mandatory training and/or counseling sessions (for the Respondent). The Investigator may also identify and recommend remedies to address broader effects of the misconduct on the College community. The Title IX Coordinator will consider the appropriateness of recommended remedies, including any interim protective measures identified in Section, V.B. on an ongoing basis (e.g., extending or making permanent any interim protective measures, or implementing additional measures tailored to achieve the goals of the College's 31001 - Sexual Misconduct Policy).

VI. Procedures for Review of the Findings, Recommendations of the Investigator

- A. Subject to the provisions below, the Investigative Summary (including the Investigative Findings and Determination) and recommended Corrective Action shall be final unless either Complainant or the Respondent(s) requests, in writing, an appeal. The Investigative Summary shall provide simultaneous written notification to the Complainant and Respondent(s) of information about the College's procedures to appeal. Notwithstanding the foregoing, a third-party (e.g., contractor, vendor, etc.) found to have violated the 31001 - Sexual Misconduct Policy does not have a right to appeal the contents of the Investigative Summary or any recommended Corrective Action.
- B. The grounds for appeal are limited to:

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- 1. A procedural error or omission occurred that significantly affected the Investigative Findings and/or Determination (e.g., substantiated bias, material deviation from established procedures, etc.);
 - 2. To consider new evidence, unknown or unavailable during the original Investigation, that could substantially impact the Investigative Findings and/or Determination (a summary of this new evidence and its potential impact must be included in the written statement of appeal described in Section VI.); and,
 - 3. The recommended Corrective Actions are substantially disproportionate to the severity of the violation or fall outside the range of sanctions the College has designated for purposes of its 31001 - Sexual Misconduct Policy (this ground is reserved for sanctions against students who have been found in violation of the 31001 - Sexual Misconduct Policy).
- C. The Complainant or the Respondent(s) shall have ten (10) days after receipt of the Investigative Summary to state in writing the grounds for appeal and the specific reasons why the Investigative Findings, Determination, and/or recommended Corrective Action should be reversed or modified. Appeals must be filed with the designated Senior Vice President or designee, hereinafter collectively referred to as the Reviewing Official.

- D. The designated Senior Vice President may elect to serve as the Reviewing Official or designate another administrator to serve as the Reviewing Official. In any case, the Reviewing Official shall not have a conflict of interest or bias for or against the Complainant or the Respondent. The Complainant or the Respondent may submit a written request to the Reviewing Official, with a copy to the Senior Vice President for Administrative and Fiscal Services, that the Reviewing Official excuse him/herself. The grounds for such request are limited to: (1) claim of bias, (2) conflict of interest, and (3) inability to be fair or impartial. The request must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within two (2) days after receipt of the Investigative Summary. The Senior Vice President for Administrative and Fiscal Services shall grant or deny the recusal request within two (2) days after receipt of the request.
- E. Upon receipt of an appeal, the Reviewing Official or his/her designee shall notify the non-appealing person or persons, the Title IX Coordinator, and those individuals who received a copy of the Investigative Summary pursuant to Section V.F.9.a., above.
- F. The Reviewing Official or his/her designee will generally be limited to a review of the Investigative Summary, the investigative record (i.e., the materials collected by the Investigator in the course of conducting the Investigation), the College's 31001-Sexual Misconduct Policy, and any other appropriate College policy and the Respondent's and/or Complainant's written appeal. The Reviewing Official, or his/her designee, may, in his/her sole discretion, ask the Investigator to clarify the Investigative Summary, or perform additional investigation concerning any new evidence identified in the appeal or to assist in determining whether there was, in fact, a procedural error, if such Reviewing Official or his/her designee believes such an alleged error may have affected the outcome of the Investigation and the Investigative Findings/Determination by the Investigator.
- G. If the Reviewing Official or his/her designee determines in the course of his/her review that there was a procedural error that substantially affected the outcome of the Investigation to the material prejudice of the person or persons filing the appeal, or that other circumstances exist requiring additional Investigation, the Reviewing Official shall order the Investigation to be reopened subject only to direction/supervision by and any terms/conditions imposed by the Reviewing Official (including, in any case in which substantial bias was present, appointment of a new Investigator). No disciplinary action may be carried out prior to the Reviewing Official or his/her designee expressly so directing in his/her final written determination.
- H. Within fifteen (15) days after the Reviewing Official receives the appeal, the Reviewing Official or her or his designee shall issue a final written determination either upholding the Investigative Findings and Determination and recommended Corrective Action of the Investigator or reversing the Investigative Findings and/or Determination and/or recommended Corrective Action, and providing specific reasons for such reversal. The written determination of the Reviewing Official shall be final and will be forwarded

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simultaneously to the Complainant, Respondent(s), the Title IX Coordinator, appropriate Senior Vice President, campus Vice President and Provost, and the General Counsel.

