MONTGOMERY COLLEGE

ANNUAL SECURITY REPORT

FOR CALENDAR YEARS 2025, 2024, and 2023
PUBLISHED IN 2026









OFFICE OF PUBLIC SAFETY, HEALTH, AND EMERGENCY MANAGEMENT

This report is available in an alternate format upon request, under the Americans with Disabilities Act, by contacting the Office of Compliance at 240-567-7396.

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INTRODUCTION

Montgomery College's Annual Security Report is prepared and distributed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Higher Education Opportunity Act (HEOA), and all implementing regulations issued by the U.S. Department of Education (34 C.F.R. Part 668.46).

The College's Office of Public Safety, Health and Emergency Management composes the Annual Security Report. The Annual Security Report contains three years (calendar years 2023, 2024 and 2025) concerning reported Clery crimes that occurred on campus; public area contiguous to the campus; or property owned, leased, or controlled by Montgomery College. The Office of Public Safety, Health and Emergency Management compiles the statistical information based not only on information it receives directly, but also from crimes reported to (a) campus officials designated as "campus security authorities" (as that term is defined in the regulations) and (b) crimes reported to local law enforcement agencies.

All employees and members of the College community are notified by email that the Annual Security Report has been posted on the College's website—and can be accessed at the following web address: https://www.montgomerycollege.edu/_documents/life-at-mc/public-safety/annual-security-report.pdf

Also, as required by the Clery Act, information concerning our compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (amends the Higher Education Act) is contained in this report. The Drug-Free Schools and Communities Act Amendments of 1989 require the College to conduct a written biennial review to determine the effectiveness of drug and alcohol abuse prevention programs for both students and employees. The findings of the review are used to implement any needed changes to the programs and to ensure that sanctions developed for violating standards of conduct are enforced consistently. A copy of the College's Drug-Free Schools and Community Act Biennial Review can be accessed at the following web address: montgomerycollege.edu/heoa.

Hard copies of this report will be provided upon request by contacting a campus Office of Public Safety, Health and Emergency Management or the Clery Compliance Office at 240-567-4264.

A MESSAGE FROM THE VICE PRESIDENT OF PUBLIC SAFETY, HEALTH AND EMERGENCY MANAGEMENT

Dear Members of the Campus Community:

I want to thank you for your interest in the Annual Security Report covering calendar years 2023, 2024, 2025; published in 2026. The Office of Public Safety, Health and Emergency Management works with many offices at Montgomery College to publish accurate and important safety information. We also publish the report to comply with the important provisions of the Clery Act.

Campus safety and compliance with the Clery Act should be a part of everyone's responsibility here at Montgomery College. We encourage you to review the information we have made available to you. You will find valuable information about the College, including descriptions of certain services and programs that we provide, our strong commitment to victims of crimes, and the extensive services we make available to them. Lastly, you will find important information about security policies and procedures on our campus, crime data, and crime prevention information.

The Office of Public Safety, Health and Emergency Management continues to work with the Montgomery College community to make this a safe, comfortable, and welcoming environment for all students, faculty, staff, and visitors. As a valued member of our community, we solicit your assistance and suggestions in responding to crime and safety issues on the campuses. Please familiarize yourself with the resources available to assist you during any emergency situation. If you have any questions or would like more information regarding campus safety and security or this report, please contact me at 240-567-4264 or visit the Office of Public Safety, Health and Emergency Management website at montgomerycollege.edu/publicsafety.

Adam Reid
Vice President of Public Safety, Health and Emergency
Management / Chief of Campus Police Montgomery College

SECTION I—OFFICE OF PUBLIC SAFETY, HEALTH AND EMERGENCY MANAGEMENT

Staffing and Patrol

Montgomery College is a nonresidential, open-access college located on three main campuses and other locations across Montgomery County. The Office of Public Safety, Health and Emergency Management is a part of Administrative and Fiscal Services, with locations at:

- Germantown Campus
- Rockville Campus
- Takoma Park/Silver Spring Campus
- East County Education Center
- Central Services Building

The Office of Public Safety, Health and Emergency Management operates 24 hours per day, seven days per week. Officers wear a College-approved uniform, making them highly visible to the campus community, and perform regular patrols using marked public safety vehicles and on foot. Officers are responsible for securing College buildings, responding to calls for service, preparing incident reports, and conducting investigations.

