

Title: Sexual Discrimination and Harassment Policy - Title IX
Updated in compliance with new federal guidelines, August 1, 2024

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 - Board Resolution:** 20-051, 24-037
 - Last Revised:**
 - **Policy:** June 5, 2024
 - **Procedure:** June 5, 2024
 - **Last Reviewed:** June 5, 2024
 - Effective:** June 27, 2024
 - Next Review:** June 5, 2027
 - Responsibility:** Student Services
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General Policy Statement

Cecil College (the “College”) does not discriminate on the basis of sex and prohibits all forms of sex and gender-based harassment and discrimination, including but not limited to, acts of sexual violence, sexual assault, sexual harassment, domestic violence, dating violence, and stalking.

The College is committed to addressing all alleged incidents of sexual harassment and discrimination, preventing their reoccurrence, and remedying any effects. This policy is adopted in accordance with Title IX of the Education Amendments of 1972 (“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”), and applies to any education program or activity that the College operates, as required by Title IX, including in admissions and employment, and conduct which occurs on Cecil College property or at College-sanctioned events or programs that take place off campus, including trips or internships.

All members of the College community are responsible for demonstrating responsibility, civility, and respect in their behavior. The College will promote a climate that is free from sex discrimination and harassment through education and prevention programs as well as timely and thorough response to reported violations of this Policy.

Any employee, student, or affiliated person who engages in conduct in violation of this Policy will be subject to disciplinary action, including but not limited to, dismissal from a class, suspension from the College, or permanent expulsion, or, in the case of employees, termination of employment.

All College community members are expected to comply with College policies related to sex discrimination regardless of sex, sexual orientation, gender identity, or gender expression. This includes all College students, College faculty, and College staff, as well as third parties and contractors under the College’s control. Violations of the Policy may occur between individuals or groups of individuals of any sexual orientation or actual or perceived gender identity.

To this end, acts of sexual harassment or sex discrimination are strictly prohibited. Information is provided on the College's Title IX website: <https://www.cecil.edu/about-us/sexual-harassment>. The College encourages members of the College community to participate in campus events and programs designed to educate students and employees about Title IX.

College community members are required to report any acts of sexual harassment or sex discrimination pursuant to this Policy, participate in proceedings for which they receive notification, tell the truth, and not retaliate against any person who reports or cooperates with an investigation.

Prohibition of Sexual Harassment, Sex Discrimination, and Retaliation

Cecil College prohibits discrimination on the basis of sex and prohibits all forms of sexual and gender-based harassment and discrimination in any education program or activity that the College operates, as required by Title IX, including but not limited to admissions and employment, acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking.

This Policy applies to all sex discrimination occurring under the College's education programs and activities in the United States. Conduct that occurs under the College's education programs or activities includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the College and conduct that is subject to the College's disciplinary authority. The College has an obligation to address a sex-based hostile environment under its education programs and activities, even when some conduct alleged to be contributing to the hostile environment occurred outside the College's education program or activity or outside the United States.

The College is committed to addressing all alleged incidents of sexual harassment and discrimination, preventing their recurrence, and remedying any effects. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, parental, family, or marital status, pregnancy or related conditions, sexual orientation, and gender identity.

The College also prohibits retaliation in any form against a complainant, respondent, witness, investigator or any person associated with a report.

Pursuant to Title IX and this Policy, no person shall, on the basis of sex, be denied admission, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the College or be subjected by the College to discrimination in admission.

Application of this Policy

This Policy applies to (1) all students, faculty, staff, and third parties under the College's control; (2) any College-owned or College-managed facility or property; (3) any College sponsored, recognized, or approved program, visit, or activity regardless of location; (4) any policy-defined

misconduct that impedes equal access to any College program or activity; (5) any policy-defined act of sexual harassment and sex discrimination that adversely impacts the health, safety, and/or employment of a member of the College community.

The College shall provide notice of this Policy to students, employees, vendors, and other relevant persons. Application of this Policy may directly or indirectly require the application of other institutional policies; nothing in this Policy shall be construed to prohibit the application of related policies which include, but are not limited to, the policies listed here. If the application of this Policy conflicts with the application of another institutional policy, the College will make a good-faith effort to comply with all mandates; however, this Policy shall take precedence unless otherwise required by law. Related policies include, but are not limited to: Student Code of Conduct, Non-Discrimination and Non-Retaliation Policy, Admissions Policy, and FERPA Policy.

Institutional Obligations

If sexual harassment and/or sex discrimination occurs, the College, upon knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity must respond promptly and effectively, and take immediate, appropriate steps to end the harassment and/or discrimination, to prevent its recurrence, and to remedy its effects.

The College encourages any crime to be reported to the appropriate law enforcement agency, will cooperate with criminal investigations to the greatest extent permitted by law, and comply with all Clery mandated data collection and reporting requirements.

The College's institutional response to sexual harassment and/or sex discrimination is independent of any law enforcement and/or court action. All College employees, except for designated "confidential employees" are required to report any sexual harassment and/or sex discrimination in accordance with the Procedures specified below. Any non-confidential employee who either has authority to take corrective action on behalf of the College or has responsibility for administrative leadership, teaching, or advising in the College's education program or activity must notify the Title IX Coordinator if they have information about conduct that reasonably may constitute sex discrimination. All other non-confidential employees are obligated to either notify the Title IX Coordinator or provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination.

