



Garrett College  
**Sexual Misconduct Policy**  
*(#2017-A - Guidelines for GC Policy #2017 Sexual Misconduct)*

2015

*(Approve by Board of Trustees on November 18, 2014; updated June 1, 2015)*

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# 1. Policy Statement

Garrett College is dedicated to ensuring all members of the college community- students, faculty, staff and administrators- the right to work and learn in an environment free from intimidation or coercion in any form. College policies have been established to promote an educational and work atmosphere free from the threat of harassment or assault.

## 1.1. GC Anti-Harassment/Discrimination Policy

Garrett College prohibits harassment or discrimination against any person on the basis of race, ethnicity, religion, gender, age, sexual orientation, veteran status, or physical or mental disability. This policy applies to and includes, but is not necessarily limited to, access to employment, equitable employment practices, access to educational programs, and access to services for individuals in these protected classes. The College will abide by all applicable requirements of state and Federal law prohibiting harassment or discrimination, mainly Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 and the Maryland Fair Employment Practices Act.

Specific categories of harassment and discrimination that fall under this policy include those in relation to hate crimes and sexual misconduct.

Hate Crime is defined as any act of intimidation, harassment, physical force or threat of physical force directed against any person, their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, religious belief, sex, age, disability, gender identity or sexual orientation, with the intention of causing fear or intimidation; or with the intent to deter or resulting in the deterrence of the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United State or Maryland whether or not performed under color of law.

Sexual Misconduct includes, but is not limited to, the following prohibited forms of discrimination and harassment: sexual harassment, gender-based harassment, sexual assault, non-consensual sexual contact, sexual exploitation, dating violence, domestic violence, and stalking.

All reported violations of this policy will be investigated and adjudicated according to College policy (through Student Code of Conduct or Human Resources Manual).

## 1.2. Sexual Misconduct Policy

Garrett College prohibits all forms of sexual and gender based harassment and misconduct, including but not limited to, sexual harassment, gender-based harassment, sexual assault, non-consensual sexual contact, sexual exploitation, dating violence, domestic violence, and stalking that may occur between people of the same or different sexes, gender identities or expressions, or sexual orientation.

All members of the College community, including students, faculty, administrators, staff, volunteers, vendors, visitors, and individuals having any relationship with the College or on College property are expected to adhere to this policy. This policy applies to conduct which occurs on College property or at College- sanctioned events or programs that take place off campus, including College trips or internships.

Title IX of the Education Amendments of 1972 requires the College to not discriminate on the basis of sex. Prohibited sex discrimination covers sexual harassment, including sexual violence. Examples of the types of conduct prohibited are included further in the Sexual Misconduct Policy Information Guide.

Inquiries concerning the application of Title IX may be referred to the College's Title IX Coordinator or to the Department of Education's Office of Civil Rights. Garrett College's Title IX Coordinators' and Title IX Investigators' information can be found below.

### 1.2.1 Title IX Coordinators

- Shelley Menear, Coordinator of Security, Office: MT-766, Phone: 301-387-3037
- Linda Fike, Director of Human Resources, Office: BO- 703A, Phone: 301-387-3049

### 1.2.2 Title IX Investigators

- Denise Friend, Coordinator of Distance Learning and Instructional Design, Office: LC-630, Phone: 301-387-3125
- Eric Hallenbeck, Athletics Facilities Coordinator, Office: CARC Gym 953, Phone: 301-387-3331

## 2. Confidentiality

The College shall protect the privacy of individuals involved in a report of discrimination or sexual misconduct to the extent allowed by state and federal law and college policy. A report of discrimination or sexual misconduct may result in the gathering of extremely sensitive information about individuals in the college community. When a report involves suspected abuse of a minor under the age of 18, these confidential resources are **required** by Maryland law to notify child protective services and/or local law enforcement. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

### 2.1. Options for Reporting

The College encourages victims of sexual misconduct to talk to someone about what happened- so victims can get the support they need, and so the College can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication"( examples: professional and pastoral counselors)
- Other employees may talk to a victim in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the victim's wishes.( examples: non-professional counselors and advocates)
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called "responsible employees"- a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty) constitutes a report to the College- and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

### 2.2. Request for Confidentiality

The Title IX Coordinator attempts to balance the needs of the parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace. Confidentiality is an aspiration, but is not always possible or appropriate. An individual's requests regarding the confidentiality of reports of discrimination or sexual misconduct will be considered in determining an appropriate response, however, such requests will be considered in the dual contexts of the College's legal obligation to ensure a working and learning environment free from discrimination or sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. In making this determination, the College may consider:

- The seriousness of the conduct

- The respective ages and roles of the complainant and respondent (alleged perpetrator)
- Prior complaints or reports of harassment or misconduct against the respondent (alleged perpetrator)
- The rights of the Respondent (alleged perpetrator) to receive notification before disciplinary action is sought

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. Where the College is unable to take action consistent with the request, the Title IX Coordinator or a member from the Title IX team will inform the complainant (victim) about the College's chosen course of action.