Public Safety Authority and Jurisdiction

The Office of Public Safety, Health and Emergency Management employs public safety officers, campus police officers, and dispatchers. Campus public safety officers have authority, under the Maryland Higher Education Article, to ask individuals for identification to determine whether they have lawful business at the College; however, they do not possess arrest powers. Campus police officers have authority, under Maryland law as Special Police, affording them law enforcement and arrest powers on all College property. Both classifications of officers are authorized to patrol and respond to incidents on College owned or controlled property. Local police departments, which have jurisdiction at each campus, may be contacted (or requested by the victim of a crime) to assist with incidents or investigate crimes. Public safety dispatchers answer the central public safety telephone line, gather information from callers and when appropriate, dispatch an officer to the location where service is being requested.

The Office of Public Safety, Health and Emergency Management at Montgomery College maintains a highly professional working relationship with the Gaithersburg Police Department, Montgomery County Police Department, Rockville City Police Department, Takoma Park Police Department, Maryland State Police and other state agencies as needed. While no formal memoranda of understanding are in place, emergency response partners work closely with the College administration to address problems and maintain a proactive approach to campus safety.

Emergency Response Partners (Nonemergency Numbers)

Montgomery County Police Department, 301-279-8000
Rockville City Police Department, 240-314-8900
Takoma Park Police Department, 301-270-3100
Gaithersburg Police Department, 301-258-6400
Maryland State Police Barrack N, 301-424-2101
Montgomery County Fire and Rescue Service, 240-683-6520

Training

The Office of Public Safety, Health and Emergency Management employs professional public safety staff members who receive ongoing, year-round training on various topics related to safety and campus law enforcement in higher education. The following is a list of training delivered during the 2025 calendar year.

2025 Officer Trainings

- *Active Shooter Response Training*
- *Asbestos Safety*
- *Bloodborne Pathogen Training*
- *Bystander Intervention*
- *Clery Training*
- *CPR/AED Training*
- *Cultural/Human Diversity*
- *Critical Incident Response*
- *Crowd Management*
- *Dispatcher Professionalism and Customer Service*
- *Emotional Intelligence for Law Enforcement*
- *Effective Communication*
- *Ethics at Montgomery College*
- *Ethics in Law Enforcement*
- *Federal and State Laws Governing Sexual Assault Response*
- *FEMA: Numerous Independent Study courses*
- *First Aid*
- *Hazard Communication*
- *Hazmat First Responder Operations Training*
- *Human Relations for Law Enforcement*
- *Implicit Bias & Bias Free Policing*
- *Mental Health First Aid*
- *Opioid Overdose Emergency Response (Narcan/Naloxone)*
- *Prevention of Sexual Harassment and Workplace Discrimination*
- *Physical Health for Law Enforcement*
- *Recognizing and Preventing Child Sexual Abuse*
- *Verbal De-escalation*

Members of the public safety leadership team retain professional memberships with national organizations such as the Clery Center, International Association of Campus Law Enforcement Administrators, National Association of Clery Compliance Officers, International Association of Emergency Managers, and Law Enforcement Executive Development Association. These organizations provide specialized topics, training, and information crucial to keeping leadership abreast of current industry topics and regulatory compliance requirements.

Reporting a Crime or Emergency

All students and employees are encouraged to report if they are the victim of a crime, observe a crime in progress, or believe a crime may be in progress. If a life-threatening emergency is taking place, call **911** first, then call the Office of Public Safety, Health and Emergency Management. Officers are required to record any crime information reported to them, but do not have authority to maintain complete confidentiality. Personal identifying information will not be published and will only be shared with College officials on a need-to-know basis. Montgomery College does not have an officially recognized student organizations that own or control property that would be subject to noncampus location crime reporting.

When circumstances necessitate the involvement of external law enforcement agencies, the Office of Public Safety, Health and Emergency Management works closely with external law enforcement agencies.

Safety on campus is a shared responsibility—and students and employees are encouraged to carry a cell phone to report emergencies and receive county and College alerts.

All local police organizations, 911

Germantown Campus
240-567-3333 (on campus, x7-3333)
Student Affairs and Science Building (SA), Rm. 282

Rockville Campus
240-567-3333 (on campus, x7-3333)
Student Services Center (SV), Rm. 122

Takoma Park/Silver Spring Campus
240-567-3333 (on campus, x7-3333)
Student Services Center (ST), Rm. 117

All ***noncampus locations including Community Engagement Centers*** should call **911** and then notify the appropriate College administrator. If the emergency is at a Montgomery County Public Schools (MCPS) site, call **911** first and then call MCPS security at 301-279-3232.

Emergency Telephones
Emergency telephones are located in all campus elevators and at numerous internal and external campus locations. The telephones automatically dial the nearest Office of Public Safety, Health and Emergency Management. Calls received from emergency telephones are recorded and identified by location.

