

TITLE IX

Information on Sexual Misconduct



Frederick Community College

2019-2020

Title IX Sexual Misconduct

Frederick Community College (FCC) has a responsibility to establish and maintain a learning and working environment that is free from sexual misconduct and that respects and protects the dignity and value of every member of the College community.

Title IX sexual misconduct is a form of sexual discrimination prohibited by federal and state discrimination laws, including Title IX of the Education Amendments of 1972, and Title VII of the Civil Rights Act, and is strictly prohibited by FCC. Sexual misconduct is a broad term used to define acts of sexual assault; sexual exploitation; sexual harassment; intimidation; stalking; dating, domestic, or intimate partner violence; or retaliation.

The full text of the FCC Title IX Sexual Misconduct Policy and Procedures can be found at www.frederick.edu/titleix

Training, Education, and Prevention

FCC is committed to educating the College community regarding the prevention and elimination of sexual misconduct. Creating an environment free from sexual misconduct is the responsibility of all members of the College community. The College is committed to fostering a College climate free from sexual misconduct through training, education, and prevention programs, and through policies and procedures that encourage prompt reporting, prohibit retaliation, and promote timely, fair, and impartial investigation and resolution of sexual misconduct cases.

To ensure that students understand their rights and responsibilities under Title IX, the College provides awareness, knowledge, and skill-building workshops and events organized by the Center for Student Engagement. Specific education about alcohol and drug abuse, sexual assault, and dating violence is provided. These events are offered in a variety of formats throughout the year and are posted on the Co-Curricular Calendar.

Training, Education, and Prevention (Continued)

These events include, but are not limited to:

- National Collegiate Drug and Alcohol Awareness Month programming occurs each October and provides information, workshops, films, and social events designed to help students understand high-risk behaviors and how to make wise choices.
- National Health and Wellness Month programs run throughout March and April and include experts from local agencies sharing health and safety tips including sexual assault prevention, education, and bystander intervention and training.
- Monthly events offered by the Center for Student Engagement either independently or cosponsored by College clubs and organizations that feature speakers presenting topics such as sexual assault, anti-bias, and sexual harassment as part of co-curricular programming.
- Sexual Assault Awareness Month, which occurs each April. The College offers a series of workshops and events including Bystander Training.
- Ongoing New Student Orientation, Convocation, and other student programs.
- Table-top information fairs that direct students to College resources and services.

Other education and prevention resources include but are not limited to:

- Online Title IX training provided for all students, faculty, and staff. Certificates of completion will be issued.
- Title IX brochures that are available in hard copy and online, describing College and community resources, confidential services, and support for students and employees who deal with sexual abuse and violence.
- The FCC Annual Security Report, which includes statistics regarding certain crimes as required by the Clery Act. The report is posted on the FCC website and updated annually in October.
- A dedicated webpage with resource information and relevant links on the College website.

Policy Information

The following definitions are included in the FCC Title IX Sexual Misconduct Policy and Procedures.

Sexual Harassment means: (a) unwelcome sexual advances; (b) unwelcome requests for sexual favors; or (c) other behavior of a sexual or gender-based nature where: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, evaluation of academic work, or participation in a College-sponsored educational program or activity; (ii) submission to or rejection of such conduct by an individual is used as the basis for an academic, employment, or activity or program participation decision affecting that individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, i.e., it is sufficiently severe or pervasive to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, or social environment.

Sexual Assault is a form of sexual violence toward another individual without their consent. Maryland criminalizes both rape and "sexual offenses," which some states call sexual assault. Rape has two degrees or levels of offenses, while sexual offenses are divided into four degrees of offensive sexual activity. In general, criminal penalties in Maryland vary by degree based on "aggravating" factors (showing maliciousness and increasing guilt and punishment). Some of the aggravating factors are using force or violence, displaying weapons to a victim, or if the victim is particularly young or elderly.

Sexual Exploitation is defined as taking non-consensual or abusive sexual advantage of another person without consent. Sexual exploitation can include (but is not limited to) sexual voyeurism (watching someone), taking photos, and audio or videotaping someone.

Sexual Intimidation means threatening behavior of a sexual nature directed at another person, such as threatening to sexually assault another person or engaging in indecent exposure.