### 2.3. Timely Warnings and Emergency Notifications

A timely warning is issued in response to specified crimes that occur on or around campus, whereas an emergency notification is required for any immediate threat to the health and safety of the college community. If the College determines that a report of misconduct represents a serious or continuing threat to the College community, the College may issue a campus wide alert to protect the health or safety of the community. This alert will not disclose any personally identifiable information about the complainant. The release of names and other information is done in compliance with the Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

When necessary, important information is disseminated through e2 campus, an emergency notification system that informs subscribers through emails and text messages. Students and employees access the sign up page for e2 campus by selecting the following link:

<http://www.e2campus.net/my/garrettcollege/signup.htm>

The College also sends notification through the use of the College Weather Line, radio and television alerts, and messages on the [College's website](#) as well as the official [Garrett College Facebook page](#), [Garrett Campus Security Facebook](#), [GC Campus Security Twitter](#) and other social media outlets.

## 3. Prohibited Conduct and Definitions

The follow section attempts to define prohibited conduct in relation to sexual harassment and misconduct. The College prohibits all forms of sexual and gender-based harassment, including sexual violence and intimate partner violence. Definitions in this section are taken from the Violence Against Women Act and the FBI Uniform Crime Reporting Program.

### 3.1. Prohibited Conduct

**Sexual Harassment** is “any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when (a) is sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from an education program or to create a hostile or abusive educational environment, or (b) explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment”.

**Gender Discrimination or Gender Harassment** “includes discrimination or verbal/physical harassment which is based on the person’s gender but which is not sexual in nature; may include discrimination or sexual misconduct on the basis of sexual orientation, gender identity or gender expression, and harassment or discrimination on the basis of sex-stereotyping”.

Conduct that may be considered sexual harassment falls into five categories: physical, verbal, visual, written, or quid pro quo.

**Physical Conduct** is “unwelcomed touching, sexual/physical assault, impeding, restraining, or blocking movement; unwanted sexual advances within the educational or employment context”.

**Verbal Conduct** is “verbal abuse of a sexual nature, graphic verbal comments about an individual’s body, sexually degrading words used to describe an individual; objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes or anecdotes”.

**Visual Conduct** is “severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate”.

**Written Conduct** is letters, notes, or electronic communications containing comments, words, or images as described in visual conduct.

**Quid Pro Quo Conduct** is “ direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering employment benefits in exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; making or threatening reprisals after a negative response to sexual advances”.

Additional conduct that is prohibited under this policy is as follows (please note that each specific prohibited conduct may also be a form of sexual harassment):

**Non-Consensual Sexual Intercourse**- “any act of sexual intercourse with another individual without effective consent (see definitions of consent on page 6). Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact”.

**Non- Consensual Sexual Contact**- “ any intentional touching of the intimate parts of another person, causing another to touch one’s intimate parts, or disrobing or exposure of another without effective consent. Intimate parts may include the genitalia, breast, buttocks, groin, or clothing covering those parts, or any other part of the body that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse”.

**Sexual Exploitation**-“ any act which takes non-consensual or abusive sexual advantage of another individual, either for their own advantage or benefit, or for the advantage or benefit of anyone other than the one being exploited. This behavior can include, but is not limited to, unwanted exposure to pornography, voyeurism, and the use of electronics to capture image or video of a sexual act without consent or knowledge of involved parties”.

**Stalking**- “engaging in a course of conduct directed at a specific person that would cause reasonable fear for his or her safety or the safety of others; or suffer substantial emotional distress”. Stalking behaviors may include but are not limited to repeated: abusive and excessive contact and/or monitoring phone calls, voice mails, emails, instant messaging, text messages, and/or social media to one’s home or work; trespassing; following and/or threatening an individual or a person’s friends and relatives; driving/walking by a person’s home, school, and/or work; or vandalizing property”.

**Intimate Partner Violence**- While not included in this policy as a specific form of sexual misconduct, intimate partner violence or dating and domestic violence, includes “any act or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with the victim (complainant/respondent). Behaviors may include, but are not limited to, physical, sexual, and emotional violence that may occur once or be ongoing.”