As an added security measure, outdoor emergency telephones are located at strategic points throughout campuses, including parking lots and garages. The telephones are easily identified by the word "Emergency," and upon activation, provide direct contact to the nearest Office of Public Safety, Health and Emergency Management. Unique location-specific markings such as "G1" and the direct public safety phone number are posted above each telephone as an added measure to help the caller identify their specific location, if they choose to call via cell phone from the area where they are located.

Daily Crime/Incident Logs
Daily Crime/Incident Logs are maintained in each campus Office of Public Safety, Health and Emergency Management. All crimes reported to the campus public safety office and campus security authorities (CSAs) are maintained in the Daily Crime/Incident Logs. The most current 60 days of information is available and open to public inspection. Archived records (up to seven years old) are available and access may be requested by calling the Clery compliance manager at 240-567-4264. Information shall be made available within two business days of the request for public inspection.

Crime Prevention Tips
- ✓ Be aware of your surroundings and be alert to the presence of strangers.
- ✓ Avoid potentially dangerous situations.
- ✓ Park and walk in well lit, frequently traveled areas,
- ✓ Avoid walking alone at night.
- ✓ Utilize campus escort services provided by public safety.
- ✓ Learn where emergency telephones are located on the campus.
- ✓ Program campus public safety numbers into your cell phone.
- ✓ Always lock your vehicle and do not leave valuables in plain view.
- ✓ Do not leave personal items unattended at any time.
- ✓ Always report suspicious persons or activities to your campus public safety office.

Crime Prevention and Education Programs

The Office of Public Safety, Health and Emergency Management provides crime prevention programs and materials to employees and students on topics ranging from personal safety to property protection ongoing throughout the year. Departments or student organizations may contact a campus public safety manager or the emergency management and outreach coordinator to request a presentation. Information is provided through the distribution of brochures as well as presentations during new employee and new student orientation sessions. Regular participation in student and staff resource fairs provides additional opportunities to share crime prevention information with the campus community. Beginning in September 2019, in recognition of National Campus Safety awareness month, special fairs were held on each campus to bring specific attention to the issue of safety and crime prevention on campus. In September 2021, during the pandemic, National Campus Safety awareness month activities were conducted remotely in partnership with the Student Health and Wellness (SHaW) Center. In person fairs resumed in September 2022.



Active Threat Training

The Office of Public Safety, Health and Emergency Management created a unique training opportunity for employees: How to Respond to an Active Threat on Campus. College employees complete the mandatory training through MC Learns as a part of required and ongoing employee training. The training is designed to provide participants with realistic response actions if they were to be involved in an active shooter/attacker event. The training uses the Department of Homeland Security's strategy of "Run, Hide, Fight." This strategy moves beyond the traditional "lockdown" method, which has proven to be insufficient in properly protecting students, faculty, and staff in active shooter events.

Escort Program

The Office of Public Safety, Health and Emergency Management provides an Escort Program for members of our community. Anyone who feels uncomfortable walking to their vehicle or between facilities may contact a public safety office at any campus **(240-567-3333)** for a walking escort. When requesting an escort, an individual will need to provide their name and location to the dispatcher so an officer can be sent to their location in a timely manner. Please keep in mind that response times may be delayed by campus incidents or emergencies. This program does not provide service for escorting individuals off campus. This service is available 24 hours a day, seven days a week.

Facility Access and Maintenance

Montgomery College is a public institution and generally accessible during normal business hours or while classes are in session. College buildings are secured by the Office of Public Safety, Health and Emergency Management, with limited access after 11 p.m. and before 6 a.m. on weekdays. For after-hours or weekend access, authorized users must obtain permission in accordance with campus-specific procedures and contact the Office of Public Safety, Health and Emergency Management once on-site to gain admittance. Offices and locations containing valuable property and/or confidential material are equipped with controlled access locks to prevent unauthorized entry.

Security cameras installed throughout the campus enhance personal safety, deter crime, and assist during criminal investigations. Security cameras are used in a manner compliant with all federal, state, and local laws and will preserve privacy rights of faculty, staff, students, and visitors in their personal and professional activities. The Office of Public Safety, Health and Emergency Management also maintains a network of door alarms that alert officers upon unauthorized access or when a door has been propped open.

While on routine patrol, officers are alert for hazards or safety issues such as burned out lights, broken doors or unsafe conditions. Serious safety issues and hazards are immediately initiated for repair through a work order with facilities. Anyone who identifies a maintenance or repair issue may report it to the campus facilities help desk. A work order will be issued to allow customers to inquire about the status of their request. The Office of Public Safety, Health and Emergency Management is proactively involved in the environmental security design and planning for campus facilities renovations and projects.

Contact information for each campus is listed below.

