

Harford Community College

*Sexual Harassment and Misconduct Policy
and Procedure*

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Table of Contents

Introduction	2
Prohibited Conduct and Definitions	2
Applicability and Jurisdiction	5
Reporting Procedures	6
Adjudication and Grievance Procedures	10
What to Do When Sexually Assaulted	12
Educational and Training Resources	14
Safety and Support Resources	15

I. INTRODUCTION

Harford Community College (HCC) is an academic community committed to providing a working and learning environment free from sexual misconduct, including sexual harassment, sexual assault, intimate partner violence/abuse, sexual exploitation and sexual intimidation. HCC will not tolerate sexual misconduct and has implemented specific measures to strongly encourage and support the reporting of sexual misconduct and to ensure that all allegations of sexual misconduct are investigated and resolved in a timely, discreet, fair, and impartial manner.

This *Sexual Harassment and Misconduct Policy and Procedure* outlines HCC's commitment to address sexual misconduct and describes the prohibited conduct, the steps to take in order to make a complaint of sexual misconduct, the procedures for investigating and resolving complaints of sexual misconduct, and the resources that are available for both complainant and respondent. In order to maintain an environment free of sexual misconduct, HCC will utilize educational and prevention programming and make training opportunities available to all employees and students.

II. PROHIBITED CONDUCT AND DEFINITIONS

Sexual misconduct is a form of sex discrimination and is therefore a violation of Title IX of the Education Amendments of 1972, Titles IV and VII of the Civil Rights Act of 1964, as well as the laws of the State of Maryland and Harford County. Anybody can experience sexual misconduct: males and females; straight, gay, lesbian, bisexual and transgender individuals; part-time and full-time students and employees; individuals with and without disabilities; and individuals of different races and national origins. HCC will investigate and resolve allegations of sexual misconduct involving parties of the same sex using the same procedures and standards that are used in all complaints involving parties of the opposite sex. Sexual misconduct is a violation of HCC's *Sexual Harassment and Misconduct Policy* and is defined as prohibited conduct in the *HCC Code for Student Rights, Responsibilities and Conduct*.

Sexual misconduct encompasses a range of behavior used to obtain sexual gratification against another's will or at the expense of another. Sexual Misconduct includes sexual harassment, sexual assault, and any conduct of a sexual nature that is without consent, or has the effect of threatening or intimidating the person against whom such conduct is directed.

The following are examples of prohibited acts of sexual misconduct as defined by HCC:

A. Sexual Assault:

1. Non-Consensual Sexual Intercourse:

Any insertion of an object or body part that penetrates, however slightly, the genitals, mouth, or anus of another person, against the person's will and without the *consent* of the person;

Sexual assault is aggravated if it:

- is done by force or threat of force;
- is done by displaying a dangerous weapon, or a physical object that the person reasonably believes is a dangerous weapon; and/or
- is done by threatening, or by placing fear in the person, that the person or someone known to the person, will suffer death, kidnapping, or severe physical injury.

2. Non-Consensual Sexual Contact:

The intentional touching of the person's genital, buttock, inner thigh, or other intimate area, or the clothing covering the area, or forcing the person to touch the offender's genital, buttock, inner thigh, or other intimate area against the person's will and without his/her consent for sexual arousal or gratification or with the intent to abuse, humiliate, harass, or degrade the person.

- Examples of non-consensual sexual contact include, but are not limited to, grabbing a person's buttocks, pulling on a shirt that covers a person's breasts, and/or placing the person's hand on or over the offender's genital area.

Definition of Consent:

- Consent is a positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter.
- Consent cannot be inferred from the absence of the person saying "no". A clear "yes," verbal or otherwise, is necessary.
- Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent.
- Consent must be ongoing throughout a sexual encounter and can be revoked at any time.
- Consent cannot be obtained by threat, coercion, or force.
- Consent cannot be obtained from a person who is incapacitated.

Incapacitated refers to those persons who have mental or physical disabilities that temporarily or permanently render the person incapable of appraising the nature of the sexual activity, resisting the sexual activity, or unable to communicate an unwillingness to engage in the sexual activity.

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated due to alcohol, drugs, medication, or some other condition.

B. Sexual Harassment

Sexual harassment includes: unwelcomed sexual advances; conduct of a sexual nature, or requests for sexual favors that affect a person's employment, unreasonably interferes with work or school performance, or creates an intimidating, hostile, or offensive environment.

Without limiting what can be sexual harassment, generally there are two forms of sexual harassment:

- 1. Quid Pro Quo (this for that) –**
when one person indicates to another person that they will favor that person if the person accepts the unwanted sexual behavior. An example of quid pro quo sexual harassment is an instructor promising to give a higher grade than what was earned in exchange for the student engaging in sexual activity.

