

Equal Opportunity, Harassment, & Nondiscrimination at Garrett College

GARRETT COLLEGE'S POLICY AND PROCEDURES RELATING TO DISCRIMINATION,
HARASSMENT, AND RETALIATION

FOR EMPLOYEES

UPDATED: JANUARY 2025

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Equal Opportunity, Harassment, and Nondiscrimination at Garrett College. An overview of Garrett College's policy and procedures relating to discrimination, harassment, and retaliation for employees. Disclosure: some information and content contained within was adapted from SUNY SPARC Go training course under a Creative Commons Attribution-Non-Commercial ShareAlike 4.0 International License. Updated October 2024.

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 - ▶ Supportive Measures/Remedies
 - ▶ Sanctions
 - ▶ Appeals



TRIGGER WARNING



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Available Resources:

- Confidential:
 - Dove Center
 - Phone: 301-334-9000
 - Email: dovecenter@gcdovecenter.org
 - RAINN
 - Phone: 1-800-656-4673
 - Online Chat: <https://hotline.rainn.org/online>
 - Deer Oaks Employee Assistance Program (EAP)
 - Phone: 1-866-327-2400
 - Website: www.deeroakseap.com
- Office of Institutional Compliance
 - Phone: 301-387-3037
 - Email: equitycompliance@garrettcollege.edu



Trigger Warning. It is possible that something you read/hear during this training may trigger an emotional response, whether or not you have experienced interpersonal violence yourself. You may likely want to complete this module in a comfortable place and are welcome to take it with a supportive friend or family member. All employees can access free confidential support by contacting the Dove Center at 301-334-9000 or dovecenter@gcdovecenter.org. You can also get immediate support 24/7 via the national support hotline of the Rape, Abuse, and Incest National Network (RAINN) at 1.800.656.4673 or access their online chat hotline at <https://hotline.rainn.org/online>. Additionally, employees have access to the Deer Oaks Employee Assistance Program, or EAP. You can call toll-free at 1-866-327-2400, or visit the website at www.deeroakseap.com. If you select the link, it will take you to the portal, and provide information on how to access the services. If you have questions or concerns with completing this training, please contact the Office of Institutional Compliance by calling 301-387-3037 or emailing equitycompliance@garrettcollege.edu

Regulatory Review

- **Title VI** of the Civil Rights Act of 1964- Individuals in protected classes cannot be excluded from, denied benefits of, or be subjected to discrimination under any program/activity receiving Federal financial assistance
- **Title VII** of the Civil Rights Act of 1964- Prohibits employment discrimination
- **Title IX** – On the basis of sex, no one can be excluded, denied the benefits of, or be subjected to discrimination under any education program or activity
- Under **VAWA Section 304**, colleges and universities are required to:
 - Report domestic violence, dating violence, and stalking in the Annual Security Report
 - Adopt discipline procedures, such as notifying individuals of their rights
 - Adopt policies to address and prevent campus sexual violence
- The **Americans with Disabilities Act**(ADA)- Prohibits discrimination based on disability
- **Section 504**- Prohibits discrimination based on disability in programs/activities that receive Federal financial assistance



There are several regulations that the College's policy covers when it comes to equal opportunity, harassment, and nondiscrimination. Title VI (6) of the Civil Rights Act of 1964 stipulates that no person in the United States shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from participation in , be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. Title VII (7) of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, national origin, and other protected classes. Title IX (9) is a federal law that states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity". Sexual misconduct and sexual harassment are forms of discrimination under Title IX. Under the Violence Against Women Act, or VAWA, Section 304, colleges and universities are required to 1)report domestic violence, dating violence, and stalking incidents in the Annual Security Report, 2) adopt discipline procedures, such as notifying individuals of their rights; and 3) adopt policies to address and prevent campus sexual violence. The American with Disabilities Act of 1990 prohibits discrimination, based on disability, in everyday activities such as employment, education, transportation , and public accommodations. Section 504 is similar to ADA but prohibits discrimination based on disability specifically in programs and activities that received Federal financial assistance.

Notice of Nondiscrimination

- Garrett College adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education.
- Policy covers nondiscrimination in employment or application for employment, student or access to educational opportunities based on actual or perceived characteristics (see next slide).
- When brought to the attention of Garrett College, any such discrimination will be promptly and fairly addressed and remedied.

**POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND
NONDISCRIMINATION FOR ALL FACULTY, STUDENTS, EMPLOYEES, AND
THIRD-PARTIES**



Notice of Nondiscrimination. Garrett College adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education. The College's policy covers nondiscrimination in employment or application for employment, student or access to educational opportunities based on actual or perceived characteristics which we will review on the next slide. When brought to the attention of Garrett College, any such discrimination will be promptly and fairly addressed and remedied. Everything covered today is covered in the Policy on Equal Opportunity, Harassment, and Nondiscrimination for All Faculty, Students, Employees and Third-Parties which can be found by clicking the link or on the College's Policy and Procedures webpage.

Actual or Perceived Characteristics

- Age (40+ in employment context)
- Citizenship status
- Color
- Creed
- Disability (physical or mental)
- Domestic Violence victim status
- Ethnicity
- Family Responsibilities
- Gender expression
- Gender identity
- Genetic information (including family history)
- Height
- Marital status
- National origin (including ancestry)
- Personal appearance
- Place of business
- Political belief or affiliation
- Pregnancy or related conditions
- Race
- Religion
- Residence
- Sex
- Sexual orientation
- Source of income
- Veteran or military status (includes disabled veteran, recently separated veteran, active-duty, wartime, or campaign badge veteran, and Armed Forces Service Medal veteran)
- Weight
- Or any other protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the institution, with the Equal Opportunity Commission, and/or other human/civil rights agency

This slide reviews the actual or perceived characteristics for which a person is afforded protection against discrimination and harassment by law or College policy. The characteristics include: age (40 and older in the employment context), citizenship status, color, creed, disability both physical or mental, domestic violence victim status, ethnicity, family responsibilities, gender expression, gender identity, genetic information including family medical history, height, marital status, national origin including ancestry, personal appearance, place of business, political belief or affiliation, pregnancy or related conditions, race, religion, residence, sex, sexual orientation, source of income, veteran or military status which includes disabled veteran, recently separated veteran, active-duty, wartime, or campaign badge veteran, and Armed Forces Service Medal veteran, weight, or any other protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the institution, with the Equal Opportunity Commission, and/or other human/civil rights agency.