Germantown:	**240-567-7807**	GTFacilitiesHelpDesk@montgomerycollege.edu
Rockville:	**240-567-5073**	RVFacilitiesHelpDesk@montgomerycollege.edu
Takoma Park/Silver Spring:	**240-567-1563**	TPFacilitiesHelpDesk@montgomerycollege.edu
Central Facilities:	**240-567-4339**	CTFacilitiesHelpDesk@montgomerycollege.edu

Service requests on noncampus-leased properties should be directed to the building property management staff. Hazards or serious safety issues may be reported to a campus Office of Public Safety, Health and Emergency Management.

SECTION II—CAMPUS SECURITY AUTHORITIES (CSA)

Roles and Responsibilities of a CSA

The Clery Act requires all institutions to collect crime reports from various individuals and organizations identified as CSAs or campus police/public safety. Their function is to collect and report "in good faith" crimes that include: homicide, murder/non-negligent manslaughter, negligent manslaughter, sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft/attempted theft, arson, liquor law violations, drug-related law violations, weapons law violations, domestic violence, dating violence, stalking and other crimes manifesting hate or bias.

The Clery Act also mandates that institutions disclose statistics for crimes reported to local police agencies and crimes reported to CSAs. The intent of including non-law enforcement personnel as CSAs is to acknowledge that many individuals and students in particular are hesitant about reporting crimes to the police but may be more inclined to report incidents to other campus-affiliated individuals.

The Clery Act defines a CSA as:

- ✓ A campus law enforcement unit;
- ✓ Any individual or individuals who have responsibility for campus security, but who do not constitute a campus security department, such as an individual who is responsible for monitoring entrance into school property, including access monitors;
- ✓ An individual or organization specified in a school's campus security statement as the individual or organization to which students and employees should report criminal offenses; or
- ✓ An official of a school who has significant responsibility for student and campus activities including, but not limited to, student housing (not applicable at Montgomery College), student discipline, and campus judicial proceedings.

However, the Clery Act exempts individuals from serving as campus security authorities if they serve in positions of a pastoral or professional counselor(s). Montgomery College does not employ these positions.

While we encourage the reporting of campus criminal activity that occurs within the geographic area, as defined by the Clery Act, directly to the Office of Public Safety, Health and Emergency Management, in some instances members of the campus community may choose to file a report with other campus security authorities. CSAs should immediately report the criminal activity to the appropriate campus Office of Public Safety, Health and Emergency Management, who will prepare an incident report. Annually, the Office of Public Safety, Health and Emergency Management sends emails to CSAs to solicit information on alleged crimes that were reported in good faith.

CSA Training

The CSA training PowerPoint is available via MC Learns, the College's online learning platform. The Clery compliance manager will monitor, through MC Learns, who has taken the online training and make the necessary CSA training documentation. Onsite CSA training will also be conducted. If a CSA has completed the online training via MC Learns, their attendance at the onsite training is not necessary, but they are still welcome to attend. The dates, times, and locations of the onsite training will be announced. The campus community is encouraged to review the CSA training PowerPoint through MC Learns to keep abreast of the definition, duties, and responsibilities of the MC CSA.

The College conducts an annual assessment of roles and functions to determine if CSAs should be removed or added to the list. The positions, including but not limited to the following, have been identified as CSA positions:

- *All Public Safety Staff–uniformed patrol and administrative*
- *All Student Life Club Advisors*
- *Associate Senior Vice Presidents for Academic Affairs*
- *Associate Deans of Student Affairs*
- *Associate Senior Vice President for Student Affairs*
- *Athletic Coordinators, Coaches, and Trainers*
- *Campus Deans*
- *Child Care Services Manager*
- *Collegewide Director ACES Program*
- *Deans of Instruction*
- *Deans of Student Affairs*
- *Deputy Title IX Coordinator*
- *Director of ADA Compliance and Title IX Coordinator*
- *Director of Athletics*
- *Director Student Affairs and Initiatives*
- *Dual Enrollment Manager*
- *Early College Program Staff*
- *Employment and Labor Relations Manager*
- *Executive Director of Intercollegiate Athletics*
- *Human Resources Directors*
- *International Student Coordinators*
- *Senior Vice President for Student Affairs*
- *Student Conduct Program Coordinator*
- *Student Employment Specialists*
- *Student Life Directors*
- *Study Abroad Advisors*
- *Study Abroad Coordinator*
- *Vice President of Inclusive Excellence and Belonging*
- *Vice President of Workforce Development & Industry Partnerships*

Contact information for the individuals occupying the positions above can be found in the collegewide people directory or by visiting the respective office.