- 2. Hostile Environment –**
pervasive, sex-related verbal or physical conduct that is unwelcome, offensive, and unreasonably interferes with the person's work or school performance. Examples include, but are not limited to, unwanted touching or kissing; blocking a person's path or hindering his/her movement; making sexually suggestive gestures; leering, winking, or throwing kisses; name calling; spreading sexual rumors; asking about the person's sex life; and sending drawings, pictures, or cartoons that are sexually offensive to the person.

C. Relationship Violence and Domestic Violence

Relationship violence and domestic violence include: threatening or violent behavior and/or psychological, physical or emotional abuse against a person with whom the offender is in a relationship, regardless of gender or sexuality. Relationship Violence and Domestic Violence behaviors include, but are not limited to, actual or threatened physical harm, stalking, intimidation, name-calling, and preventing the person from seeing friends or family members.

D. Sexual Coercion

Sexual coercion is using pressure, alcohol, drugs, or force to have sexual contact with someone against his or her will and includes persistent attempts to have sexual contact with someone who has already refused. Examples of sexual coercion include, but are not limited to, continuing to pressure a person for sex after that person has made it clear that s/he does not want to have sex, s/he wants to stop having sex, s/he does not want to

perform specific sex acts, and/or threatening to end the relationship if the other person does not have sex.

E. Sexual Exploitation

Sexual exploitation is taking sexual advantage of another person without that person's consent for one's own advantage, benefit, inordinate sexual desire, or entertainment. Examples include, but are not limited to, taking sexually explicit photographs or video of the person using any electronic device, including cell phones; recording the person's conversations without permission; incapacitating or attempting to incapacitate a person by the use of alcohol, drugs, or restraints for a sex-related reason; allowing third parties to observe the person's sexual acts or recordings of his/her sexual acts without permission; and voyeurism.

F. Stalking

Stalking is a series of actions that make a reasonable person feel afraid or in danger. A stalker can be a stranger, an intimate partner, a friend, or a co-worker.

Examples of stalking behavior include, but are not limited to, actions that have the purpose or effect of making a person reasonably believe that the acts are intended to seek an unwelcomed relationship or contact, such as repeatedly showing up at events where the stalker knows the person will be without the stalker having a legitimate reason to be there; repeatedly calling, texting, or following the person online; using GPS to see where the person goes; sending unwanted cards, letters, or gifts; damaging the person's home, vehicle, or other personal property; using hidden cameras to view/record the person's activity; contacting the person's friends, family, and co-workers to learn personal information about the person; and threatening to hurt the person, his/her family, friends, or pets.

G. Retaliation/Intimidation

If a person refuses or does not consent to engage in sexual activity, the other party may not retaliate against or intimidate the person. Retaliation and intimidation behaviors include, but are not limited to, actual physical harm or threats to physically harm the person; spreading malicious lies or rumors; disseminating personal information; stalking or following the person making harassing phone calls; or vandalizing the person's property.

III. APPLICABILITY AND JURISDICTION

This *Sexual Harassment and Misconduct Policy and Procedure* applies to all HCC employees, students, contractors and any person over whom HCC has control.

This *Policy and Procedure* applies to sexual misconduct:

- (a) on HCC's campus;
- (b) at HCC-sponsored events and activities;
- (c) that adversely affects the HCC community; or
- (d) that threatens the health and/or safety of a member of the HCC community.

Sexual misconduct is a violation of HCC's *Sexual Harassment and Misconduct Policy* and is defined as prohibited conduct in HCC's *Code for Student Rights, Responsibilities and Conduct*; however, all reported incidents of sexual misconduct will be handled in accordance with the procedures contained in this *Sexual Harassment and Misconduct Policy and Procedure*. This *Policy and Procedure* prohibits retaliation against any complainant or any individual solely as a result of bringing a complaint or cooperating in an investigation. Individuals reporting incidents of sexual misconduct are afforded the same considerations for confidentiality and protections against retaliation that are provided to those reporting incidents of sexual harassment or violence on campus.

IV. REPORTING PROCEDURES

Any person reporting sexual assault immediately after it has occurred should contact HCC Public Safety without delay.

HCC's first priority is keeping the campus community safe. Any individual who learns of possible sexual misconduct should report it immediately to the Title IX Coordinator or Deputy Coordinators. Furthermore, all employees are required to report alleged incidents to their supervisor, HCC Title IX Coordinator, or Deputy Coordinators. Any supervisor who receives a report must report the matter to the Title IX Coordinator or Deputy Coordinators who are responsible for overseeing the investigation.