Discrimination

▶ Disparate Treatment

- ▶ Any intentional differential treatment of a person(s) that is based on person's actual or perceived protected characteristic and that:
 - ▶ Excludes participation in;
 - ▶ Denies benefits of; or
 - ▶ Otherwise adversely affects a term/condition of participation in program/activity

▶ Disparate Impact

- ▶ Occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group/person that:
 - ▶ Excludes participation in;
 - ▶ Denies benefits of; or
 - ▶ Otherwise adversely affects a term/condition of participation in program/activity



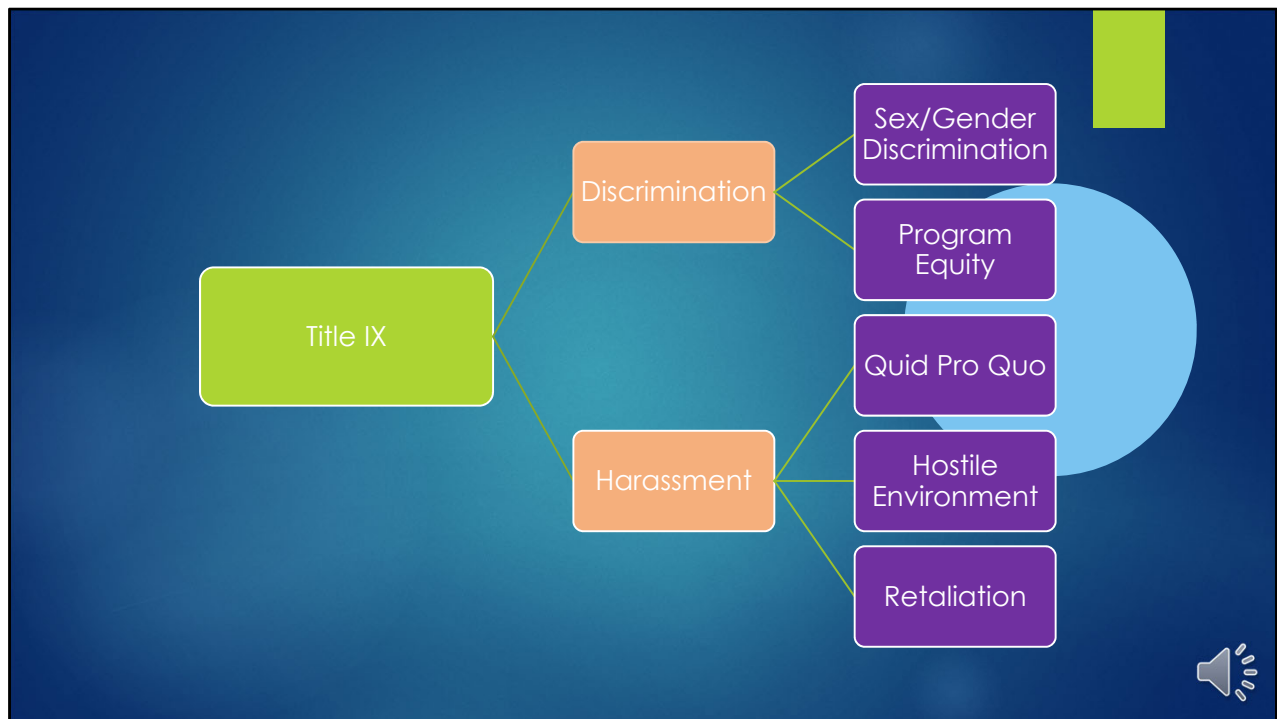
All of the laws/regulations we reviewed earlier address the act of discrimination, or the different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic(s). Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed. Discrimination can take two primary forms: disparate treatment or disparate impact. Disparate treatment is any intentional differential treatment of a person or persons that is based on a person's actual or perceived protected characteristic and that excludes participation in, denies benefits of, or otherwise adversely affects a term or condition of participation in a program or activity. An example of disparate treatment in employment would be you have two applicants who are equal in education, experience, and skills, but the applicant who is white is selected over the applicant who is black. Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that excludes participation in, denies benefit of, or otherwise adversely affects a term or condition of participation in a program or activity. An example of disparate impact in education is that a school has a dress code that applies to all students. In examining conduct cases, it is noted that the administration more frequently imposes sanctions against female students over male students.

Discriminatory Harassment

- ▶ Unwelcome conduct on the basis of actual or perceived protected characteristic(s), that
 - ▶ Based on the totality of the circumstances,
 - ▶ Is **subjectively and objectively offensive**, and
 - ▶ Is so **severe or pervasive**,
 - ▶ That it limits or denies a person's ability to participate in or benefit from a program/activity
- ▶ Examples include: offensive or derogatory jokes, racial or ethnic slurs



Discriminatory harassment is another type of prohibited conduct covered by the College's policy. This is unwelcome conduct on the basis of actual or perceived protected characteristics that, based on the totality of the circumstances, is subjectively and objectively offensive, **and** is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from a program or activity. Examples of discriminatory harassment include offensive or derogatory jokes, or racial or ethnic slurs. And before we move on to discussing other prohibited conduct, I wanted to further discuss some concepts that were just introduced. You will regularly hear the concepts "subjectively and objectively offensive", "severe" and "pervasive" when examining discrimination and harassment. Subjectively and objectively offensive views things from the reasonable person standard context. Severity is often self explanatory. A physical act like non-consensual sexual contact would be considered severe. Pervasive looks at things such as frequency of the conduct, the setting in which the conduct occurs (public vs. private), etc.