1. In the case of an appeal involving a student (i.e., in which either the Complainant and/or Respondent is a student), a copy of the written determination of the

Reviewing Official shall be forwarded to the appropriate Dean or to the appropriate campus Vice President and Provost.

2. In the case of an appeal involving a staff member (i.e., in which either the Complainant and/or Respondent is a staff member), a copy of the written determination of the Reviewing Official shall also be forwarded to the Director of Employee Relations, Diversity and Inclusion, the Associate Senior Vice President of Human Resources and Strategic Talent Management, the employee's immediate supervisor, and other appropriate administrators.
3. In the case of an appeal involving a faculty member (i.e., in which either the Complainant and/or Respondent is a faculty member), a copy of the written determination of the Reviewing Official shall be forwarded to the Director of Employee Relations, Diversity and Inclusion, the Associate Senior Vice President of Human Resources and Strategic Talent Management, the Senior Vice President for Academic and Student Services, the Instructional Dean who has supervisory authority over the faculty member's academic department, and other appropriate administrators.

VII. Implementation of Corrective Action

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

review of allegations of arbitrary and capricious grading. The Committee, which is established pursuant to the [53001-Academic Regulations](#) to review allegations of arbitrary and capricious grading, shall have no authority to reverse the Investigative Finding or Determination of the Investigator or the final written determination of the Reviewing Official, and shall confine its consideration to a determination of the appropriate Corrective Action with respect to the grade. The Committee shall, within twenty (20) days after appointment of the Committee and its receipt of the Initial Finding and Determination or final written

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determination, forward to the Investigator and the Reviewing Official, Complainant, and Respondent(s) a written recommendation as to the appropriate Corrective Action with respect to the grade.

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

VIII. Notice of Final Outcomes

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

IX. Records

- A. The Title IX Coordinator will retain records of all reports, regardless of whether the matter is resolved by means of Initial Title IX Assessment, Informal Resolution or Investigation/Formal Resolution. Reports resolved by means of Initial Title IX Assessment or Informal Resolution are not part of a student's conduct file or academic record or of an employee's labor relations record.
- B. Affirmative findings of responsibility in matters resolved through Investigation/Formal Resolution are part of a student's conduct record and an employee's labor relations record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's labor relations record.
- C. Generally suspension, demotion, and discharge are permanently noted in an employee's labor relations record. The labor relations records of employees who have been suspended, demoted, or discharged are maintained in the Associate Senior Vice President for Human Resources and Strategic Talent Management Office according to the College's published retention schedule. Further questions about record retention should be directed to the Associate Senior Vice President for Human Resources and Strategic Talent Management Office.
- D. Generally suspension, expulsion, and withdrawal are permanently noted on a student's transcript. The conduct files of students who have been suspended or expelled from the

College are maintained in the Senior Vice President of Student Services Office indefinitely. Conduct files of students who have not been suspended or expelled are maintained in the Dean of Students office for no fewer than seven years from the date of the incident. Further questions about record retention should be directed to the Senior Vice President for Student Services office.

X. Time Limits

Consistent with the provisions of the American Association of University Professors (AAUP) faculty and the Service Employees International Union (SEIU) part-time faculty collective bargaining agreement, whenever used in this procedure, the word “days” shall mean all days during the academic year or summer terms other than Saturdays, Sundays, and days designated as holidays or recess days on the academic calendar.

Consistent with the provisions of the American Federation of State, County, and Municipal Employees (AFSCME) staff collective bargaining agreement, whenever used in this procedure, the word “days” shall mean all days during the calendar year other than Saturdays, Sundays, and days designated as holidays by Management.

The Director of Employee Relations, Diversity and Inclusion and the Senior Vice Presidents or designee(s) may exercise reasonable discretion to adjust the time limits for the investigation and/or the issuance of the Investigative Summary, depending upon the nature and complexity of the complaint, or when such action is deemed necessary or appropriate.