All reports of alleged sexual misconduct are promptly investigated to determine what occurred and then steps are taken for an appropriate resolution of the situation. HCC makes every effort to investigate and resolve all reported incidents within sixty (60) calendar days of receiving the initial complaint. This sixty (60) calendar day timeframe refers to the entire investigation process, which includes conducting the fact-finding investigation, holding an administrative conference to determine whether the alleged sexual misconduct occurred and created a hostile environment, and determining what actions HCC will take to eliminate the hostile environment and prevent its recurrence, including imposing sanctions against the alleged perpetrator and providing remedies for the complainant and the HCC community. This sixty (60) calendar day timeframe does not include any appeals process.

HCC ensures its process is prompt and appropriate; however, there may be occasions where the timeframes for the investigation will vary depending on the complexity of the investigation and

the severity and extent of the alleged misconduct (e.g., if there is a parallel criminal investigation or if the incident occurs partially during college breaks/closures). Due to the possible variability of the timeframes, both parties will be given periodic status updates throughout the process.

Waiting to report an alleged incident of sexual misconduct may hinder the investigation and delay HCC's ability to respond and take appropriate action.

A. Confidentiality

Confidentiality of the complainant, the respondent, and any other individuals associated with the reporting of an alleged incident of sexual misconduct will be honored and offered to the fullest extent reasonably possible consistent with the law and the College's commitment to eliminate sexual misconduct. If the complainant requests her/his name not be disclosed to the alleged perpetrator or that HCC not investigate or seek action against the alleged perpetrator, HCC will determine whether honoring such a request will negatively impact the ability to provide a safe and nondiscriminatory environment for all community members, as well as the individual who reported the sexual misconduct. The Title IX Coordinator or Deputy Coordinators will evaluate confidentiality requests and weigh requests for confidentiality against a range of factors. These factors include an increased risk of the alleged perpetrator committing additional acts of sexual misconduct (e.g., whether there have been other sexual misconduct complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school/college/university indicating a history of violence, whether the alleged perpetrator threatened further sexual misconduct or other misconduct against the complainant or others, and whether the sexual misconduct was committed by multiple perpetrators). The factors considered also include an increased risk of future acts of sexual misconduct under similar circumstances (e.g., whether the complainant's report reveals a pattern of perpetration at a given location or by a particular group), whether the sexual misconduct was perpetrated with a weapon, the age of the complainant subjected to the sexual misconduct, and whether HCC possesses other means to obtain relevant evidence (e.g., security cameras or physical evidence). If HCC determines that it must disclose the complainant's identity to an alleged perpetrator, it will inform the complainant prior to making this disclosure.

HCC will continue to work to safeguard the privacy of such persons even in cases where HCC chooses to investigate an incident that the complainant does not want to pursue.

B. Who to Contact

Any person reporting sexual assault immediately after it has occurred should contact
HCC Public Safety without delay.

Anyone who has experienced sexual misconduct may report the incident to any HCC employee, who shall promptly report the alleged incident to a supervisor, the Title IX Coordinator, or a Deputy Title IX Coordinator.

Before a complainant reveals information that s/he may wish to keep confidential, the employee will inform the complainant that he/she is a required Title IX reporter and as such, will have to inform a supervisor, the Title IX Coordinator, or a Deputy Title IX Coordinator about this alleged incident. No HCC employees are considered “confidential employees.” Employees must report all relevant details about the alleged sexual misconduct that the complainant has shared.

If a complainant wants confidentiality, then he/she should be referred to a health care provider or licensed counselor. Confidential reports are accepted at SARC – Sexual Assault/Spousal Abuse Resource Center, located in Bel Air, MD, via the 24 Hour Helpline at 410-836-8430.

A complainant may also make a report directly to the Title IX Coordinator or a Deputy Title IX Coordinator:

**Dr. Jacqueline Jackson, Vice President for Student Affairs & Institutional Effectiveness
Title IX Coordinator
HCC – Executive Suite
3rd Floor of the Library
401 Thomas Run Road
Bel Air, MD 21015
443-412-2233 or jajackson@harford.edu**

**Ms. Pamela Stell, Director for Human Resources & Employee Development
Deputy Title IX Coordinator
HCC – Chesapeake Center
401 Thomas Run Road
Bel Air, MD 21015
443-412-2103 or pstell@harford.edu**

**Ms. Jennie Towner, Associate Vice President, for Student Development
Deputy Title IX Coordinator
HCC – Student Center
401 Thomas Run Road
Bel Air, MD 21015
443-412-2142 or jtowner@harford.edu**