The College has adopted comprehensive procedures to implement this Policy.

Policy Changes

Substantive changes to this Policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementing procedures may be made as required by federal or state mandate and/or institutional need with timely notice to students and employees.

PROCEDURES

Title IX Coordinator and Team

The College's Title IX Coordinator is responsible for the College's compliance with federal and state laws and regulations related to Title IX and the Clery Act as enacted in the Sexual Discrimination and Harassment Policy - Title IX and these procedures. The College may identify additional qualified College employees to function as Title IX officers or team members to assist with the implementation of these procedures and to conduct investigations as needed; contact information for these employees will also be published in appropriate materials. Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator.

The College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

Questions and Contact Information

All information related to Title IX compliance may be found at on the College's Title IX web page: <https://www.cecil.edu/about-us/sexual-harassment>. If you have any questions or concerns or if you need to make a complaint, contact the College's Title IX Coordinator or Title IX Deputy Coordinators (contact information below). In addition, inquiries about Title IX may be referred to the U.S. Department of Education's Office of Civil Rights.

Title IX Coordinator

Function: responsible for the College's compliance with federal and state laws and/or regulations related to Title IX and the Clery Act as enacted in the policy and accompanying procedures. The Coordinator has oversight over the entire Title IX process, including taking complaints, initial notification of the parties, implementing supportive measures, implementing informal resolutions where indicated, referring to formal investigation and/or hearing, and implementing the outcome.

Title IX Coordinator

Dr. Kimberly Joyce
Vice President of Student Services and Enrollment Management
1 Seahawk Drive
Building A, Room 117
North East, MD 21901
(410) 287-1022
kjoyce@cecil.edu

Title IX Deputy Coordinators

Cheryl Davis-Robinson
Director of Student Life
1 Seahawk Drive

Building D, Room 114
 North East, MD 21901
 (443) 674-1988
cadavis@cecil.edu

Lauren Fleck
 Executive Director of Human Resources
 1 Seahawk Drive
 Building A, Room 325
 North East, MD 21901
 (410) 287-1145
lfleck@cecil.edu

Attorney Representation Resources

The Maryland Higher Education Commission (MHEC) maintains a list of attorneys and legal services programs who have indicated they are willing to represent students in Title IX proceedings on a pro bono basis or for reduced legal fees. More information can be found at: <https://mhec.maryland.gov/Pages/Title-IX-Campus-Sexual-Assault-Proceedings---Attorney-List.aspx>

Important Emergency Phone Numbers

LAW ENFORCEMENT	MEDICAL SERVICES (including information on sexual assault evidence collection kits)	CAMPUS REPORTING
Cecil College Public Safety (410) 287-1601	ChristianaCare Union Hospital 106 Bow St, Elkton, MD (410) 398-4000	Title IX Coordinator – Dr. Kimberly Joyce (410) 287-1022
Cecil County Sheriff’s Department (410) 398-2222	The Bridge 24 Hour Helpline (410) 996-0333 Domestic Violence Rape Crisis	Title IX Deputy Coordinator Cheryl Davis-Robinson (443) 674-1988
	Maryland Network Against Domestic Violence 24 Hour Hotline 1-800-799-7233	Title IX Deputy Coordinator Lauren Fleck (410) 287-1145
Emergency – 911		

Title IX Committee Membership and Email Addresses

Walter Beaupre, Title IX Investigator
 Public Safety Director

Building D, Room 203
(410) 287-1605
wbeaupre@cecil.edu

Jessica Hartley, Title IX Investigator

Public Safety Officer
Building D, Room 205
(410) 287-1601
jhartley06@cecil.edu

April Stern, Title IX Student Advisor

Director of Early College
Building D, Room 103A
(410) 287-1045
astern@cecil.edu

Gladys Ramirez-Wrease, Title IX Appeals Officer

Associate Dean for Academic & Community Collaboration
Building C, Room 217
(443) 674-1991
gramirezwrease@cecil.edu

Education and Training

The College provides ongoing prevention and awareness education to students, faculty, staff, and other relevant individuals and groups. This education is designed to inform the College community about what constitutes sexual harassment and sex discrimination, how to reduce the occurrence of sexual harassment and sex discrimination, safe bystander interventions, consequences of engaging in sexual harassment and sex discrimination, and how to report sexual harassment and sex discrimination. The College also provides annual training for College employees who are charged with responding to, investigating, and/or adjudicating sexual harassment and sex discrimination.

Notification Requirements

Except as noted below, all Cecil College employees are required to report any sexual harassment or sex discrimination. Reports should be made to the Title IX Coordinator, Title IX Deputy Coordinator(s), Public Safety, or other identified Title IX official. Any person with information about sexual harassment and/or sex discrimination may report it to any of the above-referenced officials. The College will assist any person needing assistance to make a report or complaint. The College strongly encourages any person who is a victim of or who witnesses any crime to contact law enforcement and/or call 911 immediately.