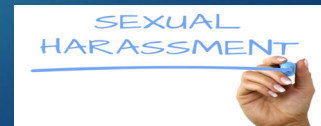
A majority of the regulations that we reviewed on slide 4, including Title VI and VII and 504/ADA are pretty straightforward as to what is covered. Title IX isn't as easy. This graphic illustrates, broadly, what is covered under Title IX. Conduct is broken down into discrimination and harassment. Discrimination under Title IX is based on sex and/or gender, and now includes gender identity and expression. Title IX discrimination also focuses on equity within the programs at the college, such as admissions, employment, financial aid and scholarships, athletics, and so on. We won't cover program equity in detail in today's training, however, there will be future trainings made available and individuals are always encouraged to reach out with questions, to seek guidance, or report conduct. Title IX Harassment includes quid pro quo, hostile environment, and retaliatory harassment, all of which we will dive into deeper in this training.

What Is Sex-Based Harassment?

❖ Sexual harassment or other harassment on the basis of sex, which means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity.

❖ Includes:

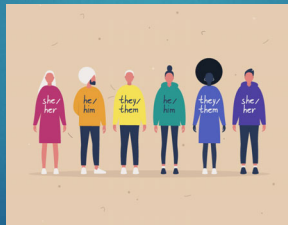
- ❖ Sex stereotypes
- ❖ Sex characteristics
- ❖ Pregnancy or related conditions
- ❖ Sexual orientation
- ❖ Gender identity
- ❖ Sexual assault
- ❖ Dating violence
- ❖ Domestic violence
- ❖ Stalking



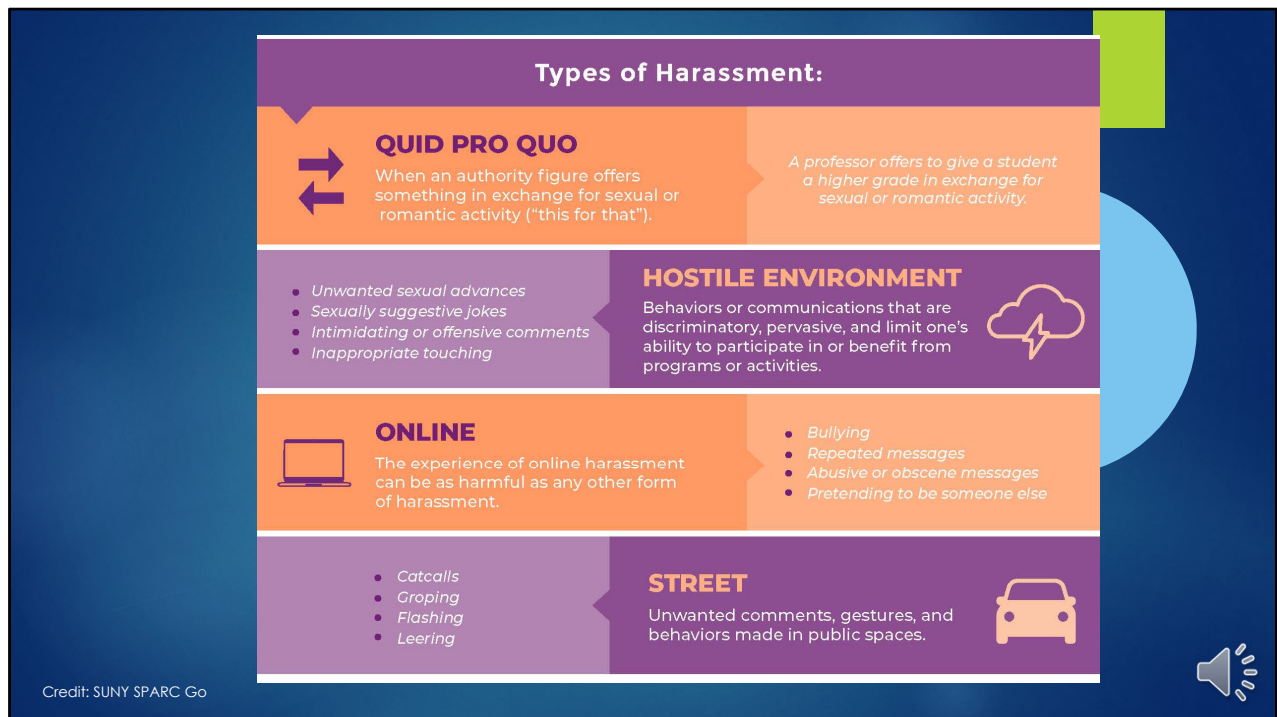
So what qualifies as sex-based harassment? Sex-based harassment is sexual harassment or other harassment on the basis of sex, which means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity. Sex-based harassment includes, but is not limited to, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, sexual assault, dating violence, domestic violence, and stalking.

Gender Identity/Expression

- ▶ Protections regarding gender identity/expression
 - ▶ Exceptions
- ▶ Goal is to maximize inclusion while also respecting individuals rights



The College strives to ensure that all individuals are safe, included and respected in their education and employment environments. Discrimination and harassment on the basis of gender identity or expression are not tolerated. There are exceptions in limited circumstances such as sex-separated sports and housing, but otherwise, preventing someone from participating in a program or activity consistent with their gender identity subjects that person to more than de minimis harm and is therefore prohibited. The ultimate goal is to maximize the inclusion of all individuals while also respecting individual rights, such as freedom of speech and religion.



Sex-based harassment as an umbrella category includes offenses such as:

Quid Pro Quo, or “this for that”, is when an authority figure offers something in exchange for sexual or romantic activity. An example of Quid Pro Quo is when a professor offers to give a student a higher grade in exchange for sexual or romantic activity.

Hostile Environment is behaviors or communications that are discriminatory, pervasive and limit one’s ability to participate in or benefit from programs or activities. Unwanted sexual advances, sexually suggestive jokes, intimidating or offensive comments, and inappropriate touching are all examples of conduct that would qualify as hostile environment. The conduct must be subjectively and objectively offensive, and so severe and pervasive, that it limits or denies the ability to participate in or benefit from a program or activity. It is also important to know that the conduct doesn’t have to be directed at an individual to be considered a hostile environment. A reasonable person who overhears a sexually suggestive joke can file a grievance of hostile environment.

Online harassment can be as harmful as any other form of harassment and includes bullying, repeated messages, abusive or obscene messages, and pretending to be someone else.