**Estevan Vasquez, Athletic Director
Deputy Title IX Coordinator
HCC – Susquehanna
401 Thomas Run Road
Bel Air, MD 21015
443-412-2303 or evasquez@harford.edu**

Ms. Elizabeth Mosser, Assistant Professor, Psychology Behavioral and Social Services & Assistant Women's Tennis Coach

Deputy Title IX Coordinator

HCC – Executive Suite, 3rd Floor of the Library

401 Thomas Run Road

Bel Air, MD 21015

443-412-2319 or emosser@harford.edu

Ms. Nicole Hoke-Wilson, Director for Disability and Student Intervention Services

Deputy Title IX Coordinator

HCC – Student Center

401 Thomas Run Road

Bel Air, MD 21015

443-412-2132 or nhokewilson@harford.edu

Mr. Sean Wright, Fitness Center Manager

Deputy Title IX Coordinator

HCC – Susquehanna Center

401 Thomas Run Road

Bel Air, MD 21015

443-412-2542 or swright@harford.edu

Ms. Leslie Manning, Transfer Admissions Advisor

Deputy Title IX Coordinator

HCC – Susquehanna Center

401 Thomas Run Road

Bel Air, MD 21015

443-412-2309 or lmanning@harford.edu

The Title IX Coordinator or a Deputy Title IX Coordinator will ensure that the complainant:

- receives a copy of the *Sexual Harassment and Misconduct Policy* and *The Sexual Harassment and Misconduct Policy and Procedure*;
- is advised of the option to notify law enforcement and is assisted in doing so if desired;
- is advised of HCC's investigative obligations and process;
- is advised that even if the complainant chooses not to pursue the complaint, HCC may proceed with its investigation;
- is advised of available interim measures; and
- is advised about available resources for counseling, health, mental health, victim advocacy, and legal assistance.

C. Amnesty

A student who reports an incident of sexual misconduct, either as a complainant or a third party witness, will not be held responsible for related drug and alcohol *Student Code of Conduct* violations at the time of the incident. HCC does not want the fear of receiving disciplinary

charges and/or a disciplinary sanction to prevent a student from reporting an incident of sexual misconduct.

D. Criminal Reporting

Complainants have the right to decline notifying law enforcement of an alleged incident of sexual misconduct. However, HCC encourages complainants to report alleged incidents of sexual misconduct that are also considered a crime under Maryland law to the HCC Department of Public Safety or other appropriate law enforcement agencies. The Department of Public Safety will assist complainants of alleged sexual misconduct in notifying other law enforcement agencies and may aid in the criminal investigation if the allegation constitutes a crime.

If the HCC Department of Public Safety or a local law enforcement agency determines that the alleged incident of sexual misconduct does not constitute a crime, HCC will still proceed with its investigation under this *Sexual Harassment and Misconduct Policy and Procedure*. Investigation by HCC may be done prior to, simultaneously with, or following civil or criminal proceedings. If HCC makes the decision to delay temporarily the fact-finding portion of the investigation while law enforcement agencies are gathering evidence, HCC will take interim measures to protect the complainant in the educational setting as well as update the parties on the status of the investigation and inform the parties when HCC resumes its investigation. The outcome of the civil or criminal proceedings will not determine the HCC course of action nor the HCC outcome.

E. Interim Measures

HCC may provide interim measures during an investigation of alleged sexual misconduct. Interim measures may include the following:

1. For students

Both the complainant and respondent may request the following academic accommodations, if appropriate:

- assistance in transferring to another section of a course;
- assistance in arranging for Incompletes or Withdrawal from a course(s);
- assistance in arranging for alternate HCC employment arrangements; and/or
- “no contact” order pending the outcome of the investigation, which means notice is given to both the complainant and the respondent that they must not have verbal, electronic, written or third party communication with one another.

2. For faculty and staff

Both the complainant and the respondent may request the following employment accommodations, if appropriate:

- temporary reassignment to other work duties and responsibilities, other work locations, other work groups/teams, or other supervision/management; and/or

- “no contact” order pending the outcome of the investigation, which means notice is given to both the complainant and the respondent that they must not have verbal, electronic, written or third party communication with one another.

V. ADJUDICATION AND GRIEVANCE PROCEDURES

Alleged violations of the *Sexual Misconduct Policy* are handled as a top priority by HCC Administration. Students and employees are offered full protections of due process when they are accused of a violation. After concluding his/her investigation, the Title IX Coordinator/Deputy Coordinator (or designee) will record findings and recommendations in a written report. In making findings, the “preponderance of the evidence” standard (i.e., more likely than not) will be used. Because of the nature of these offenses, HCC’s President and Board of Trustees reserve the discretion to review any decisions made by HCC Boards or Committees and to reach an independent conclusion based upon evidence that will be final.