Other forms of prohibited conduct include **Harm to others**- “words or types of conduct that threaten or endanger the health or safety of any person including physical abuse, verbal abuse, threats, intimidation, and/or harassment



## 3.2. Consent

**Effective Consent** is defined as “willingly, freely, and knowledgeably agreeing to engage in sexual conduct. Consensual sexual conduct is a mutual decision reached by all parties involved without any hint of force, threat, coercion, fraud, manipulation, intimidation, or reasonable fear of injury. Consent cannot be given if an individual is mentally or physically incapacitated (for example, due to excessive use of alcohol or drugs or a mental or physical condition). Silence, passivity, lack of active resistance or lack of active response does not imply consent. In addition, previous participation in sexual activity does not indicate current or future consent to participate. Consent to one form of sexual activity does not imply consent to other forms of sexual activity”.

Essential elements of effective consent include:

- All parties share a clear and mutual understanding of the act to which they are consenting with a willingness to do the same thing at the same time.
- Consent consists of mutually understandable verbal or physical communication to demonstrate a willingness to engage in sexual activity. Without clear communication or outward demonstration, there is no consent.
- Consent can be withdrawn at any time. Withdrawal of consent can be an expressed “no” or can be based on a clear outward demonstration that conveys that an individual is hesitant, confused, and uncertain or no longer a mutual participant. Once withdrawn, all sexual activity must stop until consent to continue is mutually agreeable.

## 4. Reporting

Garrett College encourages any individual who is a victim of sexual misconduct to seek assistance from a medical provider and/or law enforcement as soon as possible, if not immediately, soon after an incident occurs. Doing so ensures the preservation of evidence and begins the response process.

All students and employees of the College are encouraged and supported in the reporting of all violations of College policy and local, state, and federal laws, especially when it involves sexual misconduct. The College encourages individuals and third party witnesses to make reports to the College as well as local law enforcement. Reports, campus and criminal, can be completed simultaneously.

When an individual chooses to report an incident, which involves telling an authority what occurred, they have the option of doing so in person, by phone, in writing or by email. When a report is made, the individual or Complainant, does not need to decide on a further course of action at the time. The College will explain the individual’s options: the resources available, accommodations, and the resolution process, respecting the individual’s choice for how to proceed while taking into account the College’s duty to provide a safe and non-discriminatory environment for the members of the College community.

The College will investigate and resolve all reports of sexual misconduct in a fair and impartial manner and will treat all involved, Complainant, Respondent, and others with dignity and respect. At the time of the initial report, the College will assess the available information to ensure it is protecting the rights and safety of the Complainant and the campus community, which may involve accommodations and interim measures.

### 4.1. Emergency Reporting Options

Emergency reporting options include external law enforcement and medical services.

#### 4.1.1 Law Enforcement

- Garrett College Security Department: 240-321-5799

- Garrett County Sheriff's Department: Emergencies: 911, Main Office: 301-334-1911
- Maryland State Police- McHenry Barracks: Emergencies: 911, Main Office: 301-387-1011

#### **4.1.2 Medical Services**

- Garrett County Memorial Hospital (Provides Sexual Assault Forensic Exams): 301-533-4000
- Garrett College Health Department: 301-334-7777

### **4.2. Campus Reporting Options**

Campus reporting options include Title XI Coordinators, the Title IX Investigators, the Garrett College Security Department, and the Garrett College Office of Student Life.

#### **4.2.1 Title IX Coordinators**

The Title IX Coordinators are designated to oversee all reports of sexual misconduct at the College. These individuals are responsible for the initial assessment, investigation, and resolution process in relation to all reports of sexual misconduct. Title IX Coordinators are responsible for managing compliance with local, state, and federal law and for providing training and education efforts to prevent and raise awareness of acts of sexual misconduct.

- Shelley Menear; Coordinator of Security, MT- 766, 301-387-3037
- Linda Fike; Director of Human Resources, BO- 703A, 301-387-3049

#### **4.2.2 Title IX Investigators**

The Title IX Investigator is responsible for the investigation and information gathering in relation to all reports of sexual misconduct.

- Denise Friend, Coordinator of Distance Learning and Instructional Design, LC- 630; 301-387-3125
- Eric Hallenbeck, Athletics Facilities Coordinator, CARC Gym 953, 301-387-3331

#### **4.2.3 Garrett College Security Department**

The Security Department may assist in on-campus investigations and provide information on obtaining no-contact orders. The Security Department can also assist in contacting local law enforcement should the complainant request to begin a criminal investigation. If the complainant chooses not to proceed with a criminal investigation, the Security Department will notify local law enforcement of the incident and that the individual wishes to remain anonymous. Security will also provide the complainant with information on how to contact law enforcement should they decide to file a report at a later date.