Street Harassment is unwanted comments, gestures, and behaviors made in public spaces, such as catcalls, groping, flashing, and leering.

Prohibited Conduct under Sexual Assault

- ▶ Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
- ▶ Includes:
 - ▶ [Rape](#)
 - ▶ [Fondling](#)
 - ▶ [Incest](#)
 - ▶ [Statutory Rape](#)

Sexual harassment also includes sexual assault, which is any sexual act directed against another person, without their consent or in instances where they are incapable of giving consent. We will discuss the concept of consent later in the training. Prohibited conduct under sexual assault can include: Rape, Sodomy, Sexual assault with an object, Fondling, Incest, and Statutory Rape. Links to the definitions of the prohibited conduct, which are in the College's policy, are provided.

Sexual Exploitation

- ▶ Sexual Exploitation- taking non-consensual or abusive sexual advantage of another for their own benefit or the benefit of anyone other than the person being exploited.
 - ▶ Does not constitute Sex-based Harassment as defined earlier
- ▶ Examples include, but are not limited to:
 - ▶ Sexual voyeurism
 - ▶ Taking pictures, video, audio recording of another in a sexual act/activity when there is a reasonable expectation of privacy and without consent
 - ▶ Causing/attempting to cause the incapacitation of another person for the purpose of compromising person's ability to give consent or to make them vulnerable to non-consensual activity
 - ▶ Revenge Porn



Sexual exploitation is taking non-consensual or abusive sexual advantage of another for their own benefit or the benefit of anyone other than the person being exploited. Conduct under sexual exploitation does not constitute sex-based harassment as defined earlier in the training. Examples of sexual exploitation include but are not limited to sexual voyeurism; taking pictures, video, audio recording of another in a sexual act or activity when there is a reasonable expectation of privacy and without consent; causing/attempting to cause the incapacitation of another person for the purpose of compromising person's ability to give consent or to make them vulnerable to non-consensual activity, and revenge porn.

So What is Consent?

Sex without consent is sexual assault.

Assault includes forced sexual intercourse and/or touching a person's body without their consent.

CONSENT IS



Clear

Words or actions make it clear that everyone is sure they want to do something.



Not Coerced

Everyone agrees without any pressure, coercion, intimidation, force, or threat of harm.



Active

Consent is never assumed. Even if you are in a relationship, have hooked up before, or consented to another activity, silence or lack of resistance is not consent.



The Initiator's Responsibility

Consent must be obtained at each step, regardless of whether the initiator is under the influence of drugs or alcohol.



Able to Be Withdrawn

Someone can change their mind at any point. No reason or explanation is required.



Not Possible if Incapacitated

That means when someone cannot knowingly choose to participate. For example, if someone is too drunk or high, asleep, or unconscious then they cannot consent.

Credit: SUNY SPARC Go



So the concept of consent has been mentioned repeatedly when discussing sexual assault. As used in the College's policy, Consent is defined as a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent should be clear permission, by word or action. In a healthy relationship, all partners are able to talk openly about what activities they are comfortable with and each partner respects those boundaries. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. Consent must be obtained at each step regardless of whether the initiator is under the influence. Someone can change their mind at any point in the act and withdraw consent without reason or explanation. And consent is not possible if an individual is incapacitated, which we discuss more on the next slide.

INCAPACITATION

- ! Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).
- ! A person cannot consent if they are:
 - ! unable to understand what is happening or is disoriented,
 - ! helpless,
 - ! asleep, or unconscious, for any reason, including by alcohol or other drugs,
 - ! temporarily or permanently experiencing a physical or mental health condition.

Sex should be something that you participate in, not something that happens to you.



If you or someone you know has experienced a sexual assault, you are not alone.
Resources are available.

Rape, Abuse & Incest National Network (RAINN) | rainn.org
National Sexual Assault Hotline | 800-656-4673
Love Is Respect | loveisrespect.org



Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g. to understand the “who, what, when, where, why, or how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason including by alcohol or other drugs, or temporarily or permanently experiencing a physical or mental health condition. Remember, sex or sexual activities should be something that you participate in, not something that happens to you. If you or someone you know has experienced a sexual assault, you are not alone. Resources both local and national are available, including the Garrett County Dove Center, RAINN, the National Sexual Assault Hotline, and Love is Respect organization.

What is DATING AND DOMESTIC Violence?

 UNHEALTHY Relationship Signs	 HEALTHY Relationships Signs
<ul style="list-style-type: none">▶ Jealousy▶ Controlling▶ Deflecting▶ Belittling▶ Volatility▶ Blame▶ Isolation▶ Betrayal▶ Sabotage▶ Intensity	<ul style="list-style-type: none">▶ Honesty▶ Comfort▶ Safety▶ Respect▶ Equality▶ Trust▶ Independence▶ Kindness▶ Accountability▶ Healthy Conflict

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Dating violence is violence on the basis of sex committed by a Respondent who is in or has been in a social relationship of a romantic or intimate nature with the Complainant and includes but is not limited to sexual or physical abuse or threats of such abuse. Domestic violence is violence on the basis of sex committed by a current or former spouse or intimate partner, shares a child in common with, cohabitates or has cohabitated with the Complainant. Domestic violence also includes violence on the basis of sex committed by any other person against an adult or youth Complainant who is protected from that person's acts under domestic or family violence laws of Maryland.

1 in 4 women and 1 in 7 men experience physical violence by an intimate partner in their lifetime. Signs of an unhealthy relationship can be hard to recognize or hard to admit and may be easier to spot in someone else's relationship than in your own. Red flags in an unhealthy relationship include jealousy, controlling, deflecting belittling, volatility, blame, isolation, betrayal, sabotage, and intensity. If you are seeing unhealthy signs in your relationship, it is important to not ignore them and understand they can escalate to abuse. As the One Love Foundation states, "A healthy relationship does not mean a 'perfect' relationship, and no one is healthy 100% of the time, but these signs are behaviors you should strive for in all of your relationships. Healthy relationships involve honesty, comfort, safety, respect, equality, trust, independence, kindness, accountability, and healthy conflict.

Everyone Deserves a Healthy Relationship!