Non-Confidential Employees

Any employee who is not a confidential employee and who either has authority to institute corrective measures on behalf of the College or has responsibility for administrative leadership, teaching, or advising in the College's education program or activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.

All other employees who are not confidential employees and not covered by the preceding paragraph must:

1. Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX; or
2. Provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination under Title IX.

The requirements in paragraphs 1 and 2, immediately above, do not apply to an employee who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX.

Confidential Employees

The College will notify all participants in its education program or activity of how to contact its confidential employees, if any, excluding any employee whose confidential status is only with respect to their conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination as set out in the definition of confidential employee in Title IX regulations.

The Coordinator of Mental Health Services is the only Cecil College employee classified as a confidential employee:

Coordinator of Mental Health Services

The confidential employee must explain to any person who informs the confidential employee of conduct that reasonably may constitute sex discrimination under Title IX of:

1. The employee's status as confidential for purposes of this procedure, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
2. How to contact the College's Title IX Coordinator and how to make a complaint of sex discrimination; and

3. That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

Reporting Guidelines

Who may file a report or complaint?

Anyone – oral and written reports and complaints are acceptable.

To whom is a report/complaint given?

Title IX Coordinator, Title IX Deputy Coordinator, Public Safety, and members of the Title IX team.

How may I file a report/complaint?

By telephone, email, reporting form, or in person. Reports can be submitted online:

<https://www.cecil.edu/report>

Confidentiality will be protected to the greatest extent possible.

Do I have to give my name?

If you are an employee forwarding a report/complaint from a complainant or other person with knowledge, your name and contact information is required. If you are a complainant or other person with knowledge, providing your name and contact information will help the College take the appropriate action; anonymous reports will be accepted but are much more difficult to resolve. Confidentiality will be protected by the Title IX Coordinator, Title IX Deputy Coordinator, and/or Title IX investigators and team members to the greatest extent possible.

Can I get in trouble for reporting?

No. Cecil College prohibits retaliation in any form and against any person. Also, the College will not initiate disciplinary action consistent with Amnesty provisions described in this Procedure.

Title IX Coordinator

The College's Title IX Coordinator, when notified of conduct that reasonably may constitute sex discrimination under Title IX or Title IX regulations, must take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:

1. Treat the complainant and respondent equitably;
2. Offer and coordinate supportive measures, as appropriate, for the complainant. In addition, if the College has initiated grievance procedures or offered an informal resolution process, offer and coordinate supportive measures, as appropriate, for the respondent;
3. Notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the grievance procedures under this policy and the informal resolution

process, if available and appropriate; and if a complaint is made, notify the respondent of the grievance procedures under this policy and the informal resolution process, if available and appropriate;

4. In response to a complaint, initiate the grievance procedures or the informal resolution process, if available and appropriate and requested by all parties;
5. In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures (below).

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to <https://www.cecil.edu/about-us/sexual-harassment>.

Cecil College has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Complaints

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Cecil College investigate and make a determination about alleged discrimination under Title IX: a “complainant” which includes a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or a person other than a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the College’s education program or activity; a parent, guardian, or other authorized legal representative with the legal right to act on behalf of the complainant; or Cecil College’s Title IX Coordinator. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the persons listed in above, any student or employee, and any person other than a student or employee who was participating or attempting to participate in the recipient’s education program or activity at the time of the alleged sex discrimination may make a complaint.

Consolidation of Complaints

Cecil College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Principles

The College will treat complainants and respondents equitably.

The College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Notice of Allegations

Upon initiation of the College's Title IX grievance procedures, the College will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

1. The College's Title IX grievance procedures and any informal resolution process;
2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
3. Retaliation is prohibited;
4. The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
5. The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
6. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.
7. Section [U] of the College's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, the College decides to investigate additional allegations of sex-based discrimination or harassment by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the College will notify the parties of the additional allegations.

The College will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

The College will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The College will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding. The College may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

Title IX Grievance Process

The College has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the parties that includes the reason for the delay.

Certain College employees, or designees, who are trained in conducting a formal investigation may be designated by the Title IX Coordinator to investigate matters.

The College will seek to conclude the Formal Resolution Grievance Procedure within sixty (60) to ninety (90) work days after receiving a formal complaint. The time frame may be extended by the College for good cause, in which case written notice will be provided to the complainant and respondent that includes reasons for the extension.

The College may seek appropriate legal sufficiency review by counsel prior to any final decision.

Formal Resolution Grievance Procedure

This procedure applies to complaints alleging sexual harassment, including sexual assault, dating violence, domestic violence and stalking involving students, staff, faculty and administrators.

Alleged conduct outside the scope of this Policy will be addressed by other applicable College policies and procedures outlined in student and employee handbooks.

The Title IX Coordinator will appoint a trained investigator(s) to conduct an investigation of the complaint, and written notice will be provided to both parties. Written notice will include, but not be limited to:

- the identity of the parties involved in the incident, if known;
- reported violation with date, time and location of the alleged violation, if known;
- range of potential sanctions or disciplinary action associated with the alleged violation;
- a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance procedure;
- information regarding party rights to an advisor of choice; and
- a statement regarding prohibition on knowingly providing false information.