- Safety and Security Services, MT 769, 24 hour Phone: 240-321-5799

#### **4.2.4 Office of Student Life**

The Student Life Office oversees Student Conduct, Residence Life, Athletics, Health Services and Counseling Services. Responsibilities of these offices includes coordination of all on campus hearings in relation to sexual misconduct reports and other violations of the Student Code of Conduct, response to campus emergencies, connection to on-campus and off-campus resources, and administering interim measures and accommodations.

- Tracie Ellis; Director of Student Life, LC-641; 301-387-3164

### **4.3. Considerations When Reporting**

The College encourages individuals and third party witnesses to report incidents of sexual misconduct as soon as possible. While there is no time frame for reporting, the sooner assistance is sought, increases the College's ability to respond to the individual's needs promptly and effectively.

Individuals who report to the college do not need to be a member of the Garrett College community, however, it may limit the College's ability to take action against the Respondent. The College will, to the best of its ability, assist in identifying resources, contact external reporting options, and take steps to address, end and prevent the behavior.

Incidents that occur off-campus may be reported to the College as the conduct may negatively impact the victim/complainant's on-campus life or pose a threat or danger to the campus community. The College will address the reported conduct under this policy.

### **4.4. Amnesty for Alcohol or Other Drug Use**

In an effort to ensure encouraged reporting to the College of incidents of sexual misconduct, Complainants and witnesses who report will not be subject to disciplinary action by the College for one's own personal consumption of alcohol or drugs at or near the time of the incident, provided that the behavior did not and do not place the health or safety of any other person at risk. Educational discussions or programs may be issued by the College to address the substance abuse.

### **4.5. Law Enforcement Coordination**

A victim/complainant has the option to report or decline to report to law enforcement. The College encourages victims/complainants to pursue criminal action for sexual misconduct incidents that may also qualify as crimes under Maryland state law and will assist a victim/Complainant in filing a report should they decide to file criminal charges.

The College's actions under the Student Code of Conduct, policies, and standard of proof may differ from that of Maryland criminal law. A victim/Complainant has the right to pursue actions through the College and/or law enforcement. The College will not base whether a violation of policy occurred on the decisions made by law enforcement or the courts. The College process may take place before, simultaneous with, or following any criminal or civil proceedings.

Law enforcement may request that the College delay Title IX fact gathering while they complete their initial criminal investigation. Communication by the College to the Complainant in regards to the individual's rights, procedural steps, interim measures to ensure safety of the individual will be shared and the College will resume its investigation once instructed by law enforcement.

### **4.6. Retaliation**

Any form of retaliation against an individual for filing a complaint of sexual misconduct violates College policy and Title IX. An institution or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities. Any reports of retaliation will be handled immediately by the College and addressed through the judicial process.

## **5. Available Resources**

All students and employees of the College are encouraged and supported in the reporting of all violations of College policy and local, state, and federal laws, especially when it involves sexual misconduct. The College understands the difficulty in making a decision to report an incident of sexual misconduct, either

to the College or law enforcement. Even if an individual chooses not to report, the College is committed to providing any individual who experiences or is affected by an act of sexual misconduct, including Complainants, Respondents, and third party witnesses, with resources, both on campus and off, to both inform and support the individual. The College encourages all individuals to take advantage of the available resources and will aid the individual in finding those resources that are a best fit for them. These resources can fall into different categories, including confidential, on campus or off campus, medical, and legal. For Interim Measures and Accommodations, see section VI.

## **5.1. Confidential Counseling and Advocacy Resources**

The College encourages all college community members to report any incidents of sexual misconduct to the College and law enforcement immediately, however, for those who are unsure about what has taken place, if they wish to file a report, or are in need of information, confidential resources are available. Confidential resources are legally protected and will not share information disclosed to them to the College or others without the permission of the individual.

### **5.1.1 On Campus Confidential Resources (Counseling)**

Counseling Services employs a Licensed Clinical Professional Counselor (LCPC) that can provide guidance and support for students and connect them with other resources both on and off campus. Counseling Services will not share information with others except in cases of child abuse or instances where an individual may pose a threat to themselves or others.

- Counseling Services: Library 523, 301- 387-3743; Office Hours: Monday-Friday 8:30am-4:30pm (after-hours: on-call)

### **5.1.2 Off Campus Confidential Resources (Counseling and Advocacy)**

#### *5.1.2.1 The Dove Center*

The Dove Center provides safety, advocacy, and counseling to individuals whose lives have been shattered by domestic violence and/or sexual assault, and strives to expand public awareness of those issues.

- <http://gcdovecenter.org/>
- 24-Hour Hotline 301-334-9000
- Toll-Free 1-800-656-HOPE (4673)

#### *5.1.2.2 Maryland Coalition Against Sexual Assault (MCASA)*

MCASA provides resources for survivors of sexual assault. MCASA can also provide legal resources through the Sexual Assault Legal Institute or SALI.