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XI. Receipt of Notification

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

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

Administrative Approval: June 29, 2015; October 28, 2015 _____

Appendix A: Possible Sanctions Available Under College Policies and Procedures**Employee Disciplinary Action and Suspension (34002)**

The kinds of disciplinary action are as follows:

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

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

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

Student Code of Conduct (Procedure 42001)

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

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

a community agency.

- G. Warning. Issuance of a written warning, admonition, or reprimand.
- H. Permanent Record. Entries regarding the disciplinary conference will be added to the student's permanent record at Montgomery College. These records will be kept for five years and will be disclosed only in accordance with applicable federal and state law. These records will be expunged if a student is found not to have violated the Code of Conduct.
- I. Administrative Hold. Placing a hold on all student academic files so that the student may not register. This sanction may be imposed where a student withdraws from the College prior to or during disciplinary proceedings.

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- J. Organizational Sanctions. Sanctions for organizational misconduct may include revocation of the use of College premises or privileges for a specified period of time, revocation or denial of recognition or registration, or suspension of activities or events, as well as other appropriate sanctions.

APPENDIX 4

POLICY Board of Trustees - Montgomery College

31011

Chapter: Personnel
Subject: **Prevention of Work Place Violence**

Modification No. 001

-
- I. Montgomery College is committed to providing a workplace that is safe, secure and free of harassment, threats, intimidation and violence for all employees.
 - II. Montgomery College views aggressive and/or violent behavior as disruptive and contrary to the development and maintenance of a safe, productive and supportive work environment. Such behavior is prohibited. Employees who exhibit such behavior will be held accountable. Administrators are responsible for assuring that appropriate investigations are undertaken when it appears that such actions may have occurred; and are responsible for recommending appropriate disciplinary action.
 - III. It is the policy of Montgomery College to expressly prohibit violence or threats of violence by any College employee against any other employee in or about College facilities or elsewhere at any time. Montgomery College will also not condone any acts or threats of violence by any College employee against College employees, students, or visitors on the College premises (including its leased locations) at any time or while they are engaged in business with or on behalf of the College.
 - IV. The President is authorized to develop procedures to implement this policy.

Board Approval: June 20, 2011

PROCEDURE - Montgomery College

31011CP

Chapter: Personnel
Subject: **Prevention of Work Place Violence**

Modification No. 001

-
- I. General
 - A. Violence, threats of violence, intimidation, harassment, aggression or other threatening behavior towards people or property will not be tolerated.
 - B. Individuals who violate this policy may be removed from College property and are subject to disciplinary action up to and including dismissal, consistent with College policies, procedures and collective bargaining agreements, and/or referral to law enforcement authorities.
 - II. Violence, Threats of Violence, Intimidation, Harassment and Workplace Aggression
 - A. Violence, Threats of Violence, Intimidation, Harassment and Workplace Aggression Defined:
 1. Employees are prohibited from making threats or engaging in violent activities. Violence or threats of violence include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the conditions of

employment, or to create a hostile, abusive, or intimidating work environment for one or more employees, students, or visitors.

2. Violence, threats of violence, intimidation, harassment and workplace aggression – includes, but are not limited to:
 - a) threats of any kind;
 - b) aggressive or hostile behavior that creates an objective reasonable fear of injury to another person or subjects another individual to emotional distress;
 - c) intentionally damaging College property or property of another employee;
 - d) making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications;
 - e) the willful, malicious and repeated following of another person, also known as “stalking”, and making of a credible threat with intent to place the other person in reasonable fear for his or her safety;
 - f) possession of a weapon while on College property or while on College business (unless specifically approved as a job-related requirement);
 - g) using any object in a threatening or weapon-like manner;
 - h) committing acts of violence;
 - i) workplace bullying, as evidenced by a pattern of: incivility, discourteous verbal and non-verbal behaviors, name calling, yelling, ignoring or excluding, perpetuating falsehoods or insulting another’s habits, attitudes or private life, which is sufficiently severe, offensive, or intimidating to alter the conditions of employment, or to create a hostile, abusive, or intimidating work environment for one or more employees, students, or visitors.

- B. A workplace is defined as any location where an employee performs any work-related duty. This includes but is not limited to, the buildings and the surrounding perimeters, including parking lots, and field locations.

