



## Frederick Community College Procedure

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| Section 6.00 General Procedures                   | Procedure Number  | 6.24    |
|   | Page              | 1 of 4  |
| Sexual Assault Prevention and Response Procedures | Policy Number     | 6.24    |
|   | Approved          | 3/23/94 |
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### A. Definition and Scope

1. Frederick Community College will not tolerate sexual assault in any form, including date or acquaintance rape. The term “sexual assault” is defined by the Maryland Annotated Code as rape, forcible sodomy, or forcible sexual penetration, however slight, of another person’s anal or genital opening with any object by a stranger or acquaintance. These acts must be committed either by force, threat, intimidation or through the use of the victim’s mental or physical helplessness of which the accused was aware or should have been aware (Level 1); the touch of an unwilling person’s intimate parts (defined as genitalia, groin, breasts or buttocks, or clothing covering them) or forcing an unwilling person to touch another’s intimate parts by a stranger or acquaintance. These acts must be committed by force, threat, and intimidation or through the use of the victim’s mental or physical helplessness of which the accused was aware or should have been aware (Level 2).
  
2. Making reports and taking action in response to a sexual assault against a student or employee will be limited to incidents occurring on campus, off campus at College leased or owned facilities, when attending College sponsored activities or any activities (including participation in field experiences, internships, athletic, and cultural events) which are initiated, authorized, or supervised by Frederick Community College, even off-campus, or when representing the College.

### B. Prevention and Education Programs

1. The College will do everything reasonably feasible to reduce the risk of sexual assault in the College environment. An annual review will be conducted by the Executive Director of Risk Management and Public Services or his/her designee to identify areas that might pose such a risk, and recommendations for corrective action(s) will be made to the Vice President for Administration.
  
2. The College provides education programs to promote awareness of rape, acquaintance rape, and other sex offenses for students and employees on a regular basis.

## C. Response Procedures

1. All allegations of a sexual assault are to be reported, responded to, and investigated according to the procedures outlined below. When the accused is a student, findings from the investigation will be reported to the Vice President for Learning Support or his/her designee for adjudication in accordance with the Code of Student Conduct. When the accused is an employee, the findings will be reported to the Associate Vice President for Human Resources or his/her designee for adjudication under the College's personnel procedures.
2. If an individual believes a sex offense has occurred, he or she must report it to Campus Security. Sex offenses should be reported as promptly as possible in order to preserve evidence of the events and to better facilitate investigative procedures. When an alleged crime is reported, Campus Security is required to notify the Frederick City Police. An individual charged with sexual assault may be prosecuted under the Maryland State Criminal Codes. The victim has the right to file charges with the Frederick City Police, Maryland State Police, or the Frederick County Sheriff's Department.
3. Campus Security will notify the Executive Director of Risk Management and Public Services or his/her designee, the Counseling Office, and the Vice President for Learning Support if the victim or the accused is a student. In the event that the victim or the accused is an employee, the Associate Vice President for Human Resources will be notified. If the victim so chooses, the Counseling Office representative will provide assistance in working with appropriate law enforcement authorities. At the request of the victim, Campus Security personnel will assist in obtaining appropriate medical attention, including transportation to the nearest designated hospital, by calling emergency medical assistance.
4. Any individual reporting a sexual assault will be treated with respect and sensitivity. Every effort will be made to minimize the number of times the victim is interviewed and required to repeat a preliminary description of the incident. Contacts and conversations relating to the incident will be held in confidence.
5. Throughout the process, the President will be apprised of the circumstances by the Vice President for Learning Support, when the accused is a student, or by the Associate Vice President for Human Resources, when the accused is an employee.
6. A student who is a victim of sexual assault may request a change in classes, and the Vice President for Learning Support will assist with making appropriate changes where options are reasonably available.
7. The FCC Counseling Office will inform victims of sexual assault about existing on and off-campus counseling, mental health, or other services for victims of a sexual crime.
8. Hospitals equipped with Maryland State Police Sexual Assault Evidence kits:

Frederick Memorial Hospital  
Washington County Hospital Center  
Carroll County Hospital  
Gettysburg Hospital  
Montgomery General Hospital  
Howard County Hospital

D. Investigating an Alleged Sexual Assault

1. Regardless of whether criminal proceedings are initiated, the College may investigate and initiate disciplinary proceedings if the evidence warrants. An investigation will be conducted by the Executive Director of Risk Management and Public Services or his/her designee, who will report the findings to the Vice President for Learning Support, if the accused is a student, or to the Associate Vice President for Human Resources, if the accused is an employee.
2. Pending the outcome of an investigation of the alleged incident, the Vice President for Learning Support, or if the accused is an employee, the Associate Vice President for Human Resources may take temporary actions to promote safety, security, and a harmonious working and learning environment. Such actions may include, but are not limited to, suspension, transfer, alterations to academic or working schedules or locations, or other steps deemed appropriate.
3. During the investigation, the Executive Director of Risk Management and Public Services shall meet with the accuser. During such meetings, the accuser may request the presence of other appropriate persons who may participate in the review, but not as legal counsel.
4. The Executive Director of Risk Management and Public Services shall also meet with the accused and present allegations made by the accuser. The allegations need not be presented in writing. The accused shall be provided an opportunity to respond to the allegations. During any such meeting, the accused may request the presence of other appropriate persons who may participate in the review, but not as legal counsel.
5. During the investigation, the Executive Director of Risk Management and Public Services shall interview other witnesses who are believed to have information potentially relevant to the allegations.

E. Adjudicating Alleged Violations

1. The Executive Director of Risk Management and Public Services will report the evidence adducted during the investigation to the Vice President for Learning Support for adjudication in accordance with the Code of Student Conduct when the accused is a student. Sanctions for students can include disciplinary warning, reprimand, probation, suspension, or expulsion. When the accused is an employee, the findings will be reported to the Associate Vice President for Human Resources for adjudication under the College's personnel procedures. The College may take any action necessary to discipline the offending

employee. Disciplinary action may include a wide variety of actions up to and including the termination of the employment of the employee. Any disciplinary action taken will be in accordance with prescribed policies and procedures governing student or employee conduct.

2. In addition to reviewing the evidence presented by the Executive Director of Risk Management and Public Services, the College may also consider determinations made by law enforcement agencies. A decision by criminal justice authorities not to prosecute does not preclude the College from pursuing disciplinary action.
3. The Student Right to Know and Campus Security Act as amended by the Higher Education Amendments of 1992 and the Higher Education Technical Corrections Act of 2009 requires the College to inform both the accuser and the accused of the outcome of any disciplinary proceeding. The extent of information released regarding any disciplinary action that is taken against an offending employee will be in accordance with applicable State and Federal laws.

F. 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.

G. False Accusations

The College condemns the deliberate filing of false accusations of sexual assault. 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 behavior.