- <http://www.mcasa.org/>
- 410-974-4507

### 5.1.2.3 Rape, Abuse, Incest National Network (RAINN)

When a caller dials 1.800.656.HOPE, a computer notes the area code and first three digits of the caller's phone number. The call is then instantaneously connected to the nearest RAINN member center. If all counselors at that center are busy, the call is sent to the next closest center. The caller's phone number is not retained, so the call is anonymous and confidential unless the caller chooses to share personally-identifying information.

- <https://www.rainn.org/>
- 1-800-656-4673

## 5.2. Confidential Medical Resources

Garrett College encourages any individual who is a victim of sexual misconduct to seek assistance from a medical provider as soon as possible, if not immediately, after an incident occurs. Doing so ensures the preservation of evidence should a victim choose to file a report and allows the victim to receive care for injuries or negative effects related to the violation (prevention of STDs, pregnancy). An advocate from the Dove Center will accompany the individual to the hospital and will not notify the College unless the Complainant chooses to. If a SAFE, Sexual Assault Forensic Exam, is desired, it is best that the Complainant follows the steps below to ensure preservation of evidence.

- DO NOT:
  - Bathe or shower
  - Use the restroom
  - Change clothes
  - Comb hair
- If clothing has been removed, place items in a paper bag and bring to the hospital

SAFE exams are held anonymously at the hospital for a minimum of 90 days. All costs associated with the SAFE exam are waived in compliance with the Jane Doe Reporting laws for the State of Maryland.

### 5.2.1 On Campus Confidential Medical Resources

The Garrett County Health Department is available at varied times to provide medical attention and connect students to resources both on campus and off. Health Services staff do not provide SAFE exams, however, can provide testing for pregnancy and STDs and treat minor injuries. Any personal identifying information shared with the Health Services nurse will remain confidential except in situations where there is an immediate danger to one's self or others or in cases of suspected child abuse.

- Health Services; CARC 928, Office Hours: Varied

### 5.2.2 Off Campus Confidential Medical Resources

- Garrett Memorial Hospital: 301-533-4000
- Garrett County Health Department: 301-334-7777

## 5.3. Campus Resources

The resources listed below are additional resources available to members of the Garrett College community. These staff members have been trained to assist individuals who may be affected by acts of sexual misconduct. These College staff members also work together closely with the Title IX officers to aid in the proper reporting of sexual misconduct and assistance and support of those affected by it. These offices are not protected by the confidentiality of those resources indicated above but will maintain the privacy of an individual's information in accordance with FERPA regulation and only share information necessary with those involved in the Title IX investigation and resolution process.

### 5.3.1 Title IX Coordinators

Responsibilities of Title IX Coordinators include oversight of the investigation and resolution process for reports of sexual misconduct and providing training, prevention and education efforts to the campus community.

- Shelley Menear; Coordinator of Security, MT- 766, 301-387-3037
- Linda Fike- Director of Human Resources, BO 703A , 301-387-3049

### 5.3.2 Title IX Investigators

Responsibilities of the Title IX Investigator include oversight of the investigation and information gathering for reports of sexual misconduct.

- Denise Friend, Coordinator of Distance Learning and Instructional Design, LC- 630; 301-387-3125
- Eric Hallenbeck, Athletics Facilities Coordinator, CARC Gym 953, 301-387-3331

### 5.3.3 Safety and Security Department

Responsibilities of the Garrett College Safety and Security Department include assistance with on-campus investigations, issuance of no-contact orders, notification of local law enforcement, and enforcement of sanctions.

- Safety and Security Services, MT 769, 240-321-5799

### 5.3.4 Office of Student Life

Responsibilities of the Garrett College Office of Student Life include coordination of on-campus hearings for incidents of sexual misconduct and other violations of the Student Code of Conduct and connection to other on and off campus resources.

- Tracie Ellis, Director of Student Life, LC 641, 301-387-3164

### 5.3.5 Office of Residence Life

Responsibilities of the Office of Residence Life include coordination of on-campus, in residence hall hearings of violations of the Student Code of Conduct and connection to other on and off campus resources.

- Residence Life, Laker Hall 105, 301-387-3163

## 6. Interim Measures, Remedies, and Accommodations

Once a report is made to the College, appropriate measures, remedies, and accommodations will be made as requested and deemed fit to support and protect those individuals involved in the matter in the interim. Communication by the college to those involved will be made addressing matters of concern regarding the individual's emotional, mental and physical safety and well-being. These actions may be put into place regardless of whether any formal action is sought by the Complainant or the College.