SECTION III—TIMELY WARNING

Timely Warning

The Office of Public Safety, Health and Emergency Management is required to provide prompt notification to the campus community, in compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, for Clery crimes occurring within our Clery geography that pose an ongoing threat to members of the campus community. The intent of a warning regarding a criminal incident(s) is to enable people to protect themselves.

Timely Warning Notification (MC Crime Alerts)

Crime victims and witnesses are strongly encouraged to immediately report crimes to the Office of Public Safety, Health and Emergency Management as well as the appropriate police agency. Prompt reporting will assure timely warning notices on campus and disclosure of crime statistics. Timely Warning Crime Alerts will be issued for Clery Act crimes within Clery Act geography that are determined to pose a serious or ongoing threat. It is standard procedure that each campus public safety officer will complete a written incident report within 24 hours for all reportable incidents pursuant to 20 United States Code Section 1092 (f), the Jeanne Clery Disclosure of Campus Security Policy, and Campus Crime Statistics Act. Each campus public safety manager is responsible for ensuring proper report classification, utilizing the FBI's Uniform Crime Reporting (UCR) procedures.

Procedures for Issuing Crime Alerts:

1. Crime alerts are drafted by the campus public safety manager and/or public safety supervisor and approved by the vice president of public safety, health and emergency management or designee.
2. Notification shall be made by conspicuously posting bright red crime alert flyers around campus, as well as the campus public safety manager or designee transmitting an email to employees and students using the mass notification system.
3. Notification shall be made in a timely manner. If the incident is a delayed report (more than 24 hours) by the victim, then the time and date the victim reported the incident would also be included in the alert.
4. Crime alerts should utilize the established format and include the information noted on the crime alert form. (Attachment 1)
5. Provided the guidelines are met, nothing should be included in the crime alert that would hinder an ongoing police investigation.
6. The crime alert will not include victim's personal identification information such as name and address.
7. The general description of the location shall be given such as but not limited to: Montgomery College (Germantown Campus, Rockville Campus, or Takoma Park/Silver Spring Campus) building, physical address, etc.
8. Crime alert flyers posted on College property shall be removed after being posted for a minimum three-day period.
9. Each campus public safety manager shall maintain a record of all crime alerts published.

Public Safety Advisory

The Clery Act states that it is mandatory to issue timely warnings for all Clery crimes occurring in the campuses' geography considered by the institution to represent a serious or continuing threat to students and employees. However, as per Clery, notifications to the campus community should not be limited to Clery crimes. The Office of Public Safety, Health and Emergency Management has an established procedure to issue notice to the campus community regarding incidents, not classified as Clery crimes, that may represent a serious or continuing threat to students and employees. This is accomplished through a public safety advisory. Public safety advisories are transmitted by email to the College community to increase awareness of a possible risk and to encourage crime prevention and safety practices.

SECTION IV—EMERGENCY OPERATIONS

Emergency Operations Plan (EOP)

Montgomery College is committed to providing a safe and secure environment for its students, employees, and visitors to learn, work, and enjoy campus facilities. As part of that commitment, the College has developed a comprehensive EOP to prepare for and respond to both man-made and natural emergencies occurring on one or more of the campuses or in the local community. Quick references for employees and students on how to respond to emergencies on campus or the community can be found by visiting montgomerycollege.edu/emergency.

Purpose

The purpose of the Montgomery College EOP is to provide guidelines, assign responsibilities, and increase awareness in responding to emergencies that may impact the Montgomery College community.

The EOP consists of three sections:

1. Administration: provides guidelines to follow when planning or responding to emergencies.
2. Crisis Classification: emergency response classification and communication.
3. Incident Command: roles and responsibilities for emergency responders.

The Continuity of Operations Plan (COOP) is an all-hazards confidential plan for emergencies that will allow the College to continue its essential functions for an extended period.

- The Emergency Guidelines for Individuals with Disabilities: montgomerycollege.edu/counseling-and-advising/disability-support-services supports the EOP.

- Additional information regarding the emergency operations plans is available on the College's website at: montgomerycollege.edu/emergency.

Updates

The vice president of public safety, health and emergency management is responsible for the regular review and updating of the plan.

Emergency Response Actions

The response actions of emergency personnel are guided by the College's commitment to:

- Preventing or minimizing harm or injury to individuals,
- Minimizing damage to College assets,
- Effectively communicating to the College community information concerning a potential emergency, during an emergency, and after an emergency,
- Restoring normal operations in the shortest possible time frame,

Montgomery College public safety officers will respond immediately to an emergency and determine its priority based on one of the four incident levels cited below:

- Level 1: Isolated Emergency, A localized incident with minimal impact that can be managed using existing College resources and limited external assistance.
- Level 2: Minor Emergency, A people-focused emergency that requires coordination among multiple offices and implementation of specific response plans to address complex individual or student-related issues.
- Level 3: Severe College-wide or Community Emergency, A significant incident affecting a large portion of the campus or community that requires extensive coordination and activation of the Emergency Operations Center.