Dating, domestic, or intimate partner violence is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior against another person.

Stalking means repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities. Stalking may involve individuals who are known to one another or who have a current or previous relationship or may involve individuals who are strangers.

Retaliation means intimidating, threatening, coercing, or discriminating against an individual for the purpose of interfering with any right or privilege secured by law or College policy relating to sexual misconduct, or because an individual has made a report, filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding related to sexual misconduct. Retaliation includes retaliatory harassment.

Consent means a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make a rational, reasonable judgment can give consent. Consent may be expressed either by words and/or actions, as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that he/she has consent from the other party, and that the other party is capable of providing consent.

- Lack of protest or resistance is not consent. Silence, in and of itself, cannot be interpreted as consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding.
- Previous relationships, including past sexual relationships, do not imply consent to future sexual acts.
- Consent to one form of sexual activity does not automatically imply consent to other forms of sexual activity.
- Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.
- Consent cannot be obtained by use of physical force, threats, intimidating behavior, or coercion.

Policy Information (Continued)

Coercion includes conduct, intimidation, and expressed or implied threats of physical or emotional harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in sexual contact. Examples of coercion include causing the deliberate incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact.

Incapacitation means that the person's decision-making ability is impaired such that they lack the capacity to understand the "who, what, where, why or how" of their sexual interaction. Incapacitation may result from: sleep or unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, or the influence of alcohol, drugs, medication, or other substances used to facilitate sexual misconduct.

Confidentiality

The College recognizes the importance of confidentiality. All reasonable efforts will be made to ensure the confidentiality of information received to protect the complainant, respondent, and the College community.

If a person requests that their name not be disclosed or that the College not investigate or take action related to a report of sexual misconduct, the Title IX Coordinator will determine whether or not such a request can be honored while still providing a safe and nondiscriminatory environment for all students, faculty, and staff.

Confidentiality does not apply to minors (under the age of 18). State mandatory reporting laws require responsible employees report child neglect and abuse that is suspected, observed, or in some cases, learned about through a third party, to the local department of social services or to a local law enforcement agency.

You have options and trained professionals can help you decide your course of action. The Heartly House 24 Hour Hotline (301.662.8800) provides an anonymous confidential crisis line that will direct you to the appropriate resources given your desires on how you wish to proceed.

If You Have Experienced Sexual Misconduct

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured or believe you may have been exposed to a sexually transmitted infection (STI), sexually transmitted disease (STD), or potential pregnancy.
3. Contact any of the following for immediate assistance:
 - a. College Security: dial 4444 from a main campus phone or a Monroe Center office phone, or 301.846.2453 from any other phone
 - b. Frederick Memorial Hospital: 240.566.3300
 - c. The Heartly House – 24 Hour Hotline: 301.662.8800
 - d. Carroll Hospital: 410.848.3000
 - e. Rape, Abuse, and Incest National Network (RAINN): 1.800.656.HOPE • www.rainn.org • 24/7 support
 - f. National Sexual Assault Hotline: 1.800.656.HOPE(4673) • A free and confidential 24/7 hotline for incidents occurring outside of Maryland
 - g. Sexual Assault Legal Institute (SALI): 1.877.496.SALI

Note that College officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.

If you are off College premises and experiencing an emergency situation, you can call local police by dialing 911. You may also call the local police department non-emergency line at 301.600.2100.

4. Seek immediate medical attention, preferably at an emergency room. A Sexual Assault Forensic Exam (SAFE) is available to you as a means to collect evidence for possible prosecution. This exam can also provide options for the prevention of sexually transmitted infections, internal injuries, and the possibility of pregnancy. This medical examination is performed by a specially trained nurse and is available at Frederick Memorial Hospital or the Heartly House (24 Hour Hotline: 301.662.8800). Sometimes this process can be easier if you have a trusted friend or victim advocate with you. The Heartly House can accompany you for the forensic exam. You may request this assistance by calling the hotline. Even if you don't want to report the assault to police right away, it is important to have a medical exam for your own well-being.
5. Consider how you wish to proceed. You have options and trained professionals can help you decide your course of action. The Heartly House Hotline (301.662.8880) provides an anonymous confidential crisis line that will direct you to the appropriate resources given your desires on how you wish to proceed.

