

**POLICY
BOARD OF TRUSTEES
MAYLAND COMMUNITY COLLEGE**

**Title: DISCRIMINATION, UNLAWFUL HARASSMENT,
AND SEXUAL MISCONDUCT**

Type: PERSONNEL

POLICY NO: 4.005

Policy Adopted:

EFFECTIVE DATE: 6/20/16

AMENDED DATE: 11/4/15; 6/20/16

Edwina Sluder
Chairman

AUTHORITY:

I. Notice of Nondiscrimination

Mayland Community College (“College”) strives to make its campus safe and welcoming learning and working environments. The College prohibits discrimination and harassment in its services, employment and programs based on race, religion, national origin, gender, gender identity, sex, age, disability, genetic information and veteran status.

To comply with applicable federal and state laws and regulations, the following persons are designated as Title IX Coordinators (“Coordinator”) to handle and investigate inquiries regarding non-discrimination policies:

Randy Ledford
Vice President,
Academics and Student Development
Primary Title IX
828-766-1280
Phillips Hall
rledford@mayland.edu

Judy McClure
Director of Human Resources
Deputy Title IX
(828) 766-1272
Gwaltney Hall
jmccclure@mayland.edu

In the event where the reporting party is a student and the alleged perpetrator is an employee, both the Coordinator and the Student Title IX Coordinator shall work together to investigate the complaint. All rights will be afforded to student victims as prescribed by federal and state laws and regulations.

II. Definitions

Please refer to Procedure No. 4.005 for all applicable definitions (which are incorporated herein by reference) relevant to this Policy.

III. Reporting

Individuals are encouraged, but not required, to make every effort to resolve a dispute informally and may attempt to do so directly with the other party. The College's goal is to find solutions at the lowest possible level and to keep proceedings as informal, fair, and confidential as possible. In circumstances where an informal process fails or is inappropriate due to the nature of the complaint such as in the cases of sexual harassment, sexual violence, or other sensitive complaint, the individual should file a formal complaint with the Coordinator.

For formal complaints, individuals shall complete an Incident Form and report incidents of sexual misconduct with the Director of Human Resources, Deputy Title IX Coordinator. When formally reported, the Coordinator shall serve as the Investigation Officer and investigate and properly resolve the complaints. In the event where the reporting party is a student and the alleged perpetrator is an employee, both the Human Resources Deputy Title IX Coordinator and the Dean of Students Deputy Title IX Coordinator shall work together to investigate the complaint.

IV. Investigation

After receiving the complaint, the Coordinator will begin an investigation, regardless of whether a related criminal matter is pending. The Coordinator shall make every effort to conclude the investigation as soon as possible, but no later than sixty (60) calendar days. If the nature of the investigation requires additional time, the Coordinator may have an extension, but the Coordinator shall notify the parties of this extension and the reason.

During the course of the investigation, the Coordinator may consult with other relevant College administrators and the College attorney.

During the investigation, the Coordinator shall meet with the reporting party and the responding party and give each party an equal opportunity to provide evidence, including informing the Coordinator of any potential witnesses. Both parties will be provided access to any information provided by the other in accordance with any federal or state confidentiality laws.

During the investigation process, the President may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The President shall first meet with the responding party prior to implementing any suspension from work.

The reporting party will also be notified of available employee counseling and assistance services.

All information shall remain confidential pursuant to applicable statutes.

V. Determination

The Coordinator shall prepare a report of his/her investigation and shall submit his/her recommendation to the President. In addition, the President may conduct a further investigation. If the President determines that disciplinary action is needed, the President shall follow Section III (B) in Policy 4.023.

VI. Retaliation

Retaliation against any person participating in good faith in connection with a complaint of discrimination, harassment, or sexual misconduct is strictly prohibited. Violations will be addressed through applicable College disciplinary procedures. Any person who feels that he or she has been subjected to retaliation should make a report to the Coordinator.

VII. Employee Education and Annual Training

All employees shall be given the opportunity to participate in a primary prevention and awareness program that promotes awareness of discrimination, harassment and sexual-based misconduct. This program will be offered annually at the beginning of each fall semester.

Cross Reference: Procedure 4.005 – Discrimination, Unlawful Harassment, and Sexual
Misconduct
Policy 4.023 – Disciplinary Action, Suspension, and Dismissal