Interim measures available to the Complainant and/or Respondent at the discretion of the College include, but are not limited to:

- Academic
  - Work with faculty to reschedule exams or assignments
  - Alternative options for course completion
  - Class schedule changes, which may include taking an "incomplete", moving class sections, or dropping a course without penalty (administrative withdrawal)

- Housing
  - Change in on-campus housing location
  - Cancellation of housing contract and issuing a refund in accordance with College policies
- Services
  - Assistance with accessing counseling services on and off campus
  - Work schedule or job assignment assistance
  - Security staff provided as an escort on campus
  - Academic support services, such as tutors
- Judicial/Disciplinary
  - Issue No Contact Orders for campus
    - Includes no physical, written, verbal or third party contact while on campus
    - Can be requested/issued to both the Complainant and Respondent
  - Interim Suspension
    - Suspension for an interim period pending a conduct hearing
    - Becomes effective immediately without prior notification if it is determined that an individual poses a threat to the safety and well-being of the campus community

Failure to comply with interim measures should be reported to the College so that immediate action may be taken in response to the measures put in place. Those individuals who fail to comply with interim measures will be considered to be in violation of College policy and are subject to further disciplinary action.

## 7. Resolution Options

Once an initial report is received, the Title IX Coordinator(s) will perform an assessment, taking in to account the nature of the report, the safety and well-being of the Complainant and campus community, and the Complainant's request for resolution. This assessment will allow the College to coordinate efforts, resources, and response to the report of sexual misconduct.

After the assessment, and with the Complainant's consent, the College has two options for resolution: informal and formal. Informal resolution involves instituting remedies and accommodations for the Complainant and no disciplinary action against the Respondent. Formal resolution moves the report through the formal College process involving an investigation to gather evidence and facts to take disciplinary action through a hearing panel.

While the process for all reports of sexual misconduct are dealt through this resolution process, initial assessment, investigation, informal or formal resolution, the specific procedures will differ for complaints against student, faculty or staff.

### 7.1. Initial Assessment

For all reports of sexual misconduct, the Title IX officers will meet and assess the report, taking in to account the nature of the report, the safety and well-being of the Complainant and campus community, and the Complainant's request for resolution. During this time, interim measures may be put into place based upon requests by the Complainants or in the best interests of the campus community. Based upon the nature of the report, the safety and well-being of the campus community, and the wishes of the Complainant, an investigation may be initiated upon completion of the assessment.

## 7.2. Investigation

A Title IX Investigator or a designee, who can be either a College employee or an outside investigator, can begin an investigation if it is determined from the initial assessment that disciplinary action is necessary and/or appropriate. The chosen investigator will be trained and have experience in dealing with allegations of sexual misconduct and should be impartial and free of any conflict of interest.

The investigation should be dealt with appropriately by the investigator, taking into account the nature of the report. Interviews of the Complainant, Respondent and any witnesses will be conducted, as well as, additional fact finding and evidence collection. The Complainant and Respondent both have the right to present any additional witnesses or evidence they feel may be relevant to the investigation and will be treated fairly and impartially throughout the process.

The timeline for completion of the investigation is 30 days after receiving the report and initial assessment, however, dependent upon the nature of the report and other extenuating circumstances that may arise. As the investigation progresses, the College will keep all parties involved informed. Upon completion of the investigation, the Title IX officers will meet and discuss all information gathered through the course of the investigation and determine if the College should move forward with Formal Resolution proceedings. Once a decision is made, all parties involved will be informed of the completion of the investigation and the next steps that will be taken by the College

The information gathered during the initial assessment and the investigation will provide the College with the ability to address the sexual misconduct, take action to end the misconduct, prevent a reoccurrence, deal with any negative impact, and educate for the future. The College will maintain all records and documentation collected during initial assessments and/or investigations as confidential and in accordance with the law.

## 7.3. Standard of Evidence

Garrett College will use the standard of “preponderance of the evidence” in determining responsibility in cases of sexual misconduct. Preponderance of the evidence means that a party, in this case the Complainant, has shown that its version of facts, causes, damages, or fault is more likely than not the correct version.

## 7.4. Informal Resolution

Informal Resolution proceedings is a remedies-based approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Should the initial assessment conclude that an informal resolution be an appropriate action, the College will respond immediately by instituting measures and accommodations supporting the Complainant’s ability to access educational and social activities in a safe, non-hostile environment. Some of the remedies that may be instituted by the College are described in section VI. Interim Measures, Remedies, and Accommodations.

Participation in an informal resolution is voluntary. Complainants will not be compelled or forced by the institution to participate in mediations, to confront the Respondent, or participate in other forms of the resolution against the Complainant’s wishes. Complainants have the right to request to end the informal resolution proceedings at any time.