III. Workplace Violence Advisory Team

- A. The College will establish a Workplace Violence Advisory Team. This team will assist in addressing workplace violence by: facilitating appropriate responses to reported incidents of workplace violence; assessing the College’s readiness for dealing with workplace violence; evaluating incidents and making recommendations to prevent future occurrences; and utilizing prevention and intervention techniques in responding to workplace violence. This Team will develop workplace violence prevention and education tools (such as incident reporting forms, pamphlets, guidelines, trainings and handbooks, etc.) to further assist in recognizing and preventing workplace violence. Additionally, the Workplace Violence Advisory Team will develop and recommend facility and administrative actions to prevent and reduce workplace violence.

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- B. The Workplace Violence Advisory Team shall include representatives from: Facilities, Security, Human Resources, Development, and Engagement, Emergency Planning, Environmental Safety, General Counsel, and others, including faculty, staff and students, as deemed appropriate by the President.

IV. Responsibilities

All members of the College community have the responsibility to report threatening or violent behavior, whether that behavior is exhibited by faculty, staff, students, or visitors.

If there is an immediate threat of violence which may be life threatening, call 911 first, then call the Office of Safety and Security.

A. All employees will:

1. If necessary and possible, leave the presence of the threatening person.
2. Immediately report to an available supervisor, manager or security officer any threats or acts of violence experienced or witnessed in the workplace. This includes having knowledge of facts reasonably causing him or her to believe a violent situation is present; threats or violent acts by co-workers, students, visitors, or others which have been exhibited on the premises.
3. In making reports, an employee will provide as much factual information and detail as possible and will, if requested, prepare a report in writing.

B. Supervisors will:

1. Immediately notify their respective Campus Security Office of any actual or imminent threat of violence or report thereof.
2. Report all violations of this policy to their immediate administrative supervisor and consult with the Workplace Violence Advisory Team on any complaint of workplace violence made and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist.
3. Document all violations of the Prevention of Workplace Violence Policy in order that appropriate corrective action can be administered.
4. Keep information the employee has shared confidential, except for the reporting requirements above or as otherwise required by law or procedure.

V. Discipline for Employees Engaging in Prohibited Conduct or Violating Other Aspects of This Policy

A. An employee engaging in conduct prohibited by this policy will be disciplined. Appropriate sanctions will be recommended by the supervisor after consultation with Office of Human Resources, Development, and Engagement and may include:

- Written reprimand;
- Suspension; or
- Dismissal.

Discipline does not preclude referral to law enforcement for criminal prosecution.

B. An employee failing to report violent acts or situations required by this policy, or failing to cooperate with investigations conducted under this policy may be disciplined. Appropriate sanctions will be recommended

by the supervisor after consultation with the Office of Employee Engagement & Labor Relations and may include those sanctions listed in paragraph A of this section.

- C. Retaliation for truthfully reporting violations of this procedure is prohibited and will result in discipline.

VI. Faculty Staff and Assistance Program (FSAP)

- A. The FSAP Program, which includes counseling and referral services, is available to all employees, and should be used both to prevent violent acts and situations occurring in the workplace in accordance with section 35002.
- B. Any employee who displays a tendency to engage in violent or threatening behavior, or who otherwise engages in behavior that the College deems harassing, may be required to contact the FSAP provider for assessment and referral for appropriate treatment or other services and subject to disciplinary action, up to and including dismissal.
- C. A mandatory referral may be used only when the employee is facing imminent suspension or dismissal. A mandatory referral may only be made by the Office of Human Resources, Development, and Engagement after consultation with the supervisor. If the employee chooses not to participate in the FSAP program, dismissal proceedings will be initiated. If the employee does choose to participate in FSAP, the employee will be required to sign a written statement, agreeing to an immediate referral to FSAP. Further, the employee will agree to sign a release of information statement allowing the Office of Human Resources, Development, and Engagement access to the following limited information: the employee's attendance, cooperation, and progress as specified by the FSAP provider, after the assessment has been made. If the employee does not cooperate with the recommendations of FSAP, then disciplinary proceedings shall begin.

Administrative Approval: July 11, 2012.