Resources Available:

The National Domestic Violence
Hotline: (thehotline.org)

One Love Foundation (joinonelove.org)

RAINN | The nation's largest anti-sexual
violence
organization

Dove Center | You are not alone, It is not your
fault. Help is available. (gcdovecenter.org)

National LGBTQ Institute on Intimate Partner
Violence (lgbtqipv.org)

HOW TO HELP A FRIEND:

- ❖ Be supportive & listen patiently
- ❖ Remind them that the abuse is not normal & not their fault
- ❖ Help them develop a safety plan
- ❖ Learn healthy communication skills
- ❖ Connect them to resources



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Everyone deserves a healthy relationship. If you are experiencing concerning behaviors, or red flags, resources are available by contacting the National Domestic Violence Hotline, the One Love Foundation, RAINN, or the Garrett County Dove Center. If you see a friend who may be in an unhealthy relationship, you can help them by being supportive and listening patiently, remind them that the abuse is not normal and not their fault, help them connect with resources and develop a safety plan, and learn healthy communication skills.


What is Stalking?

- ❖ A pattern of repeated and unwanted attention, harassment, or contact that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress



Stalking is a pattern of repeated and unwanted attention, harassment, or contact that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. 1 in 6 women and 1 in 17 men experience stalking in their lifetimes. The vast majority of stalkers know their victims, with 84% being intimate partners, acquaintances, family members or authority figures.

Common stalking behaviors:



repeated calls or messages



following, spying, or tracking




unwanted gifts



showing up unannounced



spreading rumors or private information



waiting for the victim

What to do if you think you're being stalked:

Trust your instincts. Don't hesitate to get help if you experience something that makes you feel uncomfortable or unsafe. Campus resources are available. If you think a friend is stalking IRL or online, let them know that what they are doing is not okay.

- 1 Document the behavior with a detailed log
- 2 Save messages and other evidence (packages, etc.)
- 3 Tell someone you trust what's going on
- 4 Contact the police or campus safety
- 5 Be mindful of your digital activity & what you share

Credit: SUNY SPARC Go

Common stalking behaviors include: repeated calls or messages; following, spying, or tracking; unwanted gifts; showing up unannounced; spreading rumors or private information; and waiting for the victim. If you think you are being stalked, it is important to trust your instincts and get help. You should document the behavior with a detailed log, save messages and other evidence (packages, etc.), tell someone you trust what's going on, contact law enforcement or campus security, and be mindful of your digital activity and what you share.

Other Prohibited Conduct

- ▶ [Bullying](#)
- ▶ [Endangerment](#)
- ▶ [Hazing](#)
- ▶ [Retaliation](#)
- ▶ [Failure to Comply/Process Interference](#)



There is some conduct that doesn't explicitly seem to fall under discriminatory or harassing conduct; however, is included in the College's policy. This includes bullying, endangerment, hazing, retaliation, and failure to comply or process interference. All of the other prohibited conduct is reviewed in detail by selecting the link or by reviewing the College's policy.

Pregnancy and Related Conditions and Parenting

- ▶ Covers all facets of pregnancy and related conditions, and parenting students
- ▶ Requirements
 - ▶ Information Sharing
 - ▶ Reasonable Modifications
 - ▶ Student Parents
 - ▶ Certification to Participate
 - ▶ Lactation Space Access
 - ▶ Leaves of Absence

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Title IX provides protections regarding pregnancy and related conditions and parenting. The College's policy covers all facets of pregnancy and related conditions, including pregnancy, childbirth, termination of pregnancy which includes the ending of a pregnancy in any manner such as miscarriage or abortion, and lactation. The policy additionally covers parenting students and allows for reasonable modifications during the first three months from the time the child enters the home, and may allow for exceptions. There are several requirements that fall under this policy, the first of which is information sharing. Any College employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinator's information and how the Coordinator will assist the student. Students who are pregnant or experiencing related conditions are entitled to reasonable modifications, and these can be discussed and coordinated with the Title IX Coordinator. All students should be informed when a course or program poses health or safety risks, regardless of pregnancy status. No student should be required to provide documentation except in specific situations where it is necessary for participation, is requested of all students participating, and will not be used in a discriminatory manner. The College does provide access to a space for lactation, which is private and is outfitted with a variety of resources. Any individual wishing to use this space can contact the Title IX Coordinator to arrange access. Students are permitted to take a voluntary leave of absence as deemed medically necessary or as appropriate with the birth, adoption, or placement of a child. The student can contact the Title IX Coordinator to assist

with these arrangements. All parties, be they student or employee, have protections to be free from harassment and retaliation as it relates to this policy, and should contact the Title IX Coordinator if they feel their rights have been infringed upon and/or to file a complaint.



Institutional Policy and Responsibilities

GARRETT COLLEGE'S RESPONSE TO GRIEVANCES



The next portion of this training will provide a brief overview of the college's institutional policy and response to grievances.

POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION FOR ALL FACULTY, STUDENTS, EMPLOYEES, AND THIRD-PARTIES

Covers:

- Prohibited Conduct
- Reporting Mechanisms
- Resolution Process for Addressing Grievances
- Resources and Supportive Measures
- Sanctions
- Appeals Process
- Terminology
 - Complainant vs. Respondent



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The College's policy on equal opportunity, harassment, and nondiscrimination for all faculty, students, employees and third-parties is a comprehensive policy that describes, in detail, the prohibited conduct covered by the policy that we discussed earlier, and the procedures on how to report. Also included in the policy is the resolution process used for addressing grievances, including standard of evidence, resources and supportive measures, sanctions if an individual is found responsible, and the appeals process. During this overview, you will hear some repeated terminology, such as complainant and respondent. A complainant is an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity. A respondent is an individual who has been reported to be the perpetrator of prohibited conduct that is covered under this policy. The Complainant and Respondent are referred to as the parties during the resolution process.