A. Complaint against a Student

The Title IX Coordinator, or designee, will determine whether, how and to what extent the College will conduct an investigation of an allegation of sexual misconduct. Any student complainant who alleges a violation of or a student respondent who responds to an allegation of a violation of HCC’s *Sexual Harassment and Misconduct Policy and Procedure* will be treated with dignity, respect, and sensitivity. All investigations will be conducted in a fair and impartial manner and any disciplinary proceedings will be prompt and equitable, allowing for both parties to be heard.

1. Notices

A student will receive timely written notice of the date, time, and location of each hearing, meeting, or interview the student is required or permitted to attend.

Both the complainant and the respondent will be provided timely, written notice of the following in an appropriate and sensitive format before the start of any investigation or disciplinary proceedings:

- a. The student’s right to the assistance of an attorney or an advocate;
- b. The legal service organizations and referral services available to the student; and
- c. The student’s right to have a personal supporter of the student’s choice at any interview, meeting, or hearing during the disciplinary proceedings.

In addition, the initial notice will include the date, time, and location of the alleged violation, and the range of potential sanctions associated with the alleged violation. As provided above, information regarding a student’s rights and responsibilities under HCC’s *Sexual Harassment and Misconduct Policy and Procedure* and other civil and criminal options will also be included in the notice.

2. Informal Resolution

If the alleged misconduct does not involve sexual assault or sexual coercion, the College may use mediation or other informal mechanisms to resolve a complaint so long as:

- a. The complainant requests an informal mechanism;
- b. All parties to the complaint, and the institution, agree to use the informal mechanism;
- c. The institution participates in the informal mechanism by providing trained staff; and
- d. Any party may end the informal mechanism at any time in favor of a formal resolution proceeding.

3. Evidentiary Procedures and Burdens

Both parties will have access to the case file and evidence regarding the incident obtained by the College during the investigation or considered by the adjudicating official or body, with personally identifiable or other information redacted as required by applicable law.

The burden of proof is on the complainant to establish that it is more likely than not that the respondent is responsible for the alleged violation. The preponderance standard is the same standard used in adjudicating all violations of HCC's *Code for Student Rights, Responsibilities and Conduct* involving discrimination or harm to another individual.

In connection with any investigation or hearing, both parties have the right to testify and to present witnesses and/or evidence that is appropriate or relevant to the case. HCC does not permit either party to personally question the other during a hearing about alleged sexual misconduct. A student may submit specific questions to be posed to the other student involved in the disciplinary proceedings by investigators or the adjudicating official or body. Additionally, procedures will be implemented to permit students to review testimony electronically or some other way which does not require a party to be in the physical presence of the other.

Questions or statements regarding the prior sexual history of the complainant with an individual other than the respondent party to the proceedings will not be considered, except to:

- a. Prove the source of injury;
- b. Prove prior sexual misconduct;
- c. Support a claim that a student has an ulterior motive; or
- d. Impeach a student's credibility after that student has put his or her own prior sexual conduct at issue.

Evidence of a current or prior consensual dating or sexual relationship between the parties alone does not imply consent or preclude a finding of sexual misconduct. In addition, evidence related to a student's history of mental health counseling, treatment, or diagnosis should not be considered, unless the student consents.

A complainant and respondent will have the right to review and provide written responses to reports and proposed findings from the investigator or adjudicating officials.

4. Role of Attorney or Advocate

Students may be assisted during disciplinary proceedings by a licensed attorney, an advocate supervised by an attorney, or a trained advocate. HCC will not discourage a student from retaining an attorney or advocate. An attorney or an advocate may attend all hearings, meetings, and interviews with the student; may conduct private consultations with the student during interviews, meetings, and hearings, except during questioning of the student at a hearing; and may assist with the student's exercise of any right during the disciplinary proceedings. No more than two people, including a personal supporter of the student's choice, an attorney, or an advocate may accompany the student to any interviews, meetings, or hearings during the disciplinary proceedings.

Any advisors invited by either the complainant or the respondent will be told that hearings will be held using a civil not a criminal process and, therefore, will not be conducted in strict accord with legal rules of evidence, but to accomplish substantial justice. HCC expects to conclude all proceedings within sixty (60) calendar days of receipt of the complaint. Possible sanctions for violation of this Policy are contained in the *HCC Code for Student Rights, Responsibilities and Conduct*, Section VII.