Additional notice will be provided if the College, during the course of an investigation, decides to investigate allegations about the complainant or respondent that are not included in the

original notice. Parties will also be provided a copy of the College's Sexual Discrimination and Harassment Policy.

Complainants should file a formal complaint as soon as possible following the alleged conduct. If the respondent is no longer a student or employee at the time of the formal complaint, the College may not be able to take disciplinary action against the respondent, but it will seek to provide support for the complainant and take steps to end the alleged conduct, prevent its recurrence, and address its effects.

During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be addressed by the investigator to the other party or to any witness.

The investigator will notify and seek to meet separately with the complainant, the respondent, and third-party witnesses determined to have information relevant to the investigation, and will gather relevant evidence and information. Parties will receive written notice of the date, time, location, participants, and purpose of any meeting, interview, or proceeding they are required or permitted to attend.

After information has been gathered, the investigator will prepare a draft investigative report that summarizes the investigation, all witness interviews, and all relevant evidence. The investigator does not make any conclusions or recommendations as part of the draft investigative report.

The parties (and advisors, if applicable) will be provided a copy of the draft investigative report and any evidence regarding the incident obtained by the College that is directly related to the complaint allegations, including evidence upon which the College does not intend to rely on to reach a determination regarding responsibility. Personally identifiable and other information will be redacted as required by applicable law.

The complainant and respondent will each have ten (10) business days from the date the report is received to submit any additional comments, questions, or information to the investigator for consideration.

The investigator will consider all available evidence and prepare a final investigative report, incorporating any relevant feedback. At least ten (10) business days prior to a hearing, the final investigative report will be provided to all parties (and advisors, if applicable) with any directly related evidence that was not included in the report.

A live recorded hearing will be scheduled with notice provided to the parties.

A trained decisionmaker for the hearing will be selected by the Title IX Coordinator. The decisionmaker may be the same person as the Title IX Coordinator or the investigator.

Complainants and respondents will be entitled to provide and review testimony in a manner that does not require them to be in the physical presence of the other involved party, with technology that enables participants to simultaneously see and hear each other. If a party is not willing or able to attend the hearing in-person, the party should inform the Title IX Coordinator of the need for alternative arrangements at least five (5) business days in advance of the hearing.

During the hearing, the investigator will present a summary of the final investigative report and will be available for questioning by the decisionmaker and advisors on behalf of the parties. Once the report has been presented, the parties and witnesses may provide relevant information subject to questioning by the decisionmaker and advisors on behalf of the parties.

Only relevant questions may be asked of a party or witness. The decisionmaker will make decisions regarding relevance, and may consult with legal counsel in the process.

The decisionmaker will issue a written determination of responsibility, by a preponderance of the evidence, for each alleged violation of Policy, which will be provided by the College to both parties at the same time. The written determination will include:

- Identification of allegations potentially constituting sexual harassment;
- Description of procedural steps taken during the formal complaint process;
- Findings of fact supporting the determination;
- Conclusions regarding application of policy to the facts;
- Statement and rationale supporting the determination of responsibility, any sanctions, and whether remedies designed to restore or preserve equal access will be provided to the Complainant;
- Notice of appeals process.

If it is determined there is a preponderance of the evidence that the respondent is responsible for a violation of the College's Sexual Discrimination and Harassment Policy, the decisionmaker will determine sanctions proportionate to the findings.

The parties will be notified simultaneously, in writing, of the findings and any sanctions, if applicable. Sanctions are designed to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. Sanctions can include, but are not limited to: required training or education, no contact orders, oral or written warning, reprimand, probation, suspension or dismissal or discharge.

Either party may appeal the decision by following the Appeals process described in this Procedure.

Dismissal of Formal Complaint

The College may dismiss a complaint of sex discrimination if:

1. The College is unable to identify the respondent after taking reasonable steps to do so;

2. The respondent is not participating in the College's education program or activity and is not employed by the College;
3. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
4. The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Cecil College will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Cecil College will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, Cecil College will:

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
2. Implement appeal procedures equally for the parties;
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;

4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
6. Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the College will, at a minimum: offer supportive measures to the complainant as appropriate; if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Privacy and Confidentiality

The College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Evaluation of Evidence; Credibility

The College will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Cecil College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

1. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone

other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The College prohibits questions that are unclear or harassing of the party being questioned.

The decisionmaker will weigh the credibility of a party or witness, including when a party or witness refuses to respond to relevant and permissible questions. However, the decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to relevant and permissible questions.

The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Attorneys, Non-Attorney Advisor, and Personal Supporters

Both the complainant and the respondent are permitted to be accompanied by a personal supporter of choice, and an advisor, who may or may not be a licensed attorney, an advocate supervised by an attorney, or a trained advocate during any interview, meeting or disciplinary proceeding in connection with any Formal Resolution procedure. No more than two persons may accompany the involved party, including a personal supporter and an advisor, an attorney, or a non-attorney advocate. Advisor Attorneys and non-attorney advocates are not direct participants in the investigation stage of the process. Their role is to attend meetings and proceedings, consult privately with the involved party and/or assist with exercise of rights.