- Level 4: Disaster Emergency, A catastrophic event exceeding local response capabilities that impacts the entire campus and surrounding community, requiring state and federal assistance and unified command under the National Incident Management System.

National Incident Management System (NIMS)—Incident Command System (ICS)
The College's approach to managing an emergency is based on the National Incident Management System (NIMS), which includes the Incident Command System (ICS). ICS provides a common organizational structure, common terminology, and operating procedures; establishes a clear chain of command for effectively managing an incident; and provides for effective interfacing with College personnel and emergency agencies. Moreover, ICS focuses on the rapid identification of a potential emergency, building evacuation or denial of entry, quick notification of the proper authorities, and initiation of mitigation and recovery efforts in conjunction with emergency agencies.

Emergency Procedures
The College will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The vice president of public safety, health and emergency management or designee has primary responsibility for assessing and confirming the presence or threat of a dangerous situation, generally through information provided by public safety officers on the scene or in direct communication with other public safety officials. The director may consult with campus facilities or the Office Public Health and Environmental Safety on matters involving utility outages, building equipment failures, hazardous materials, or pandemic health risks.

Montgomery College has outlined emergency procedures for the following events:

Active shooter/ hostage situation	Swimming pool incident
Bomb threat	Gas leak
Medical	Utility outage and building equipment failure
Campus demonstrations	Hazardous material spill or release
Pandemic influenza	Weather
Crime	Earthquakes
Suspicious packages and envelopes	Shelter in place
Fire	

Information is available on the website at: montgomerycollege.edu/emergency.

Public safety officers are CPR/First Aid certified and receive annual training on responding to hazardous materials. Critical steps initiated by first responders reduce the risk of harm to life, property, and the environment.

Emergency Notifications
The Office of Public Safety, Health and Emergency Management and the Office of Communications will, without delay (taking into account the safety of the campus community), determine the content of the notification and initiate the notification system, unless it will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The core content is predeveloped on templates that are able to be modified to reflect dates, times and specific information about the notice. Notifications may be segmented if the situation warrants and the campus or location will be specified in the body of the message. Notifications of emergencies and changes to Montgomery College's operational status will be communicated to the entire College community and the greater community outside the College through one or more of the following means:

1. College emergency responders: public safety officers and law enforcement officials.
2. MC Alert. Registered users receive text and email messages. Registration information at montgomerycollege.edu/emergency.
3. Montgomery College Emergency Desktop Notification (ALERTUS). Scrolling messages are broadcast on College computers.
4. Montgomery College website at montgomerycollege.edu.
5. MyMC website at mymc.montgomerycollege.edu.
6. MyMC student email system.
7. Montgomery College employee voice mail. From off-site, dial 240-567-1701.
8. Montgomery College employee email. From off-site, mail.montgomerycollege.edu.
9. Montgomery College main phone number at 240-567-5000.
10. Mass Notification Message Boards. Emergency messages will appear on screens located in academic classrooms, common spaces and hallways.
11. Montgomery College cable channel 10 in Montgomery County.
12. Commercial radio and TV stations including:

    - WTOP (103.5 FM)
    - WFRE (99.5 FM), Frederick
    - WAMU (88.5 FM)
    - WFMD (930 AM), Frederick
    - WMAL (630 AM)
    - Channel 4 WRC
    - Channel 5 WTTG
    - Channel 7 WJLA
    - Channel 9 WUSA
    - News Channel 8

All inquiries from the news media regarding an emergency event should be directed to the College's Office of Communications.

MC Alerts for Montgomery College Students, Employees and Members of the Larger Community
Montgomery College regards the safety and security of our students, employees and College visitors as a top priority. The College employs an emergency notification system, MC Alert, to communicate information about emergency situations, school closings, and delays. MC Alerts are communicated as text messages, emails, notifications to College computers, alerts on the College's and MyMC websites, posts on the Montgomery College Facebook and Twitter pages, as well as messages on some digital signs on College property.

To enhance its emergency notifications, the College uses Rave Mobile Safety, a leading emergency notification platform for colleges and universities.

