



Frederick Community College Procedure

Section 5.00	Procedure Number	5.19
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Student Procedures for Filing a Sexual Harassment Complaint	Policy Number	3.18
	Approved Revised	6/28/00 9/12/07

A. Definition and Scope

1. Frederick Community College will not tolerate sexual harassment. Students are prohibited from engaging in sexual harassment of faculty, staff, or other students. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other inappropriate behavior of a sexual or gender-based nature when:
 - a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's participation in a college sponsored educational program or activity;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting that individual;
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's educational performance or of creating an intimidating, hostile or offensive educational environment.

2. Sexual harassment may occur between people of the same or different genders, as well as between people of the same or different sexual orientation. Sexual harassment may take many forms. Sexual assault and requests for sexual favors that affect educational decisions constitute sexual harassment. However, sexual harassment may also arise from behavior that has the effect of creating an intimidating, hostile, or offensive educational environment. Sexual harassment may include physical action, spoken words, or written communication. Examples of conduct that may be harassment include: unwelcome physical contact; pressure for sexual activity; sexual remarks about a person's clothing, body, or sexual relations; conversation, jokes, or stories of a sexual nature; and the display of sexually explicit materials including posters, cartoons, and e-mail.

B. Investigating Alleged Violations of the Sexual Harassment Policy

The following procedures are to be followed when the accused party is a student. If the accused party is an employee, the complaint is to be referred to the Associate Vice President, Human Resources.

1. Informal Procedures

Students who reasonably believe that they have been sexually harassed under the definitions set forth above should contact the Associate Vice President, Student Development or his/her designee within 120 days following an alleged incident of sexual harassment. The Associate Vice President may waive the 120 day period with good cause. At the initial meeting with the Associate Vice President, the complainant will be asked to document in writing the nature of the complaint. These discussions will be handled in a professional and confidential manner. The Associate Vice President will advise the student on informal and formal procedures to follow, and will assist the student as needed in pursuing his/her options. This may include preparation for a formal hearing, referral to a Vice President or other appropriate College official, or assistance in negotiating with the alleged offender.

- a. When a complaint is received the Associate Vice President will discuss the complaint with the accused party who will have an opportunity to respond. The Associate Vice President will record the complaint in a confidential log but will not disclose the complainant's identity to the accused party without the written consent of the complainant. Furthermore, no disciplinary action against an accused person will be initiated without disclosure of the complainant's identity unless there are repeated charges from different individuals.

In addition, the Associate Vice President may determine that no action is warranted; arrange for a written agreement acceptable to both parties without an indication of findings; or investigate and then present findings to the Vice President for Learning Support, in accordance with the Code of Student Conduct, if an informal resolution cannot be reached.

- b. The results of the investigation will be confidentially reported to the complainant, the alleged offender, and the Vice President for Learning Support.
- c. Care will be exercised to effect an informal resolution of the complaint that is acceptable to the parties. However, if a resolution cannot be found through informal procedures, then the

Associate Vice President will refer the case to the Vice President for Learning Support or his/her designee for adjudication under the Code of Student Conduct.

2. Formal Procedures

When referring the case, the Associate Vice President will direct the complainant to complete a "Reporting Violations of the Code of Student Conduct" form. The completed "Reporting Violations of the Code of Student Conduct" form, the student's initial written documentation of the complaint, and the report from the Associate Vice President summarizing the evidence adduced during the investigation will be forwarded to the Vice President for Learning Support.

The Vice President will request a conference with the alleged violator and will provide written notification of the alleged violation, the specific charges against him/her, and an explanation of the evidence the Vice President has. In addition, the student will be informed that he/she will have an opportunity to present his/her side of the story and present any evidence at the conference with the Vice President.

After conferring with the student, the Vice President may dismiss the allegation due to insufficient or unsubstantiated evidence or impose an administrative disciplinary sanction in cases where there is sufficient evidence to support such action. Any disciplinary action taken will be in accordance with prescribed policies and procedures governing student conduct. A substantiated charge against a student will subject that student to disciplinary action which may include suspension or expulsion.

C. Confidentiality

All complaints of sexual harassment are to be kept confidential. The complaint will be discussed only with those who have a legitimate administrative or legal reason to know about the complaints. Failure to exercise care in the disclosure of information is a violation of the Sexual Harassment policy and may result in disciplinary action.

D. Prohibition Against Retaliation

Retaliation against a complainant or a person who provides information in support of a complainant is prohibited. Any person who retaliates against a complainant or a person who provides information in support of a complainant shall be subject to disciplinary action.

E. False Accusations

The College condemns the deliberate filing of false accusations of sexual harassment. If it is determined that the complainant deliberately filed a false accusation, he/she will be subject to disciplinary measures in accordance with prescribed policies and procedures governing student or employee conduct.