Reporting

Any person who believes that they have been a victim of sexual misconduct or any person who has observed or learned about an incident of sexual misconduct should report the incident immediately to the Title IX Coordinator or any available employee of the College and also to law enforcement, if appropriate.

Victims of sexual assault have the right to file a complaint with the appropriate law enforcement official. The name of the FCC Title IX Coordinator is posted on bulletin boards throughout the College, on the College website, and in College publications, including the Student Handbook.

The FCC Title IX Coordinator is:
Melissa Bard
Vice President for Human Resources
Gambrill Hall, Suite 230
301.846.2677
mbard@frederick.edu

Prompt reporting is encouraged to maximize the ability of the College to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, and impartial investigation. The College recognizes the importance of confidentiality. All reasonable efforts will be made to ensure the confidentiality of information received to protect the complainant, respondent, and the College community.

Response

Upon notification and awareness of allegations of sexual misconduct, the College will take immediate safety and security measures and appropriate action to assess, and/or investigate what occurred.

The College has established procedures for the immediate assessment and/or investigation of all Title IX sexual misconduct complaints and for steps to take following any instances of sexual misconduct.

When the Title IX Sexual Misconduct Policy is violated, the College will take prompt and effective steps to end the sexual misconduct, prevent its recurrence, and address its effects.

Response (Continued)

Protective Measures

Reports of sexual misconduct may require immediate protective measures to protect the safety and well-being of the parties and/or the College community, pending the outcome of the investigative and adjudicative processes. The College will respond with all necessary measures to ensure the safety and security of all persons involved in any report of sexual misconduct.

Measures include, but are not limited to:

- Issuing interim suspensions pending a hearing.
- Reporting incidents to local police and/or prosecutors.
- Referring to counseling and health services.
- Referring to the Employee Assistance Program.
- Providing education to the community.
- Altering work arrangements for employees.
- Providing security escorts.
- Providing transportation assistance.
- Implementing contact limitations between the parties.
- Offering adjustments to academic deadlines, course schedules, etc. These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.

Procedures

The Frederick Community College policy and procedures are detailed fully at: www.frederick.edu/titleix

Assessment

The Title IX Coordinator will conduct an immediate assessment of the reported Title IX sexual misconduct. The complainant will be asked to document in writing the nature of the complaint. If the complainant is not willing or able to submit the complaint in writing, notes taken during the assessment may be used to initiate an investigation. Immediate measures will be taken to ensure the safety and security of any individuals involved.

Response (Continued)

The Title IX Coordinator will conduct an initial meeting with the complainant and inform the person of all available resources, informal procedural options, immediate safety and security measures, and the College policy prohibiting retaliation. The complainant shall be informed by the Title IX Coordinator of the importance of preserving evidence. An assessment will be completed within three (3) workdays of receiving a report of sexual misconduct and the complaint will be documented appropriately. The assessment will determine if an investigation of the complaint as a Title IX violation is warranted and, if so, based on what.

Informal Resolution

Upon completion of the assessment, if the Title IX Coordinator determines that an investigation is not warranted, and the complainant agrees, the Title IX Coordinator may be able to resolve the complaint informally. In such cases, the Title IX Coordinator will confer with the complainant about this option, and, if they agree, the Title IX Coordinator will confer with the respondent, if necessary. Should a satisfactory resolution be reached, the matter will be considered closed. All informal resolutions will be appropriately documented. If no investigation is warranted, the identity of the respondent will not be recorded.

Investigations

The College will conduct an investigation if:

1. the Title IX Coordinator determines through the assessment that an investigation is warranted, a College-initiated investigation will occur with or without the complainant's consent; or
2. the complainant disagrees with the results of the assessment and requests an investigation.

In either case, the complainant and respondent will be notified within five (5) workdays of the College decision to initiate an investigation, and they will be informed of the process that will be used.