APPENDIX 5

Chapter: Personnel

Modification No. 005

Subject: **Hate/Violence Activity**

- I. Montgomery College is committed to maintaining educational and employment environments free from ethnic, cultural and racial hostility, violence, or harassment. Further, the College encourages and promotes a climate of civility and mutual respect among its diverse employees, students and groups that make up the College and Montgomery County communities. The College condemns any and all hate/violence activities, including those acts based on age, color, citizenship status, covered veteran status, disability, gender, gender identity and expression, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason to the extent these attributes are not covered in this policy and covered by federal, state and county laws and regulations.
- II. Montgomery College is a learning community that encourages freedom of thought and expression which maintains civility in the meaningful exchange of ideas. The College's employees and students are encouraged to be the voices and examples of reason and understanding in maintaining community, mutual respect and civility which are consistent with the mission, vision and goals of the College.
- III. Education is a key element of this policy. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Hate/Violence Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness about hate/violence. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, contractors, and students about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.
- IV. The President is authorized to support efforts in this area, including governmental, private and individual efforts; to make certain that any individuals who conduct such activities on any of the campuses or at any facility used by the College, at college sponsored-activities, or during the execution of college-related business are referred to appropriate authorities for prosecution to the fullest extent of the law and subjected to appropriate disciplinary action, including dismissal if they are College students or employees; and to establish procedures to implement this policy.

Board Approval: September 21, 1987; September 18, 1990; February 16, 1998; December 13, 2010; February 25, 2013.

Chapter: Personnel

Modification No. 006

Subject: **Hate/Violence Activity**

I. General

Any person, including but not limited to an employee, student, facility user, or visitor, who performs acts considered within the purview of hate/violence activities, who conducts or attempts to conduct hate/violence activities and/or encourages, participates in, or assists in hate/violence activities shall be subject to disciplinary action including dismissal and/or referral to the appropriate authorities for prosecution to the fullest extent of the law.

II. Definition

Hate/violence activities include but are not limited to:

- A. Activities which involve the destruction of, injury to, defacement of, or molestation of any person or any real or personal property with the intent of intimidating or attempting to intimidate any person because of personal attributes as age, color, citizenship status, covered veteran status, disability, gender, gender identity and expression, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason to the extent these attributes are not covered in this policy and covered by federal, state and county laws and regulations; and/or;
- B. Burning, or causing to be burned, any religious symbol or simulation thereof without the express consent of the College or the owner of the property which is the site of the burning if other than the College, and without prior notification to the serving fire department.

III. Procedures

- A. Any person, including but not limited to an employee, student, facility user, or visitor, who conducts such activities on any of the campuses or at any facility used by the College, at College-sponsored activities, or during the execution of Collegerelated- business shall be subject to administrative disciplinary action including dismissal and/or referred to appropriate authorities for prosecution to the fullest extent of the law.
- B. Hate/violence activity by a student at College sponsored activities, on or off campus, as defined in the Student Conduct Code, is a violation of College policy and procedure subject to administrative disciplinary action under the Student Code of Conduct. Such hate/violence activity shall be immediately reported to the appropriate College personnel and external agencies, which includes the Dean(s) of Student Development, the Title IX Coordinator, and/or the Director of Employee Relations, Diversity and Inclusion.
- C. Hate/violence activity by an employee, on property owned, operated, maintained, leased or used by the College, at College-sponsored activities, during the execution of Collegerelated business, or in a manner related to employment at the College, is a violation of College policy and procedure and subject to appropriate disciplinary action under the College's personnel policies and procedures, up to and including dismissal. Such hate/violence activity shall be immediately reported to the Safety and Security Manager who must immediately notify the immediate supervisor and other College

personnel as appropriate.

- D. Hate/violence activity by a person other than a student or employee shall be immediately reported to the Safety and Security Manager who shall immediately initiate appropriate administrative proceedings, which could include referral to appropriate authorities for prosecution to the fullest extent of the law.
- E. Nothing contained in these procedures shall preclude the College from pursuing any and all other remedies available at law and equity, including but not limited to reporting the activity to appropriate governmental legal authorities, and all such rights and remedies are specifically reserved.

Administrative Approval: September 21, 1987; September 18, 1990; February 16, 1998;
July 15, 1999; December 13, 2010; February, 23 2015.