MC students and employees are automatically subscribed to MC Alert via their MyMC login. The default delivery method is a student or employee email issued by the College. **The College strongly encourages students and employees to register to receive text messages to your cell phones and personal emails (Gmail, Yahoo, etc.)**. College students and employees are responsible for managing their contact information and communication preferences. Members of the larger community, such as neighbors and parents, who are interested in receiving information and notification regarding emergencies on campus, can get that information by visiting the College's website and opting in to receive MC Alerts by visiting the MC Alert website at: montgomerycollege.edu/emergency

Evacuation Areas
Each building has been assigned a specific external emergency evacuation area where persons should remain until receiving further instructions. Emergency evacuation area maps are posted in all buildings collegewide and can be accessed on the Montgomery College website at montgomerycollege.edu and on the College's Emergency website at: montgomerycollege.edu/emergency. Evacuation Maps are conspicuously posted in buildings to guide persons in the event of an emergency.

Evacuation Tests
Montgomery College performs at minimum, an annual announced test of its emergency response and evacuation procedures. The test is documented by recording a description of the exercise, the date, time, and whether the test was announced. Prior to the exercise, emergency response and evacuation procedures are publicized. After the exercise, an assessment and evaluation are conducted.

Behavioral Intervention Teams (BIT)
Collegewide and campus-based Behavioral Intervention Teams (BIT) were created to identify students who could benefit from assessment, support, or counseling before a threatening situation might occur. The purpose of a BIT is preventive—and a student identified as a student of concern or contacted by a BIT may or may not have violated the Student Code of Conduct or other College policies. The mission of the BIT is to help maintain a healthy, safe, and secure environment for all students, faculty, and staff that is free of intimidation and harm by systematically addressing behaviors of concern. The BIT cannot guarantee anyone's safety and is not a group of first responders. With help from the College community, behaviors of concern can be identified and addressed in an effort to avert potential problems or incidents.

Campus-based teams are responsible for reviewing, investigating, and assessing behaviors of concern. They evaluate situations to determine risk/threat levels for reported behaviors, decide next steps and, when appropriate, refer students for internal and/or external intervention. BIT also supports first responders by providing follow-up to emergency situations and making recommendations. The BIT provides education and training to the campus community on prevention, protocols, resources, roles, rights, and responsibilities. The campus-based teams meet on a regular basis to discuss and respond to new concerns and follow up on active cases. The campus-based teams may consist of deans/associate deans, counselors, public safety, instructional faculty, and staff.

Incident Report forms are used to report a "student of concern" or a student disciplinary issue. These forms are divided into three incident reports: (a) non-academic incident, (b) academic incident, and (c) behavior of concern, and can be accessed on College computer desktops. An Incident Report can be submitted via the BIT website at: montgomerycollege.edu/BIT. The report form is part of the Maxient website and is designed to alert and track student incidents. Deans of student affairs and BIT members will be able to access the report quickly, start a case file, and provide judicial or behavioral intervention as appropriate. Information sessions on how, why, and when to report are available by contacting a dean of student affairs or campus BIT chair.

Reporting "cases of concern" via BIT or disciplinary cases via the Student Code of Conduct should never be substituted for calling the Office of Public Safety, Health and Emergency Management or 911 in emergency situations or health and safety situations that need immediate attention.

SECTION V—CLERY CRIME DEFINITIONS AND CRIME STATISTICS

Clery Act Crime Reporting

The College must disclose statistics for reported Clery Act crimes that occur on campus, on public property within or immediately adjacent to the campus, and in noncampus buildings or property owned or controlled by the College. The following definitions are used to determine Clery reportable locations and crimes as cited in the Handbook for Campus Safety and Security Reporting 2016 Edition.

Clery Act Geography

On Campus—Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Public Property—All public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus or immediately adjacent to and accessible from the campus.

Noncampus Building—Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Noncampus locations do not have a public property reporting requirement.

Clery Act Crime Definitions

Criminal Homicide—(Non-Negligent Manslaughter, Negligent Manslaughter)

Murder/Non-Negligent Manslaughter—The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter—The killing of another person through gross negligence.

Sex Offenses—(Rape, Fondling, Incest, Statutory Rape)

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, without the consent of the victim.

Fondling—The touching of private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

Robbery—Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force, threat of force or violence, and/or by putting the victim in fear.

Aggravated Assault—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used, which could and probably would result in a serious potential injury if the crime were successfully completed.

Burglary—The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft—The theft or attempted theft of a motor vehicle (classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned, including joy riding).

Arson—The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

Arrests and Referrals

Weapon Law Violations—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Law Violations—The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment of devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance; arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Note: A College policy violation that does not constitute a criminal law violation is not reported.

Hate Crime—A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, hate crimes include any of the following offenses when motivated by bias: criminal homicide; sexual assault; robbery; aggravated assault; burglary; motor vehicle theft; arson; larceny-theft; simple assault, intimidation, and property destruction, damage, or vandalism.