Informal Resolution proceedings are typically completed within 30 business days of the initial report. Records of all reports will be maintained by the Title IX officers. Parties involved will be informed by the Title IX officers of the status of the informal resolution proceedings and all other relevant information.



## 7.5. Formal Resolution

For sexual misconduct violations, disciplinary action can only take place through a Formal Resolution proceeding. Dependent upon the Respondent's status, student, staff or faculty, the actions taken against the individual will differ; however, all actions are guided by the same principles of equality and respect set forth in this policy.

- For complaints against **a student**, disciplinary action may be imposed by a Hearing Board or conduct officer following a finding of responsibility.
- For complaints against **an employee**, disciplinary action may be taken at the conclusion of the investigation by the Director of Human Resources.
- For complaints against **a faculty member**, disciplinary action may be taken at the conclusion of the investigation by the Vice President for Academic Affairs or the Director of Human Resources or the Dean of Student Life (for incidents involving students).

## 7.6. Time frame for Resolution

The College seeks to resolve all reports of sexual misconduct within 60 days of the initial report. Time frames set forth in this policy act as guidelines rather than specific requirements due to extenuating circumstances that may arise due to the specific nature of each violation/report. For cases with extenuating circumstances, such as, complexity and scope of the report, the number of witnesses involved in a case and the availability of those individuals, the effect of a criminal investigation, intervening school breaks or vacations, or other unforeseen circumstances, an extension past the 60 days may be approved.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames indicated in this policy. The College will keep all parties involved updated on the status of any resolution proceedings. Should an investigation or resolution exceed the indicated time frame, the College will notify all parties involved of the reason(s) for the delay and an adjusted time frame. Best efforts will be made on behalf of the College to complete the process in a timely manner.

## 7.7. Sanctions

Violations of sexual misconduct have minimum sanctions according to the College's Student Code of Conduct. Sanctions can include, but are not limited to, the following: probation, loss of privileges, residence hall suspension/expulsion, and suspension or expulsion from the institution. Sanctions are determined through the resolution process and are dependent upon the severity of the violation. More information pertaining to sanctioning can be found in the Student Code of Conduct. Cases that are referred to local law enforcement will be subject to charges through the criminal and or civil court system.

## 8. Awareness Education and Programming

Garrett College consistently strives to be pro-active; preventing acts of sexual misconduct from occurring by educating the campus community and promoting awareness. Many campus departments in cooperation with local offices, such as the Health Department, Sheriff's Department, and the Dove Center, work together to offer a variety of programming throughout the year outlining College policy and procedure, prohibited behavior/conduct, impact of alcohol and substance abuse, effective consent, bystander intervention and information about risk reduction.

As required through VAWA, programs to prevent dating violence, domestic violence, sexual assault, and stalking are defined as "comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end the above stated conduct that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome". These programs are also required to "consider

environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels and include primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns to the entire campus community.

Garrett College is currently in conversation with the Dove Center to develop a Memorandum of Understanding to build a partnership between the crisis center and the college. The goal of this MOU is to establish a 24 hours crisis-intervention response for victims of sexual misconduct, as well as prevention and training for the campus community.

Garrett College has purchased the “Not Anymore” educational training program as its primary prevention tool. This program will required completion by all students, faculty, and staff each year, with refreshers built in for those who have successfully completed the program. The College is also in the process of researching additional educational programming to raise awareness within the campus community. While the College already speaks with incoming students and employees in regards to College policy, it is hoping to send a consistent message throughout the campus to inform and educate about sexual misconduct prevention and reporting procedures.

All campus activities and programs are available by visiting the [Calendar](#) on the College website or checking the various social media pages for the College.

## Appendix A. Glossary

**Accommodations-** a convenient arrangement; a settlement or compromise

**Advisor-** any individual who provides the accuser or the accused support, guidance, or advice.

**Awareness Programs-** community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Bystander Intervention-** safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking; includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**Clery Act-** a federal statute requiring colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information.

**Complainant-** the party who makes the formal complaint or charge in a conduct violation or proceeding

**Confidentiality-**having another's trust or confidence; entrusted with secrets or private affair

**Dating Violence-** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; where the existence of such a relationship is determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence-** 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies under VAWA, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Discrimination-** the practice of unfairly treating a person or group of people differently from other people or groups of people

**Effective Consent-** willingly, freely, and knowledgably agreeing to engage in sexual conduct.

**FERPA-** a Federal law that protects the privacy of student education records

**Formal Resolution-** administrative remedy which requires an investigation and written findings. The statements of the complainant, respondent and witnesses become part of a written record which is used for administrative review and action as necessary.