APPENDIX 6

Chapter: Facilities

Modification No. 001

Subject: **Protection of Minors**

- I. In matters of child welfare, the College shall place the highest priority on the interests of the minor. Montgomery College is committed to providing a safe environment for minors who participate in College programs and activities. The College endeavors to prevent harm to minors and to take prompt steps to address any harm that may occur. This obligation includes the protection of minors from abuse or neglect, including sexual abuse, and requires prompt and effective response to suspicions of, or observations of abuse or neglect.
- II. It is the policy of Montgomery College that no employee, student, volunteer, or member of the community shall harm a minor; this prohibition applies to individuals and members of outside groups that may use College facilities, participate in College programs, or otherwise be present on college property. The College will hold accountable any individual within its authority who harms a minor. The College will cooperate with county, state, and federal authorities charged with the protection of minors.
- III. Montgomery College expects parents and guardians accompanying minors to supervise minors at all times. College employees are expected to contact and involve government authorities in matters of child welfare through College Security or others as appropriate, except for situations of mandatory reporting of child abuse or neglect, in which reporting to government authorities is required and not optional.
- IV. The College will endeavor to protect minors by defining responsibilities of employees, students, volunteers, and those unaffiliated with the College who use College facilities or participate in College programs. Responsibilities may include the following: (i) meeting standards established for programs and activities that serve minors, (ii) participating in awareness training on child abuse and neglect, (iii) establishing effective protocols for dealing with unsupervised minors, (iv) screening, as determined to be appropriate, for employees, students, and volunteers who may have significant interaction with minors, and (v) meeting legal obligations for reporting child abuse and neglect.
- V. The president is authorized and directed to establish procedures necessary to implement this policy.

Board Approval: April 28, 2014

Chapter: Facilities

Modification No. 004Subject: **Protection of Minors**

I. Introduction

In matters of child welfare, Montgomery College places highest priority on the interests of the minor. The president has developed the following procedures to implement Policy 75005, "Protection of Minors," adopted by the Board of Trustees. These procedures set minimum requirements. Some units of the College, including its Early Learning Centers, may implement additional protections to satisfy regulatory guidelines or good practices specific to their situations. These procedures do not apply to students under the age of 18 who are enrolled in credit or noncredit classes where registration is required.

II. Definitions

- A. Child Abuse² - Physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed.
- B. Child Neglect³ - Failure to give proper care and attention to a child, including leaving the child unattended, under circumstances indicating: 1) that the child's health or welfare is harmed or placed at substantial risk of harm; or 2) mental injury to the child or a substantial risk of mental injury.
- C. Child Protective Services - Maryland public agency responsible for protecting children from abuse and neglect. Also known as CPS.
- D. Child Sexual Abuse⁴ - Any act that involves sexual molestation or exploitation of a child.
- E. College - Montgomery College.
- F. Educator - A teacher, professor, or faculty member.
- G. Human Service Worker - A counselor, social worker, caseworker, probation or parole officer.
- H. Mandated Reporter - Under Maryland law, any adult who has reason to believe a child may have been subjected to abuse or neglect.
- I. Minor (Also Child or Youth) - A person under 18 years of age.
- J. Youth Protection Coordinator - College employee who has responsibility for coordinating compliance with these procedures and the companion policy.

III. Reporting Child Abuse or Neglect

² Under Maryland law, an act constitutes child abuse, child neglect, or child sexual abuse only if committed by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member. An individual who harms a child may lack this type of relationship with the child. The harmful conduct may nonetheless be a crime, for example, assault or a sexual offense, and not subject to the mandatory reporting law; however such conduct should be reported to the college to evaluate the applicability of State reporting requirements.

³ See footnote 1.

⁴ See footnote 1.

The most important factor in reporting is to act promptly. Reporting procedures vary depending on whether the problem is child abuse or child neglect. If the individual making the report is a health practitioner, police officer, educator, or human service worker, some added responsibilities apply.

This section explains legally-required reporting to government authorities under Maryland law. It also explains internal reporting requirements within the College and how to obtain advice.

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A. Protection for Individuals Making Reports

The College will not retaliate against any person for making a good-faith report of child abuse or neglect. In addition, Maryland law provides immunity to anyone making a good-faith report of child abuse or neglect, so the alleged wrongdoer cannot recover damages from the reporter for making the report.

B. Who Must Make a Report

Anyone who has reason to believe a child has been subjected to abuse or neglect must make a report to government authorities. This includes College employees, students, volunteers, visitors, and individuals or groups using College facilities for any purpose.

C. Reporting Child Abuse to Government Authorities

1. In an emergency, dial 911.
2. Regardless of whether 911 is contacted, employees must give notice about the suspected child abuse to EITHER (a) the local social services department or (b) the local law enforcement agency. Notice may be oral, except as provided in section E below. The relevant locality is where the child lives or where the abuse occurred. In Montgomery County, the appropriate social services agency is the Child Abuse and Neglect Hotline at 240-777-4417. For the Montgomery County Department of Police, the non-emergency number is 301-279-8000.