REPORTING

CONFIDENTIAL RESOURCES*

- ▶ On-Campus Mental Health Counselor
 - ▶ [Health Services Webpage](#)
- ▶ The Dove Center
 - ▶ 24- hour hotline: 301-334-9000
 - ▶ Website: <http://gcdovecenter.org>
- ▶ Off-Campus (non-employees)
 - ▶ Licensed professional counselors
 - ▶ Local rape crisis counselors
 - ▶ Domestic Violence resources
 - ▶ Clergy/Chaplain
 - ▶ Attorneys

MANDATED/ NON-CONFIDENTIAL

- ▶ All Garrett College employees (including some student workers)
- ▶ Title IX Coordinator
 - ▶ Shelley.menear@garrettcollege.edu
 - ▶ 301-387-3037
 - ▶ Office: TECH 327
- ▶ Compliance Team Members
- ▶ Reasonable Concern Form
 - ▶ Has anonymous reporting option
 - ▶ Available online : [Link here](#)

* Confidentiality can be maintained except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.



All Garrett College employees are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices considering reporting, it is important to be aware of confidentiality and mandatory reporting requirements. Confidential resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment without any obligation to inform an outside agency or campus official in most cases. Mandated reporters are obligated to disclose information to the Title IX Coordinator and can connect a reporting party to resources. Every effort is made by the College to preserve the privacy of reports and information is shared only in accordance with college procedures and with those who have a legitimate need to know. Confidential resources are as follows: The college employs a part-time mental health counselor. The contact information, hours, and appointment information for the counselor is available on the College's Student Health Services webpage. The Garrett County Dove Center is on-campus every Thursday when classes are in session but can be contacted by calling 301-334-9000 or visiting their website gcdovecenter.org. There are other confidential resources that aren't affiliated with the college which include licensed professional counselors, local rape crisis counselors or domestic violence resources, clergy members or chaplains, and attorneys. It is important to remember that confidentiality can be maintained except in extreme cases of immediacy of threat or danger, abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order. All college employees,

including some student workers are mandated reporters. These employees are required to report disclosures of actual or perceived discrimination and harassment and don't have confidentiality protections. Grievances can also be reported to the College's Title IX Coordinator, Shelley Menear, by emailing shelley.menear@garrettcollege.edu, calling 301-387-3037 or stopping by office 327 in the Technology building. Grievances can also be reported to identified team members with compliance responsibilities, such as the Director of HR. These individuals and their roles are listed on pages 8 and 9 of the college's policy. The College also has an online reporting tool called the Reasonable Concern form. This reporting tool has an anonymous reporting option but it is important to remember that the college will be limited in its response when dealing only with an anonymous report and cannot have an anonymous formal complaint. The Reasonable Concern form is available in the link provided or on the college's website.

Employees As Mandated Reporters

- ▶ Applies to all Garrett College employees (faculty, staff, administrators, student employees)
- ▶ Must promptly share with the Title IX Coordinator :
 - ▶ Actual or suspected discrimination, harassment and/or retaliation, and/or Other Prohibited Conduct.
- ▶ Inform individuals to carefully consider whether they want to share personally identifiable details, as those details must be shared with the Title IX Coordinator.
- ▶ There are a few exemptions, such as disclosures in climate surveys, or classroom writing assignments or discussions, that do not require reporting, unless the individual clearly indicates that they wish a report to be made.
- ▶ Supportive measures may be offered as the result of such disclosures without formal Garrett College action
- ▶ Failure of a Mandated Reporter to report is a violation of Garrett College policy and can be subject to disciplinary action for failure to comply.
- ▶ Additional mandated reporter items



All employees of Garrett College (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of actual or suspected discrimination, harassment, and/or retaliation, and/or Other Prohibited Conduct. Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator. Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Garrett College. Supportive measures may be offered as the result of such disclosures without formal Garrett College action. Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of Garrett College policy and can be subject to disciplinary action for failure to comply. Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though Garrett College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves. Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not

required to report their own experience, though they are, of course, encouraged to do so.

Report vs. Complaint

Report

- ▶ Provides **notice**
- ▶ College response
 - ▶ Reach out and provide support
 - ▶ Provide supportive and interim measures
 - ▶ Explain resolution process
 - ▶ Explain process to report to law enforcement

Formal Complaint

- ▶ Must be **in writing and signed** by Complainant
- ▶ Upon receiving a formal complaint, the College must:
 - ▶ Conduct an initial assessment to determine jurisdiction
 - ▶ Follow appropriate resolution process

The terms report and complaint have been used quite often in prior slides but it is important for individuals to understand the difference. Upon receiving a report from a Complainant or third-party, the college must reach out and provide support; provide supportive and interim measures to the person alleged to have experienced the harassment, which may also be offered to the Respondent; explain the process to make a formal complaint to the college, and explain the process to report to law enforcement. Upon receiving a complaint, the college must conduct an initial assessment to determine jurisdiction, which looks at where the incident took place and whether the college has authority/control over the reported behaviors and Respondent, as well as, if the conduct falls under this policy's purview, or another college policy. For formal complaints, they must be in writing and signed by the Complainant, but can be made in any format (on paper or electronic) and made at any time. Upon receiving a formal complaint, the college must conduct an initial assessment to determine jurisdiction, which looks at where the incident took place and whether the college has authority/control over the reported behaviors and Respondent. A formal complaint triggers the college's obligation to follow its grievance processes which include an investigation, and potentially a hearing. Remember, an individual can submit an anonymous report that the college will look into and address to the best of our ability, but an anonymous formal complaint is not possible.

Essential Compliance Elements

- ▶ Once the college has **actual notice/knowledge**, we must:
 - ▶ Investigate what occurred
 - ▶ Take prompt and effective action to:
 - ▶ **Stop** the harassment,
 - ▶ **Prevent** the recurrence, and
 - ▶ **Remedy** the effects.
- ▶ This is regardless of whether or not the Complainant makes a formal complaint or asks the college to take action.



Essential Compliance Elements. Once the college has actual notice or knowledge of discrimination, harassment, retaliation, or Other Prohibited conduct, the college must investigate what occurred and take prompt and effective action to stop the harassment, prevent the recurrence, and remedy the effects. Actual notice or knowledge includes when a Complainant notifies the Title IX Coordinator, or other designated official. Regardless of whether or not the Complainant makes a formal complaint or asks the college to take action, the college must investigate and take action to address the situation and document the steps taken.