**Gender-based Harassment-** harassment of an individual based solely upon gender.

**Harassment-** to create an unpleasant or hostile situation by uninvited and unwelcome verbal or physical conduct

**Hate Crime-** any of various crimes (as assault or defacement of property) when motivated by hostility to the victim as a member of a group (as one based on color, creed, gender, or sexual orientation)

**Informal Resolution-** method of resolving complaints for conduct violations without the need to follow formal proceedings.

**Interim Measures-** A measure that is taken on an interim or temporary basis, in order to protect the interests and safety of the complainant

**Intimate Partner Violence-** any act or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with the victim (complainant/respondent). Behaviors may include, but are not limited to, physical, sexual, and emotional violence that may occur once or be ongoing

**Non-consensual Sexual Contact-** any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, or disrobing or exposure of another without effective consent. Intimate parts may include the genitalia, breast, buttocks, groin, or clothing covering those parts, or any other part of the body that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse

**Non-consensual Sexual Intercourse-** any act of sexual intercourse with another individual without effective consent (see definitions of consent on page 6). Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact

**On-going Prevention-** programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

**Physical Conduct-** unwelcomed touching, sexual/physical assault, impeding, restraining, or blocking movement; unwanted sexual advances within the employment context

**Primary Prevention-** programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Privileged Communication-** a communication between parties to a confidential relation (as between physician and patient) such that the recipient cannot be legally compelled to disclose it as a witness

**Proceeding-** all activities related to a non-criminal resolution of an institutional disciplinary complaint.

**Prompt, fair, and impartial proceeding-** a proceeding that (1) completed within a reasonably prompt timeframe, (2) conducted in a manner consistent with the institution's policies, (3) conducted by officials who do not have a conflict of interest or bias for or against the Complainant or Respondent

**Quid Pro Quo Conduct-** direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering employment benefits in exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; making or threatening reprisals after a negative response to sexual advances

**Remedies-** means to recover a right or to prevent or obtain redress for a wrong

**Respondent-** the party against whom a charge is filed

**Responsible Employees-** a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty

**Result-** any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within an institution.

**Retaliation-** An institution or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act.

**Risk Reduction-** options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence.

**Sexual Assault-** an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**Sexual Exploitation-** any act which takes non-consensual or abusive sexual advantage of another individual, either for their own advantage or benefit, or for the advantage or benefit of anyone other than the one being exploited. This behavior can include, but is not limited to, unwanted exposure to pornography, voyeurism, and the use of electronics to capture image or video of a sexual act without consent or knowledge of involved parties

**Sexual Harassment-** any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when (a) is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or to create a hostile or abusive educational environment, or (b) explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment

**Sexual Misconduct-** includes, but is not limited to, the following prohibited forms of discrimination and harassment: sexual harassment, gender-based harassment, sexual assault, non-consensual sexual contact, sexual exploitation, dating violence, domestic violence, and stalking

**Stalking-** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

**Timely Warning-** communication issued in response to specified reportable crimes that occur on or around campus

**Title IX-** a law passed in 1972 that requires gender equity for boys and girls in every educational program that receives federal funding.

**Verbal Conduct-** verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual; objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes or anecdotes

**Visual Conduct-** severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate

**Written Conduct-** is letters, notes, or electronic communications containing comments, words, or images as described in visual conduct

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## **Appendix B. Sexual Misconduct Resource Guide**

The Garrett College Sexual Misconduct Resources Guide is in printable format on the following page.



## SEXUAL MISCONDUCT RESOURCE GUIDE

### LAW ENFORCEMENT

**Garrett College Security**  
240-321-5799

**Garrett County Sheriff**  
Emergency: 911  
Main #: 301-334-1911

**MD State Police**  
**McHenry Barracks**  
Emergency: 911  
Main #: 301-387-1011

### MEDICAL SERVICES

**Garrett County Memorial**  
301-533-4000

**Garrett County Health**  
**Department**  
301-334-7777

### CAMPUS REPORTING

**Title IX Coordinators**  
Shelley Menear: 301-387-3037  
Linda Fike: 301-387-3049

**Title IX Investigators**  
Denise Friend: 301-387-3125  
Eric Hallenbeck: 301-387-3331

**Security**  
240-321-5799

**Student Life**  
301-387-3164

**Residence Life**  
301-387-3163

**Counseling Center**  
301-387-3743

### THE DOVE CENTER

24 HOUR HELPLINE 301-334-9000 OR 1-800-656-HOPE (4673)

#### SERVICES OFFERED:

SAFE SHELTER  
CRISIS COUNSELING  
COURT ACCOMPANIMENT

INFORMATION AND REFERRAL  
ADVOCACY (SUPPORT)