The College will seek to conclude the investigation within thirty (30) workdays of receipt of the written complaint from the complainant or the date of the determination by the Title IX Coordinator that an investigation is warranted following the assessment. Extended time for investigations may be necessary, in which case both parties will be informed. See Title IX Sexual Misconduct Policy and Procedures for further details.

The Title IX Coordinator will submit the final investigation report to the appropriate College employee(s) for a judgment based on the nature of the complaint as follows:

- For complaints involving only employees – to the supervising Associate Vice President or Senior Leader, or their designees
- For complaints involving only students – to the AVP/Dean of Students
- For complaints involving both a student and an employee – to the supervising Associate Vice President or supervising Senior Leader, or their designees and the AVP/Dean of Students

Judgment/Sanctions

After reviewing the final investigation report, and meeting with the complainant and respondent separately, the appropriate College employee(s) will make a judgment as to whether there has been a violation of the Title IX Sexual Misconduct Policy. The judgment will be based upon a preponderance of the evidence and sanctions will be imposed, if warranted. Preponderance of the evidence means evidence which is of greater weight or more convincing than the evidence to the contrary; evidence which shows that something is more likely than not to be true or 50.1% likely to have occurred. Both the complainant and the respondent will be notified in writing of the judgment and the sanctions imposed within five (5) workdays of receipt of the final investigation report. Extended time for judgment may be necessary, in which case both parties will be informed.

Appeals

The complainant as well as the respondent have the right to request a hearing with the Title IX Council to appeal the judgment and/or the imposition of sanctions for sexual misconduct violations. Appeals shall be in writing and must be submitted to the Title IX Coordinator within five (5) workdays of the judgment/sanctions. See Title IX Sexual Misconduct Policy and Procedures for further details.

Frederick Community College prohibits discrimination against any person on the basis of age, ancestry, citizenship status, color, creed, ethnicity, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, sex, sexual orientation, or veteran status in its activities, admissions, educational programs, and employment. Frederick Community College makes every effort to accommodate individuals with disabilities for College-sponsored events and programs. If you have accommodation needs or questions, please call 301.846.2408. To request a sign language interpreter, please visit <http://fcc-interpreting.genbook.com>. If you have interpreting related questions, please email Interpreting@frederick.edu. Sign language interpreters will not be automatically provided for College-sponsored events without a request for services. To guarantee accommodations, requests must be made at least five workdays in advance of a scheduled event. If your request pertains to accessible transportation for a College-sponsored trip, please submit your request at least 21 calendar days in advance. Requests made less than 21 calendar days in advance may not be able to be guaranteed. Gainful employment information is available at www.frederick.edu/GE.

Resources

Students or others who are not sure whether they want to make a report should still seek help from the resources listed. These resources are provided to offer nonjudgmental support and information.

For Guidance in Filing a Complaint Title IX Coordinator

Melissa Bard
301.846.2677
mbard@frederick.edu
Gambrill Hall, Suite 230

AVP/Dean of Students

Jerry Haynes
301.846.2459

Director of Diversity, Equity, and Inclusion

Dr. Beth Douthirt Cohen
301.624.2711

For Information on Programs and Training Director, Center for Student Engagement

Jeanni Winston-Muir
301.846.2489

College Security

Call 4444 or 2453 from a main campus phone or a Monroe Center office phone or 301.846.2453 from any other phone

Confidential Resources to Discuss Sexual Misconduct Frederick County Hotline

A service of the Mental Health Association of Frederick County
24/7 Information and Referral for Crisis Intervention
Call 211 or 866.411.6803
www.211md.org

Nearest hospitals equipped with the Department of State Police Sexual Assault Evidence Collection Kit

Frederick Memorial Hospital
240.566.3300
Carroll Hospital
410.848.3000

Heartly House – Crisis Hotline

301.662.8800
www.heartlyhouse.org

Maryland Coalition Against Sexual Assault (MCASA)

410.974.4507
www.mcasa.org

National Sexual Assault Hotline

A free and confidential 24/7 hotline for incidents occurring outside of Maryland
1.800.656.HOPE (4673)

Rape, Abuse and Incest National Network (RAINN)

24/7 support
1.800.656.HOPE (4673)
www.rainn.org

Sexual Assault Legal Institute (SALI)

1.877.496.SALI (7254)



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