Cross-examination by an advisor is required during the hearing under the Formal Resolution procedure. Parties are not permitted to directly cross-examine each other or witnesses. If a complainant or respondent does not have an advisor for a hearing, or the party's selected advisor will not conduct cross-examination, then the College will appoint a trained advisor for the limited purpose of conducting cross-examination. A party may reject the appointed advisor and choose their own advisor but may not proceed without an advisor.

The College will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

The College will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

1. The College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence.
2. The College will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If the College conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing. The College may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing.
3. The College will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

In appropriate situations, expert witnesses may be permitted and should be discussed with the Title IX Coordinator. Permitting of expert witnesses, if allowed, will be applied equally to the parties.

Investigation

Cecil College will provide for adequate, reliable, and impartial investigation of complaints. The burden is on Cecil College, not on the parties, to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The College will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

1. The College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the College provides a description of the evidence, the College will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
2. The College will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
3. The College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.

Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Hearing

Questioning the Parties and Witnesses

The College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

1. Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
2. Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. If the College permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, the College will provide the party with an advisor of the College's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, the College will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

Procedures for a Live Hearing

The College will conduct the live hearing with the parties physically present in the same geographic location or, at the College's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

The College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the College will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

2. Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including a description of the alleged sex-based harassment; information about the policies and procedures that the College used to evaluate the allegations; the decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred; when the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the College will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the complainant, and, to the extent appropriate, other students identified by the College to be experiencing the effects of the sex-based harassment; and the College's procedures and permissible bases for the complainant and respondent to appeal.

The College will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.

If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate: (a) coordinate the provision and implementation of remedies to a complainant and other people Cecil College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination; (b) coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; (c) take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Cecil College's education program or activity; (d) comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and (e) not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals

Either party may file an appeal from a) the College's dismissal of a Complaint or allegations contained therein, or b) a determination regarding responsibility. Grounds for appeal are limited to: (i) procedural irregularity that affected the outcome of the matter; (ii) new information not reasonably available at the time a determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or (iii) the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter. Other appeal bases may be considered by the College only if offered equally to the parties by the College.

An appeal must be submitted in writing to the Title IX Coordinator, within five (5) business days following notice of the decision to be appealed. If a request for appeal is not received within that time, the decision will stand. The appeal will then be forwarded to the assigned appeals administrator. The appeal must contain a detailed written statement specifying the precise grounds for appeal with supporting facts. The appeal must be signed by the party filing the appeal, or sent using the party's College issued email account.

The assigned appeal administrator will review the investigative file, including all evidence, decisions, and sanctions, if applicable, and make a final determination. The decision and sanctions, if applicable, determined by the appeals administrator will be final. No other administrative processes otherwise available to students or employees may be used to further appeal the decision. All parties will be informed in writing of the outcome.

Appeal of Dismissal and Determinations

If a party appeals a dismissal or determination whether sex-based harassment occurred, the College will:

1. Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
2. Implement appeal procedures equally for the parties;
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
5. Communicate to the parties in writing that the College will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
6. Notify the parties in writing of the result of the appeal and the rationale for the result.

Informal Resolution

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process.

To initiate Informal Resolution, a complainant needs to submit a formal complaint. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

Mediation or other informal mechanisms for resolving a complaint may be considered if:

- The complainant requests an informal mechanism;
- All parties to the complaint, and the College, agree;
- Trained staff are available to coordinate;
- All parties have the opportunity to end the informal mechanism at any time in favor of formal proceedings;
- The alleged conduct does not involve sexual assault or sexual coercion; and
- The alleged conduct does not involve allegations that an employee sexually harassed a student.

Cecil College will seek to conclude the Informal Resolution process within thirty (30) days. The time frame may be extended by the College for good cause, in which case written notice will be provided to the complainant and respondent that includes reasons for the extension.

The College will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. The College will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the College will explain in writing to the parties:

1. The allegations;
2. The requirements of the informal resolution process;
3. That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
4. That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures

The College will offer and coordinate supportive measures, as appropriate, for the complainant and/or respondent to restore or preserve that person's access to Cecil College's education program or activity or provide support during the College's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of

whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

The College will provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures applicable to them. This should be requested in writing to the Title IX Appeals Officer.

Students With a Disability. If the complainant or respondent is a College student with a disability, the Title IX Coordinator may consult, as appropriate, with the Coordinator of Accessibility Services who is designated to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the College may impose disciplinary sanctions, which may include, for students found responsible for violating the policy:

- Probation with Special Conditions pursuant to the Student Code of Conduct
- Suspension from the College pursuant to the Student Code of Conduct
- Dismissal/expulsion from the College pursuant to the Student Code of Conduct

Possible consequences to employees found responsible for violating this policy:

- Probationary employment terminated pursuant to Faculty/Staff Manual
- Disciplinary action pursuant to Faculty/Staff Manual
- Dismissal pursuant to Faculty/Staff Manual

Emergency removal

The College may remove a respondent from the College's education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