Retaliation

- ! Defined as any adverse action taken against a person for participating in a protected activity and/or because of the person's participation in that protected activity.
- ! Protected activity includes but not limited to:
 - ! Reporting (formally or informally) an incident or covered by the College's policy,
 - ! Participating in the resolution process,
 - ! Supporting a Complainant or Respondent,
 - ! Assisting in an investigation,
 - ! Acting in good faith to oppose conduct that violates College policy (Bystander Intervention)



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Retaliation is defined as any adverse action, including intimidation, threats, coercion, or discrimination taken against any person by the College, a student, employee, or person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by law or policy or for participating in a protected activity. Protected activity can include reporting, either formally or informally, an incident covered by college policy; participating or refusing to participate in the resolution process; supporting a Complainant or Respondent; assisting in an investigation; or acting in good faith to oppose conduct that violates college policy (bystander intervention). Retaliation is prohibited and will be promptly investigated and addressed.

Rights of Parties

- ▶ Complainants and Respondents involved in the resolution process have specific rights, most importantly, but not limited to, the right to:
 - ▶ An equitable investigation and resolution
 - ▶ Timely written notice
 - ▶ Be treated with respect
 - ▶ Have College policies and procedures followed without material deviation
 - ▶ An advisor
 - ▶ Supportive measures
 - ▶ And more
- ▶ A “Statement of the Right of Parties” is available in [Appendix B](#) of the College's policy



Rights of parties. Complainants and respondents involved in the resolution process have specific rights, most importantly, but not limited to, the right to: an equitable investigation and resolution, timely written notice throughout the process, be treated with respect, have college policies and procedures followed without material deviation, an advisor to assist the party through the process, access to supportive measures, and more. A “Statement of the Right of Parties” is available in Appendix B of the College’s Policy on Equal Opportunity, Harassment, and Nondiscrimination for all faculty, students, employees and third-parties.

Grievance Processes

Process “A”

- ▶ Covers the “Big 5” offenses
 - ▶ Sexual Assault
 - ▶ Dating Violence
 - ▶ Domestic Violence
 - ▶ Stalking
 - ▶ Sexual Harassment
- ▶ Steps in Process A
 - ▶ Investigation
 - ▶ Resolution
 - ▶ Dismissal
 - ▶ Informal Resolution
 - ▶ Live Hearing
 - ▶ Determination
 - ▶ Sanctioning
 - ▶ Appeal

Process “B”

- ▶ Covers violations not covered in Process A such as:
 - ▶ Sex/gender-based policy violations that causes a discriminatory effect
 - ▶ Also covers policy violations on the basis of the Complainant’s protected class which is severe and/or pervasive/persistent enough to cause a discriminatory effect (for example Civil Rights violations)
- ▶ Steps in Process “B”
 - ▶ Initial Assessment
 - ▶ Investigation
 - ▶ Resolution
 - ▶ Dismissal
 - ▶ Informal
 - ▶ Administrative
 - ▶ Determination
 - ▶ Sanctioning
 - ▶ Appeal



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Dependent upon the conduct identified in a formal complaint, there are two different grievance processes. Process A covers what is called the “Big 5” offenses, which are sexual assault, dating violence, domestic violence, stalking, and sexual harassment. If a grievance is sent through process A, the general steps followed are an investigation; a resolution, which could include dismissal, an informal resolution, or a live hearing; a determination, which if there is a finding of responsibility, sanctions are assigned; and the right to an appeal under specific grounds. Violations not covered in Process A, such as sex/gender-based policy violations that causes a discriminatory effect or policy violations on the basis of a Complainant’s protected class which is severe and/or pervasive/persistent enough to cause a discriminatory effect, like Civil Rights violations, would go through Process B. The steps in process B have similarities to Process A but there is some difference in the resolution process, which includes no live hearing requirement.

Resources/ Remedies

- ▶ Regardless of process and resolution, there are interim and long-term actions available
- ▶ These actions include, but are not limited to:
 - ▶ Campus Security Escort
 - ▶ No Contact Orders/Contact Restrictions
 - ▶ Adjustments to academic schedule, housing, work situation
 - ▶ Providing counseling and medical services
 - ▶ Academics support services
- ▶ Arranged by Title IX Coordinator



Regardless of which resolution process is followed, or if there is even a formal complaint, there are interim and long-term remedies and/or actions available. These include, but are not limited to a campus security escort, no contact orders or contact restrictions, adjustments to academic schedules, on-campus housing, and work situations, counseling and medical services on and off campus, and academic support services to name a few. Parties should work with the Title IX Coordinator who will arrange these resources and/or remedies.

Sanctions

Student Sanctions

- ▶ Warning
- ▶ Probation
- ▶ Education
- ▶ Loss of Privileges
- ▶ No Contact
- ▶ Reduced access to housing/campus
- ▶ Suspension
- ▶ Expulsion

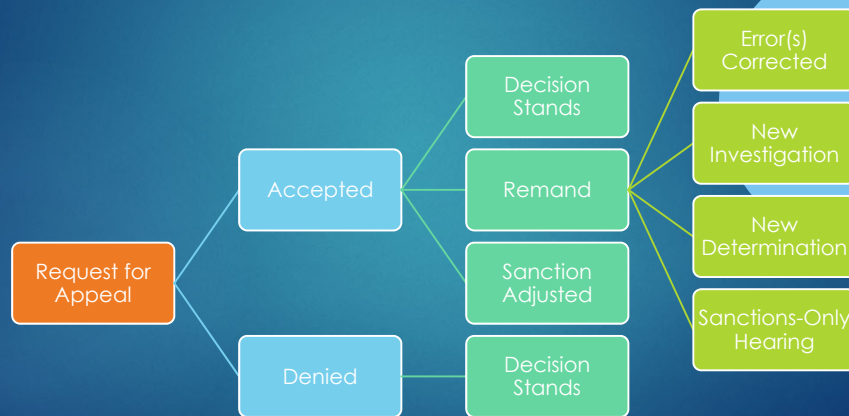
Employee Sanctions

- ▶ Warning
- ▶ Probation
- ▶ Education
- ▶ Performance Improvement Plan
- ▶ Reduction in pay/ loss of raise
- ▶ Loss of responsibilities/duties
- ▶ Suspension
- ▶ Termination



If found responsible, sanctioning must be reasonable and reflect the severity of the behavior. Some common sanctions for students may include warning, probation, education, loss of privileges, no contact orders, reduced access to housing and/or campus, suspension, and expulsion. Some common sanctions for employees may include warning, probation, education, performance improvement plan, reduction in pay or loss of raise, loss of responsibilities or duties, suspension or termination. Please note that these lists are not comprehensive. Student groups or organizations could also face sanctions. Individuals who fail to comply with sanctions could face additional consequences.