D. Reporting Child Neglect to Government Authorities

1. In an emergency, dial 911.
2. Regardless of whether 911 is contacted, employees must notify the local social services department for the area in which the child lives or in which the neglect occurred. In Montgomery County, contact the Child Abuse and Neglect Hotline at 240-777-4417.

E. Special Rules for Certain Professionals

1. Health practitioners, police officers, educators, or human service workers acting in a professional capacity must follow an oral report with a written report to the relevant agency within 48 hours after forming the belief that the child may have been subjected to abuse or neglect.
2. Report Contents. Insofar as is reasonably possible, an individual who makes a report shall include in the report the following information:
 - (a) the name, age, and home address of the child;

- (b) the name and home address of the child's parent or other person who is responsible for the child's care;
- (c) the whereabouts of the child;
- (d) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
- (e) any other information that would help to determine:
 - (i) the cause of the suspected abuse or neglect; and
 - (ii) the identity of any individual responsible for the abuse or neglect.

3. For more information about the contents of written reports see [2010 Maryland Code, Family Law, Title 5 – CHILDREN, Subtitle 7 - Child Abuse and Neglect Section 5-704 - Reporting of abuse or neglect - By health practitioner, police officer, educator or human service worker.](#)

F. Internal Reporting of Harms to Children

After reporting to government authorities, the individual must also make a report to the College if either the

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abuse bears a connection to the College or the individual became aware of the abuse as part of his or her College responsibilities. Promptly notify the Department of Public Safety and Emergency Management which, in turn, should notify the youth protection coordinator. Report to the College only after any mandated reporting to the government.

If an individual is unsure about whether or how to make a report, promptly contact the youth protection coordinator.

G. Disclosure by an Adult of Prior Abuse or Neglect as a Child

An adult may disclose that he or she was abused or neglected as a child. Even if the event(s) occurred a long time ago, employees are compelled by law to make a report. If there are concerns, about reporting, please contact the youth protection coordinator (See Opinion of the Maryland Attorney General dated December 3, 1993, at 78 Op. Att’y Gen. 189).

IV. Criminal History Checks

Criminal history background checks can help screen employees, students, and volunteers for their suitability in working with children and other vulnerable populations. This section describes criminal history check requirements for employees and other individuals. The College evaluates criminal histories on an individualized basis rather than imposing an automatic disqualification. Criminal history checks must be completed before an individual interacts with minors on behalf of the College.

Some College employees and students may undergo criminal checks before participating under College auspices in the Montgomery County Public Schools (MCPS) or other community settings. This section does not replace MCPS or other external criminal history check requirements.

A. College Employees

All newly-hired College employees undergo criminal history checks. Subject to resource availability, the College intends to conduct criminal history checks on all College

employees who have contact with minors, and will be expanding criminal history checks in a tiered roll-out. These checks are conducted pursuant to College Policy and Procedure [32101–Employment Practices](#) and as determined by Human Resources and Strategic Talent Management (HRSTM). Criminal history checks for employees will be repeated periodically.

B. College Volunteers and Outside Groups

1. For College volunteers who have contact with minors, the youth protection coordinator will require the individual to have a satisfactory criminal history check based on a check of the national sex offender public website, maintained by the United States Department of Justice, using the individual's name and place of residence. See www.nsopw.org.

Subject to resource availability, the College will provide for periodic criminal history checks on all volunteers who have contact with minors.

2. As discussed below under “Use of College Facilities by Outside Groups,” (Section VII below) external youth-serving groups using College facilities may be required to implement criminal history checks for their employees and volunteers.

V. Program Requirements

Youth-serving programs exist in many parts of the College, including academic, recreational, and community outreach units. To facilitate compliance with this policy, all programs that serve youth must register in advance and satisfy other child protection requirements. The youth protection coordinator has the authority to disallow youth programs that do not meet the requirements stated in this procedure. College credit or noncredit classes where

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College registration is required and in which one or more students may be under 18, need not satisfy the program requirements. To register youth-service programs, program directors should follow the following guidelines:

- A. Notify the youth protection coordinator at least 30 calendar days before the program begins. Use the online registration form or send an email to the youth protection coordinator.
- B. Establish staffing ratios for the program or follow staffing ratios already established. Staffing ratios should account for factors including: the type and length of the program; the numbers, ages, and experience levels of the youth; the ages and experience levels of the staff; whether the program involves transportation, swimming, changing clothes, showering, or other special circumstances; and how the program will function if a staff member is unavailable or attending to emergency needs of a single child rather than supervising the whole group.
- C. Coordinate criminal history checks for employees with HRSTM. HRSTM will notify the supervisor whether or not the individual is authorized to have contact with minors. Until the supervisor receives this notification, the individual may not have contact with minors in the program.
- D. Formal and informal youth mentoring programs must register and provide the names of youth being served. The mentors must undergo criminal background checks and training. This requirement applies to, among others, a faculty member who may allow a minor to work in a professional setting over a vacation period.