Administrative Leave

The College may place an employee respondent on administrative leave from employment responsibilities during the pendency of the College's grievance procedures. This provision must

not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

Rights Afforded to Parties under Title IX

Your Rights as a Complainant or Respondent

- Access to supportive measures. Examples include academic or employment accommodations or changes, no contact order, and Public Safety escort on campus. Supportive measures are determined on a case-by-case basis and will be provided when possible.
- To be treated with dignity, respect and sensitivity by officials of the institution during all phases of the grievance proceedings.
- To receive clear guidance about the grievance process, including timely written notice of specified matters, including the student's rights and responsibilities under the Title IX policy, information regarding other civil and criminal options, and the range of potential sanctions associated with the alleged violation.
- To receive counseling referrals
- To be free from retaliation or harassment by any person
- For your privacy/confidentiality to be protected when possible
- To have a fair and impartial investigation, including to
- Provide a statement, information, witnesses, documents, and other evidence
- Receive timely updates about the progress of the investigation
- Have the investigation concluded within a reasonable period of time (typically no more than 60 days)
- To have prompt and equitable grievance proceedings that provide an opportunity for all parties to be heard
- To have participation in grievance proceedings, including
 - access to the case file and evidence
 - access to counsel paid for by MHEC as described in this policy
- To receive timely written notification of:
 - Reported violation
 - Rights and responsibilities
 - Scheduling details for each meeting or proceeding where attendance is required or permitted
 - Notice of outcome including any sanctions imposed
 - To file a criminal complaint and/or to seek an order of protection from local authorities

Your Responsibilities as a Complainant or Respondent

- To cooperate with the investigation so it can be fair, accurate, and thorough
- To be truthful
- To comply with any directives/orders issued for safety reasons
- To report any new concerns or problems, particularly any retaliation or harassment

Timeline for Investigation

Investigations range from days to weeks, depending on the nature and complexity of allegations, with the College aiming to complete the review within 60-90 days. The parties are regularly updated on the status of the investigation as it unfolds.

Definitions

*For these definitions to apply, the circumstances must qualify as a Title IX matter, including jurisdiction, and must be processed in accordance with Title IX rules. Similar definitions can be found in the Student Code of Conduct for similar acts of misconduct which do not qualify as Title IX matters; they are processed pursuant to the Student Code of Conduct.

Complaint: An oral or written request to the College that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Complainant: Complainant includes a student or employee of Cecil College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or a person other than a student or employee of Cecil College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the College's education program or activity.

Confidential Employee: (1) An employee of the College whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; (2) an employee of the College whom the College has designated as confidential under this Policy for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services; or (3) an employee of the College who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study.

Consent: A knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. It must be given by a person with the ability and capacity to exercise free will and make a rational and reasonable judgment. Consent may be expressed either by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. Consent may be withdrawn at any time. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation, or through the use of one's mental or physical helplessness or incapacity. Consent cannot be implied based upon the mere fact of a previous consensual dating or sexual relationship. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

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. The existence of such a relationship shall be determined based upon a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Disciplinary sanctions: Consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Domestic Violence: Felony or misdemeanor crimes committed by a person who: is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Maryland, or a person similarly situated to a spouse of the victim; is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim; or commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of Maryland.

Party: A complainant or respondent.

Relevant: Related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies: Measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the College's education program or activity after the College determines that sex discrimination occurred.

Respondent: A person who is alleged to have violated the College's prohibition on sex discrimination.

Retaliation: Intimidating, threatening, coercing, or discriminating against any individual for the purpose by the College, a student, an employee, or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Sex-based Harassment: A form of sex discrimination, including sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- (1) *Quid pro quo harassment*. An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education

program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) *Hostile environment harassment.* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- i. The degree to which the conduct affected the complainant's ability to access the College's education program or activity;
- ii. The type, frequency, and duration of the conduct;
- iii. The parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- iv. The location of the conduct and the context in which the conduct occurred; and
- v. Other sex-based harassment in the recipient's education program or activity; or

(3) *Specific offenses.*

- i. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 1. Sexual Assault includes: Rape, Sodomy, Sexual Assault With an Object, Fondling, Statutory Rape and Incest.
 2. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, regardless of the age of the complainant, if the complainant did not consent or if the complainant was incapable of giving consent.
 3. Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 4. Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

5. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person subject to the touching, including instances where the person subject to the touching is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 6. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent where the offender did not force or threaten the complainant.
 7. Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- ii. Dating violence meaning violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship;
 - iii. Domestic violence meaning felony or misdemeanor crimes committed by a person who: (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim; (b) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
 - iv. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

Sexual Exploitation: Taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited.

Supportive measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (a) restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or (b) provide support during the College's grievance procedures or during an informal resolution process.

Title IX: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Other Terms

Amnesty: Complainants and witnesses shall not be subject to disciplinary action for drug/alcohol violations IF (a) violation occurred during/near time of assault, (b) assault report/participation is in good faith, and (c) violation was “not an act that was reasonably likely to place the health or safety of another individual at risk.”

Bystander Intervention: “Everyone can play an active role in stopping domestic violence and sexual assault before it occurs by becoming an engaged bystander and helping to establish an environment where healthy and positive relationships are based on respect, safety, and equality. Moreover, taking steps to stop harassment or violence can make a significant difference in someone’s life, and send a powerful message to the perpetrator and society as a whole about which social norms are acceptable and which are unacceptable.” - <http://nomore.org/take-action/preventviolence/> .