5. Access to Counsel

Both the complainant and the respondent may access counsel paid for by the Maryland Higher Education Commission (the "Commission") before the conclusion of the formal Title IX proceedings if they meet the following criteria:

1. The complainant is a current or former student who makes a complaint on which a formal Title IX investigation is initiated and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint, unless the student knowingly and voluntarily chooses not to have counsel; and
2. The respondent is a current or former student who responds to a complaint on which a formal Title IX investigation is initiated and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint, unless the student knowingly and voluntarily chooses not to have counsel.

The Commission will develop a list of attorneys and legal services programs willing to represent students on a pro bono basis or at fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services. This list will be developed in consultation with state and local bar associations and legal services providers with expertise about sexual misconduct.

Students may select and retain an attorney from the Commission's list prior to the conclusion of the formal Title IX proceedings. If the student selects and retains an attorney that is not on the Commission's list, the Commission shall pay fees to the attorney selected by the student that are

equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation.

The Commission is not required to pay a student's attorney's fees for representation in a criminal or civil matter.

6. Referral for Determination or Recommendation of Sanctions

If the finding at the conclusion of the investigation is that a violation of the Sexual Harassment and Misconduct Policy and Procedure did occur, then a final report of findings will be forwarded to the Student Conduct Official to determine the appropriate sanction(s). Where the respondent is found responsible, the complainant must be given remedies designed to restore or preserve equal access to education (these remedies may be similar to the interim measures put in place during the investigation).

In cases where the Student Conduct Official determines that the sanction(s) for the violation may be suspension; expulsion; revocation of admission, credit, or degree; or withholding a degree, the Student Conduct Official will refer the case to the Student Conduct Review Board for recommendation of the sanction(s). Members of the Student Conduct Review Board will receive training in handling sexual misconduct complaints.

7. Decision and Appeal

Both the complainant and the respondent will be provided timely written notice of a final determination regarding whether a violation of HCC's *Sexual Harassment and Misconduct Policy and Procedure* occurred. The written notice shall include the basis for the determination and describe any sanctions imposed, the student's right to appeal, and the process for taking an appeal.

Both the complainant and the respondent have the right to appeal a determination or a sanction to the Vice President of Academic Affairs or designee on the grounds that: (a) procedural error or previously unavailable, relevant evidence could significantly impact the outcome of the case; and/or (b) a sanction is substantially disproportionate to the finding. The appeal must be in writing to the Vice President of Academic Affairs or designee, and received within ten (10) work days of the issuance of the decision. Both parties will be notified, in writing, of the outcome of the complaint and any appeal.

The Title IX Coordinator or Deputy Coordinator may also present an appeal directly to the President of HCC, whether or not either party appeals the decision. The President may gather evidence, may afford each side a chance to present a case, and may reach an independent decision in the case, either in support of or contrary to the decision of the SCRB. The President's decision shall be final.

B. Complaint against an Employee

A complaint against an HCC employee will be handled and investigated as a sexual misconduct complaint, in accordance with this *Sexual Harassment and Misconduct Policy and Procedure*.

The Director for Human Resources and Employee Development (DHRED) will lead the investigation into the sexual misconduct complaint in coordination with the Title IX Coordinator. In cases involving students, the DHRED will also coordinate with the Associate Vice President for Student Development.

Immediate action will be taken to eliminate contact between the complainant and the respondent. The DHRED, or his/her designee, will first interview the complainant and also inform him/her about HCC's investigative process. The DHRED will also interview any witnesses to the alleged misconduct as well as the respondent. Both the complainant and the respondent will be notified, in writing, of the results of the investigation as soon as possible, but no longer than sixty (60) calendar days following the complaint. Corrective action, up to and including discharge from HCC, may result from an investigation which confirms sexual misconduct by an employee.

The confidentiality of all parties will be a priority and investigations will be conducted in as discreet and confidential a manner as possible.

In the event a hearing is held in any case involving sexual misconduct, regardless of any other policy or statement, HCC does not permit either party to personally question the other during a hearing about alleged sexual misconduct. Questions or statements regarding the prior sexual history of the complainant with anyone other than the respondent will be prohibited. Evidence of a current or prior consensual dating or sexual relationship between the parties alone does not imply consent or preclude a finding of sexual misconduct. The burden of proof is on the complainant to establish that it is more likely than not that the respondent is responsible for the alleged violation.