VI. Behavioral Standards, Training, and Resources

The College requires those working with youth not to be alone with a minor before, during, or after the program or activity. The “rule of three,” as it is known, calls for two responsible adults to be present at all times. Any exception to the “rule of three” must be made, in advance, by the supervisor or program director. The College will provide additional guidance on behavioral standards through training, educational resources, and consultation facilitated by the youth protection coordinator.

VII. Use of College Facilities by Outside Groups

- A. Many outside groups use College facilities for their own youth-serving programs. Outside groups must meet the following requirements for the protection of minors:
1. Register the program at least 30 calendar days in advance under section V., subsection A. above.
 2. Structure the program to eliminate any one-on-one time between an adult and a minor in a private area not readily observable by others.
 3. Distribute educational materials provided by the College to the adults participating in the program and review the contents with adult participants.
- B. For outside groups required to have commercial general liability insurance, the insurance must have appropriate limits and types of coverage as determined by the General Counsel.
- C. For outside programs lasting more than one day or involving an overnight stay, conduct criminal history checks on all paid staff and volunteers. Use a College-approved vendor to conduct the checks and certify to the College that the outside group’s staff and volunteers have satisfactory results from a completed criminal history check. Provide any results indicating a criminal history to the College for its review and determination, under established College procedures, as to whether the individual may work with youth on College premises. No staff member or volunteer in an outside program lasting more than one day or including an overnight stay may work with youth on College premises until a satisfactory criminal history check has been completed.
- D. Comply with instructions from the youth protection coordinator concerning program operations.

The College may require an outside group to: (a) provide documentation showing satisfaction of all requirements in this section, and/or (b) permit the College to audit youth protection protocols and records upon request.

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VIII. Miscellaneous Responsibilities – Children in the Workplace and Classroom, Unaccompanied Minors, and Vendors

- A. Employees may not bring children to work except for occasional short periods of time that do not interfere with the employee or his or her colleagues devoting their full attention to College business. The employee retains full responsibility for supervising the child at all times. Events such as “Bring Your Child to Work Day” or other activities especially designed to be suitable for children in the workplace may excuse personal supervision for the event.

- B. Students should make childcare arrangements for periods when they will be on campus. In an occasional emergency situation, and only with permission of the instructor, a student may bring a child to class provided that the situation does not interfere with other students' educational experience. If the instructor does not grant permission for the child to be present, the student must remove the child from College premises.
- C. Supervised children accompanied by responsible adults may be invited to participate in public activities organized and sponsored by the College. Except for specially planned public activities and supervised youth activities, no minors are permitted in a College laboratory or any other area or activity posing special risks to minors. No children, whether supervised or unsupervised, are permitted on construction sites, in maintenance facilities, or other areas where their presence constitutes a danger to themselves or others.
- D. The College is not responsible for unaccompanied minors who are not participating in a structured program or activity. If a minor on College premises appears to be unaccompanied and in need of supervision (for example should an emergency arise), staff will contact the College Department of Public Safety and Emergency Management. Public Safety staff will temporarily supervise the minor and may, in their discretion, contact law enforcement or child protection authorities.
- E. The College may require vendors and contractors to meet requirements of this policy including, among others, reporting obligations, criminal history checks, training, and adherence to behavioral standards.
- F. The College is not responsible for injuries to children who are on College premises in violation of these procedural guidelines.
- G. Students and employees who violate these procedures may be subject to disciplinary action and other appropriate sanctions by the College in accordance with normal processes.

IX. Interpretations and Exemptions

The youth protection coordinator is authorized to interpret and grant specific exemptions to the application of these procedures. The youth protection coordinator must maintain a record of any such interpretations and exemptions, and on a regular basis (monthly unless otherwise requested by the president) furnish a copy of this record to the president and the general counsel.

Administrative Approval: July 29, 2004; June 10, 2013, April 28, 2014 (administrative correction only); February 23, 2015.