Clery Offenses: The U.S. Department of Education requires all colleges receiving federal education funding to annually report the incidence and location of specific crimes, hate crimes, arrests, and disciplinary action. Statistics must be submitted to the federal database, and a written report must be published.

Contact (for purposes of No Contact /No Negative Contact Orders): Includes all forms of verbal, written, electronic, and non-verbal communications. Examples include (but are not limited to) face-to-face conversations, telephone conversations, texts, posts on social media (to or about the other person or the situation), notes, letters, conversations with other students to or about the other person or the situation, attempts to contact each other through any medium, hand gestures, loitering where the other person is or expected to be, and any or attempted contact with the other person’s family/household members. Such contact is negative if it is hostile, aggressive, insulting, embarrassing, or has the intent or effect of making the other person uncomfortable, embarrassed, or afraid. In short, you are each required to interact with each other courteously. If you cannot do so, then you must have no contact of any kind.

FERPA: Family Educational Rights Privacy Act (20 U.S.C.1232G): This federal law outlines the rights of students regarding their educational record(s). Generally, FERPA does not allow a college or its employees to release certain information to third parties without either written permission from the student or a recognized exception to the law such as an emergency. Compliance with Title IX and the provisions of the College’s Sexual Misconduct and Sex Discrimination Policy as well as accompanying procedures do not constitute a violation of FERPA.

Title IX: Supportive Measures And Emergency Removal

Emergency Removal And Supportive Measures

Emergency Removal

Cecil College reserves the right to take whatever measures it deems necessary in response to allegations of sexual discrimination or harassment in order to protect the safety of the College community. This may include emergency removal of a respondent if it is determined that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of misconduct, in which case the respondent will have an opportunity to appeal the emergency removal decision to the Title IX Coordinator.

The College may also place any non-student employee respondent on paid administrative leave during the pendency of the grievance process.

Supportive Measures

Supportive measures are “individualized services” reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual discrimination or harassment.

Supportive measures may be provided to both complainant and respondent before or after the filing of a formal complaint, or where no formal complaint has been filed. Supportive measures may be requested by either party, or the College may initiate the supportive measures in the absence of a request, at any time, during the process.

Notice of Supportive Measure(s) - The College will provide the employee or student notice of the provision of supportive measure(s).

The College will provide supportive measures as requested and/or appropriate. The provision of supportive measures shall be determined on a case-by-case basis by the Title IX Coordinator. Recommended Supportive Measures shall be implemented by the appropriate College official.

Note: Supportive measures do not replace or diminish the College’s responsibility to conduct an appropriate immediate assessment, preliminary inquiry, or formal investigation as needed for the situation.

Possible Supportive Measures:

Crisis intervention

Hospital or other qualified medical center/provider for immediate, emergency treatment

*Complainant cannot be required to pay for a rape kit.

Police Report Criminal charge(s)

Court-issued Protective/Peace Order

Mutual No Contact Order

Mutual No Negative Contact Order

Referral for non-emergency medical treatment

Referral for counseling

Referral to community agency

Support with notification of loved ones or friends

Security escort on campus

Activity modifications

Campus suspension

Employee administrative leave
Campus ban (i.e., non-students, non-employees)
Class change(s)
Academic accommodations (course section change, course drop without penalty, etc.)
Recommended personal safety measures (change routine, phone number, etc.)
Work assignment change or work location change
Specific requests by complainant, witnesses, other affected persons

Title IX: Amnesty, Drug/Alcohol Violations

Complainants and witnesses shall not be subject to disciplinary action for drug/alcohol violations IF (a) the violation occurred during/near time of assault, (b) the assault report and participation in the investigation is in good faith, and (c) the violation was “not an act that was reasonably likely to place the health or safety of another individual at risk”. Complainants and witnesses may be referred for treatment as appropriate.

This Policy prohibits the imposition of a campus conduct action, except for a mandatory intervention for substance abuse, for a violation of Cecil College alcohol or drug use policies for a student who reports to the College or a law enforcement officer conduct implicated by this Policy or who participates in an investigation of such conduct as a witness if: (i) the College determines the violation occurred during or near the time of the alleged misconduct; (ii) the student is determined to have made the report of misconduct or is participating in an investigation as a witness in good faith; and (iii) the College determines that the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

Title IX: Resolutions and Consequences

Possible consequences to student found responsible for violating the policy

- Probation with Special Conditions pursuant to the Student Code of Conduct
- Suspension from the College pursuant to the Student Code of Conduct
- Dismissal/expulsion from the College pursuant to the Student Code of Conduct

Possible consequences to employee found responsible for violating this policy

- Probationary employment terminated pursuant to Faculty/Staff Manual
- Disciplinary action pursuant to Faculty/Staff Manual
- Dismissal pursuant to Faculty/Staff Manual

Title IX: Prevention, Education, & Training Plan

Cecil College provides information about Title IX through multiple avenues.

Prevention & Awareness Education

Includes

- what constitutes sexual harassment and sex discrimination,
- safety/security procedures and resources,
- bystander intervention,

- risk reduction, and
- consequences (penalties) for sexual harassment or sex discrimination

Training must be regularly provided to students, faculty, and staff.