C. Complaints against a Third Party

Complaints against a third party, who is neither a student nor an employee, will be handled and investigated as a sexual misconduct complaint in accordance with this *Sexual Harassment and Misconduct Policy and Procedure*. The Title IX Coordinator or a Deputy Title IX Coordinator will lead the investigation, in cooperation with the DHRED, the Associate Vice President for Student Development, and the HCC Department of Public Safety, as appropriate. The Title IX Coordinator, Deputy Title IX Coordinator, and Public Safety will also provide the complainant with appropriate resources and/or referrals and may assist the member in referring the matter to local law enforcement as a criminal matter, if s/he so chooses.

VI. WHAT TO DO WHEN SEXUALLY ASSAULTED

Being sexually assaulted is a traumatic experience that may have physical and psychological effects. It is important for anyone who has been the victim of a sexual assault to go to a safe place and seek assistance as soon as possible.

HCC encourages any person who believes he or she has been a victim of a sexual assault occurring at HCC or during the course of HCC-sponsored activities to call HCC's Department of Public Safety (443-412-2272) as soon as possible. The Department of Public Safety Office is open 24 hours a day to assist victims of sexual assault.

HCC's Department of Public Safety will inform a victim of sexual assault of the right to notify the appropriate law enforcement agency to file criminal charges and the importance of preserving evidence associated with the sexual assault. With the victim's consent, the HCC Department of Public Safety will notify the Harford County Sheriff's Office to conduct an official criminal investigation of any allegation of sexual assault and where appropriate will arrange for the victim to be transported to either University of Maryland Upper Chesapeake Health Center or University of Maryland Harford Memorial Hospital for medical evaluation and treatment.

Student victims of sexual assault will be connected with a member of the HCC Student Intervention and Prevention (SIP) Team for support and assistance through the reporting process. The SIP Team will also provide the student victim with resources and refer him/her to professionally trained crisis intervention counselors who are specifically experienced in dealing with sexual offense crises.

Only those HCC employees with a legitimate need to know will be informed of the incident. Normally that will include the Title IX Coordinator, the Vice President of Student Affairs & Institutional Effectiveness, and the Associate Vice President of Student Development.

A. Preservation of Evidence

Preserving physical evidence is critically important to the legal process. The collection of evidence from a crime is based upon a scientific principle that states that whenever two surfaces come in contact there will be an exchange of material. Physical evidence, such as DNA from semen, saliva and skin cells, and fingerprints, hair, and fibers are all types of evidence that can be transferred from the suspect to the victim and from the victim to the suspect. It is important that evidence be collected in a timely manner, free from contamination, and stored properly in order for that evidence to be used in criminal proceedings.

The victim of a sexual assault should not change clothes, smoke, bathe/shower, urinate, douche, wash hands, brush teeth, eat or drink before the evidence can be collected.

B. Sexual Assault Forensic Evidence Kits

If a victim of sexual assault elects to go to the hospital, an advocate or designated hospital staff member will provide the following options:

- report to police and receive a forensic exam;
- receive a forensic exam as an anonymous report; or
- receive medical treatment only.

Sexual Assault Forensic Evidence (SAFE) kits are collected by a trained Forensic Nurse Examiner (FNE). FNEs are nurses, not law enforcement personnel, who have been specially trained in the collection of sexual assault evidence.

A victim may decline to have a SAFE kit collected or may elect to have a kit collected as an anonymous reporting (i.e., “Jane Doe” kit). Anonymous reporting/Jane Doe kits allow the victim of a sexual assault to have a SAFE kit collected without having to report the crime to law enforcement. The evidence will be collected, given a tracking number, and stored for future use. It is important to note that Jane Doe kits are merely stored for potential use if the victim decides in the future to make a report. The evidence is not examined at the time it is collected; therefore, investigative leads, such as identifying a suspect, are not developed.

If the anonymous report option is selected, the victim will be told:

- the benefits of anonymous reporting (e.g., time to weigh options before participating in the criminal justice system);
- the drawbacks of anonymous reporting (e.g., challenges for the investigation and prosecution);
- the length of time for which evidence will be stored; and
- who to contact, and how, if the victim decides to report.

For more information on anonymous reporting, visit the Governor’s Office of Crime Control and Prevention’s website: <http://www.goccp.maryland.gov/victim/JaneDoe.php>.