APPEALS



All parties have a right to appeal. Appeals are limited to the following grounds:

- (A) Procedural irregularity that would change the outcome;
- (B) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made;
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome;
- (D) The final determination by the Decision-maker is substantially contrary to the weight of the evidence in the record (applicable to sanctions of suspension, expulsion or termination, only); or
- (E) The sanctions fall outside the range of sanctions designated for this offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion, or termination, only).

An Appeal Decision-Maker, either an individual or panel not previously involved in the process, will be assigned by the Title IX Coordinator. After the request for appeal, the appeal would either be accepted or denied. If accepted, it will be reviewed and 1) the decision will stand, 2) it would be remanded to correct errors, complete a new investigation, make a new determination, or a sanctions-only hearing, or 3) the accepted appeal would result in an adjusted sanction. A request for an appeal does not have to be granted. If an appeal is denied, the decision made as a result of the resolution process

stands.

The parties will be notified in writing about the appeal process, as well as, if an appeal is submitted.

Additional Reporting Options

- ▶ Department of Education
 - ▶ Office of Civil Rights
 - ▶ [Online Complaint Form](#); Phone: 215-656-8541
- ▶ Maryland Higher Education Commission
 - ▶ Director of Academic Affairs
 - ▶ [Collegiatecomplaint.mhec@Maryland.com](mailto:collegiatecomplaint.mhec@Maryland.com)
- ▶ Middle States Commission on Higher Education
 - ▶ Complaints and Third Party Comments
 - ▶ complaints@msche.org; [Online Complaint Form](#)



Individuals have the right to file a complaint or grievance with the following entities outside of the college:

The Department of Education, Office of Civil Rights has an online complaint form through the provided link. One can also call the Philadelphia Office at 215-656-8541.

Complaints can be sent to the Maryland Higher Education Commission by emailing collegiatecomplaint.mhec@Maryland.com, or visiting the MHEC website for more details.

Finally, complaints and third-party comments can be sent to the College's accreditation organization, Middle States Commission on Higher Education by emailing complaints@msche.org or completing the online form

Prevention and Awareness

- ▶ The College has the responsibility to STOP the harassment, PREVENT the recurrence, and REMEDY the effects.
- ▶ Programs and Activities
 - ▶ Relationship Wellness
 - ▶ Sexual Assault Awareness Month
 - ▶ Mental Health
 - ▶ Alcohol and Drug Addiction
- ▶ Bystander Intervention
 - ▶ See Something, Say Something
- ▶ Risk Reduction
 - ▶ Be aware of your surroundings
 - ▶ Trust your instincts
 - ▶ Avoid isolated areas and try to walk in groups
 - ▶ Avoid leaving your drinks/food unsupervised



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Prevention and Awareness. Under Title IX, the College has the responsibility to stop the behavior, prevent the recurrence, and remedy the effects of the harassment/discrimination. Prevention activities and raising awareness is critical to educate the campus community to recognize behaviors, take steps to prevent, and know how to report. The college regularly holds programs and activities throughout the year in collaboration with community partners such as the Dove Center and the Garrett County Health Department, on topics such as relationship wellness, sexual assault awareness, mental health, alcohol and drug education, and bystander intervention. You can also take steps to reduce potential risky situations. Be aware of your surroundings, trust your instincts, avoid isolated areas and try to walk in groups, and avoid leaving your food and drinks unsupervised.

What is an **Active Bystander**?



Credit: SUNY SPARC Go

Another way in which you can help prevent and address behaviors that may be discriminatory or harassing is being an active bystander. The College encourages employees and students to be active bystanders, which means paying attention if it seems like someone needs help and being willing to be the person who can provide that help. Remember, if something seems off, then it probably is. There are a number of ways that bystanders can help someone in what may be an unsafe situation. First, be direct by stepping in and calling out the behavior or asking if someone is okay. You can also distract from the situation by creating a diversion or interrupting the situation. Intervention by a number of individuals can be a powerful tactic and extremely effective. Finally, if someone is in immediate danger, or if the situation escalates, call 911.

Other Ways to Help

Support a Friend/Co-worker

- ▶ "How can I support you?"
- ▶ "Thank you for telling me."
- ▶ "What do you want to do?"

Bystander Intervention
starts with **YOU**



Check Your Own Behaviors

- ▶ Resist joining in.
- ▶ Call it out when you see it
- ▶ Don't make jokes at the expense of others
- ▶ Do not gossip or spread rumors

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Bystander intervention starts with you! Support a student, friend, or co-worker by asking how you can support them, thank them for sharing their situation with you, and asking them what they want to do. Its also important to check your own behaviors. Resist joining in and call out behaviors when you see them. Don't make jokes at the expense of others. Do not gossip or spread rumors.

QUESTIONS???

If you have any questions or concerns, please contact Shelley Menear, the College's Title IX Coordinator and the Director of Institutional Compliance.

Office: **TECH- 303**

Phone: 301-387-3037

Email: equitycompliance@garrettcollege.edu

Be sure to complete the quiz in Blackboard to get credit for this training.



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Thank you so much for taking the time to complete this training. As stated, this is just a brief overview. If you have any questions or concerns, please contact Shelley Menear, the college's Title IX Coordinator and Director of Institutional Compliance by visiting the office in the Technology building in room 327, calling 301-387-3037, or emailing equitycompliance@garrettcollege.edu. Be sure to return to Blackboard to complete the quiz associated with the training.