Employee Training

Employees, promptly upon hiring or change of position that alters their duties under Title IX, and annually thereafter are trained on receiving, reporting, and handling complaints. Examples of training for employees include the College's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination under Title IX and Title IX regulations, including the definition of sex-based harassment; and all applicable notification and information requirements under applicable Title IX regulations.

Training also includes:

- Title IX Coordinator training
- Title IX investigator, decisionmakers, and other responsible persons training
- Facilitator training (for facilitators of an informal resolution process)
- Information and updates at College meetings
- Presentations/discussions with constituency groups (upon request)
- Delivery of customized PowerPoints
- Online web-based mandatory trainings for employees

Programs/Events (examples)

- Escalation Workshop
- Clothesline Project
- Bystander Education
- Title IX Coordinator/Deputy Coordinator campus presentations each semester
 - what constitutes sexual harassment and sex discrimination
 - safety/security procedures and resources
 - bystander intervention
 - risk reduction
 - consequences
 - receiving, reporting and handling complaints

Orientations

Information is provided in orientations with students and employees.

New Student orientations

- information sheet with policy statement and link to complete online package
- presentation by Title IX Deputy Coordinator or Designee

Student-Athlete orientations

- information sheet with policy statement and link to complete online package
- presentation by Title IX Deputy Coordinator or Designee Employee orientations
- information sheet with policy statement and link to complete online package
- presentation by the Title IX Coordinator or Designee

Availability of Title IX Information

Complete information is posted online at <https://www.cecil.edu/about-us/sexual-harassment>.

Publications

Policy statement and link to complete online information provided in the following publications:

- College catalog
- Student Guide
- Faculty/Staff Manual
- Student Code of Conduct
- Course Syllabi

***Title IX Statement**

Cecil College prohibits sexual harassment and sex discrimination by or against all students, employees, and campus guests. If you have any questions or concerns or if you need to make a complaint, contact Cecil's Title IX Coordinator, Dr. Kimberly Joyce, in Building A, Room 117, by email at kjoyce@ceci.edu, or by phone at (410) 287-1022.

For detailed information about policy, procedures, and prevention education, refer to the College's Title IX webpage: <https://www.cecil.edu/about-us/sexual-harassment>.

Title IX: Pregnancy and Parenting Students

Title IX provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The Education Department's regulations implementing Title IX specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. These Title IX regulations also prohibit colleges from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex.

The Department of Education outlines Title IX requirements with respect to pregnancy and parenting students in its pamphlet Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972. Requirements are summarized below.

Requirements

Colleges are required to:

- Excuse absences because of pregnancy or childbirth as long as the student's doctor deems the absences medically necessary; upon the student's return, the student must be allowed to return to the same academic and extracurricular status as before medical leave began, and the student must be permitted to earn any credits missed during the absence.
- Any special instructional programs or classes must be voluntary and comparable to what is offered to other students; a pregnant student must be permitted to participate in regular programs and classes if she wishes. Likewise, any special services provided to students who have temporary medical conditions must also be provided to a pregnant student.
- Make adjustments to a regular program or class that are reasonable and responsive to the student's temporary pregnancy status (e.g., larger desk, frequent trips to bathroom).

Prohibitions

Colleges are prohibited from:

- Excluding a pregnant student from participating in any part of an educational program, including, but not limited to, specific classes, extracurricular programs, interscholastic sports, honor societies, and opportunities for student leadership, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom.
- Requiring pregnant students or students who have given birth to submit medical certification for participation in educational program/activities unless such certification is required for all students with physical or emotional conditions requiring the attention of a physician.
- Harassing pregnant or parenting students.

Procedures

Pregnant and parenting students who wish to access their rights under Title IX should attempt to work out appropriate accommodations with their instructors. They may also contact the Coordinator for Accessibility Services, Raegan Iler, by email at riler@cecil.edu or by phone at (443) 674-1993 if they have questions regarding appropriate accommodations.

Faculty members with questions regarding appropriate accommodations in a particular situation should also contact Raegan Iler, Coordinator for Accessibility Services.

Title IX: Transgender Students

Pursuant to U.S. Department of Justice and U.S. Department of Education guidance, Cecil College has developed the following procedures to safeguard Personally Identifiable Information (PII) and address other rights of transgender students.

The Office of Registration will:

1. prohibit non-consensual disclosure of a student's personally identifiable information (PII) – including the transgender student's birth name and sex assigned at birth – under terms of FERPA;
2. prohibit inclusion of a student's sex as directory information as regulated by FERPA;
3. respond to a request to amend information related to a student's transgender status consistent with its general practices for amending other students' records under FERPA.

In addition, the College will:

1. Provide a safe and non-discriminatory environment;
2. Treat students consistent with their gender identity (including use of pronouns and names consistent with that gender identity) even if their education records or identification documents indicate a different sex;
3. Allow students to access sex-segregated activities and facilities through use of facilities that are consistent with their gender identity;
4. Allow transgender students access to overnight accommodations on College-sponsored trips consistent with their gender identity and not require transgender students to stay in single-occupancy accommodations or to disclose personal information when not required of other students.