VII. EDUCATIONAL AND TRAINING RESOURCES

The HCC Department of Public Safety works with Student Services to provide a variety of resources and educational opportunities, including crime prevention programs and services:

- Student Intervention, Public Safety and the HCC Warriors Registered Student Organization sponsor *What’s Love Got to do With It?*, a poetry and monologue jam in remembrance of Yardley Love, to raise awareness about dating and domestic violence.
- HCC Continuing Education and Training (CET) offers a *Rape Aggression Defense (RAD)* course to females each semester. Refer to the CET schedule for specific course offerings.
- *What Students Should Know About Sexual Harassment on Campus* brochure

- *A Student Guide for Responding to Sexual Assault* brochure
- Department of Public Safety *Stalking: Know it. Name it. Stop it.* brochure
- The Student Activities Office sponsors an annual program on healthy relationships.
- Sexual Harassment training is provided to all students who attend *Power Up! New Student Orientation*.
- *Incident Response to Violence* training is offered to all new employees.
- All HCC employees must complete bi-annual online *Sexual Harassment Training*, including a section pertaining to Title IX.
- Information regarding Title IX updates are provided at Quarterly Supervisor's Meetings.

The following additional efforts to prevent sexual misconduct are in place in the Athletics Department:

- All coaches and other staff members receive a copy of the *HCC Sexual Harassment and Misconduct Policy and Procedure* and review it once a year at an annual staff meeting;
- The Coaches Handbook references the *HCC Sexual Harassment and Misconduct Policy and Procedure*;
- Head coaches review the *HCC Sexual Harassment and Misconduct Policy and Procedure* with student-athletes on their respective teams during the team's preseason meeting; and
- *The HCC Sexual Harassment and Misconduct Policy and Procedure* are referenced in the Student-Athlete Handbook.

VIII. SAFETY AND SUPPORT RESOURCES

Maintaining the health, safety, and well-being of the campus community is HCC's primary concern. Below is a list of campus and community resources:

HCC Department of Public Safety: 443-412-2272

The Department of Public Safety office is open 24 hours a day to assist victims of sexual misconduct. If an individual is not certain whether criminal conduct is involved, a Public Safety Officer can assist in determining whether a crime has occurred. With the victim's consent, the Public Safety Officer may notify the Harford County Sheriff's Office to conduct an official criminal investigation of any allegations of sexual misconduct. With the victim's consent, the Public Safety Officer will arrange for transportation to University of Maryland Upper Chesapeake Medical Center where a SAFE exam can be performed by a trained FNE.

Harford County Sheriff's Office: 911

Any individual who experiences sexual misconduct is strongly encouraged to contact local law enforcement.

Harford County Sheriff's Office/Victim Services: 410-836-5490

HCC Emergency Phones:

Emergency phone lines are installed in all classrooms. The phones will dial directly to Public Safety by pressing the corresponding speed dial, but 9-1-1 has to be manually dialed.

HCC Escort Services:

The HCC Department of Public Safety operates an escort service at all times for use by those concerned about their safety while on campus. Call Public Safety at 443-412-2272 or ext. 2272 from a HCC phone to request a walking escort to your vehicle. Wait in a well lit or populated location for the arrival of the uniformed Public Safety Officer. Also visit the Department of Public Safety website at <http://www.harford.edu/about/offices-and-departments/public-safety/crime-prevention.aspx> for additional safety tips.

HCC Student Intervention and Prevention Team:

Students impacted by sexual misconduct can access this service for resources and referrals that may provide support by calling 443-412-2132.

Office for Student Code of Conduct: 443-412-2073

Title IX Coordinator:

Dr. Jacqueline Jackson - 443-412-2236 or jajackson@harford.edu

Deputy Title IX Coordinators:

Ms. Pamela Stell - 443-412-2103 or pstell@harford.edu

Mr. Estevan Vasquez – 443-412-2303 evasquez@harford.edu

Ms. Elizabeth Mosser 443-412-2319 or emosser@harford.edu

Ms. Nicole Hoke-Wilson 443-412-2132 or nhokewilson@harford.edu

Mr. Sean Wright 443-412-2542 or swright@harford.edu

Ms. Leslie Manning 443-412-2309 or lmanning@harford.edu

Sexual Abuse/Sexual Assault Resource Center (SARC): 410-836-8430 (24-Hour Hotline)
SARC provides confidential domestic violence and sexual assault services in Harford County. Services include: a safe house for victims of domestic violence and their children; legal services; individual and group counseling for victims and children; an abuser intervention program; crisis intervention; community outreach; education and professional training; and court and hospital accompaniment.

Cecil County Domestic Violence/Rape Crisis Center: 410-996-0333

Through the Department of Social Services provides counseling to survivors and children, shelter, sexual assault services, and court and hospital accompaniment by advocates.

TurnAround, Inc.: 443-279-0379

A domestic violence and sexual assault center in Baltimore, MD that helps women, children, and families who are victims of abuse.

Family Crisis Center of Baltimore County: 410-828-6390

This center provides essential and life-saving services to families experiencing conflict and violence.

Rape, Abuse & Incest National Network (RAINN) Hotline: 1-800-HOPE

www.rainn.org