Simple Assault—An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation—To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Larceny—The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Property Destruction/Vandalism—To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

Bias Categories Reportable Under the Clery Act

Race—A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, Blacks, African Americans, Whites).

Religion—A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

Gender—A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).

Gender Identity—A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender nonconforming individuals). Gender nonconforming describes a person who does not conform to the gender-based expectations of society (e.g., a woman dressed in traditionally male clothing or a man wearing makeup). A gender nonconforming person may or may not be a lesbian, gay, bisexual, or transgender person, but may be perceived as such.

Sexual Orientation—A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Ethnicity—A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

National Origin—A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability—A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such a disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Unfounded Crimes—A Clery Act reportable offense, which has been investigated by a sworn law enforcement officer and determined to be false or baseless, must be reported as unfounded. This requirement became effective in 2015.

CLERY ACT CRIME STATISTICS
MONTGOMERY COLLEGE
GERMANTOWN CAMPUS

GERMANTOWN CAMPUS	2023			2024			2025		
	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property
CRIMINAL HOMICIDE									
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
SEX OFFENSES									
Rape	0	0	0	1	0	0	0	0	0
Fondling	0	0	0	0	0	0	2	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	1	0	1	0	0	0	2	0	0
BURGLARY	1	0	0	0	0	0	0	0	0**
MOTOR VEHICLE THEFT	0	0	0	0	0	0	1	0	0
ARSON	0	0	0	0	0	0	0	0	0
HATE/BIAS CRIMES	0	0	0	0	0	0	0	0	0
ARRESTS									
Weapon Law Violations	0	0	1	0	0	0	0	0	0
Drug Law Violations	3	0	1	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS									
Weapon Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0

Unfounded Crimes 2023–None Reported
Unfounded Crimes 2024–None Reported
Unfounded Crimes 2025–None Reported
**This statistic was corrected on October 28, 2026, after originally published on October 1, 2026. It was determined that the burglaries that were reported by local law enforcement for calendar year 2025 as occurring on "public property" actually occurred on private property. The following corrections have been made:
Original Stats Disclosed: 6 Corrected Stats: 0

CLERY ACT CRIME STATISTICS
MONTGOMERY COLLEGE
ROCKVILLE CAMPUS

ROCKVILLE CAMPUS	2023			2024			2025		
	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property
CRIMINAL HOMICIDE									
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
SEX OFFENSES									
Rape	0	0	0	0	0	0	0	0	0
Fondling	1	0	0	0	0	0	2	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0**
MOTOR VEHICLE THEFT	3	0	0	0	0	0	2	0	0
ARSON	0	0	0	0	0	0	1	0	0
HATE/BIAS CRIMES	2*	0	0	2*	0	0	0	0	0
ARRESTS									
Weapon Law Violations	0	0	0	1	0	0	0	0	0
Drug Law Violations	0	0	1	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS									
Weapon Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0

Unfounded Crimes 2023–None Reported
Unfounded Crimes 2024–None Reported
Unfounded Crimes 2025–None Reported

***2023 (1) Hate/Bias Crime Property Destruction/Vandalism - Religion**
***2023 (1) Hate/Bias Crime Property Destruction/Vandalism - Sexual Orientation**
***2024 (1) Hate/Bias Crime Property Destruction/Vandalism - Religion**
***2024 (1) Hate/Bias Crime Property Destruction/Vandalism - Sexual Orientation**

**This statistic was corrected on October 28, 2026, after originally published on October 1, 2026. It was determined that the burglary that was reported by local law enforcement for calendar year 2025 as occurring on "public property" actually occurred on private property. The following correction has been made:
Original Stat Disclosed: 1 Corrected Stat: 0

CLERY ACT CRIME STATISTICS
MONTGOMERY COLLEGE
TAKOMA PARK/SILVER SPRING CAMPUS

TAKOMA PARK/ SILVER SPRING CAMPUS	2023			2024			2025		
	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property
CRIMINAL HOMICIDE									
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
SEX OFFENSES									
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	2	0	0	0
AGGRAVATED ASSAULT	0	0	0	1	0	2	0	0	1
BURGLARY	3	0	0	0	0	0	0	0	0**
MOTOR VEHICLE THEFT	0	0	2	5*	0	0	1	0	5
ARSON	0	0	0	0	0	0	0	0	0
HATE/BIAS CRIMES	0	0	0	0	0	0	0	0	0
ARRESTS									
Weapon Law Violations	0	0	2	0	0	0	0	0	0
Drug Law Violations	0	0	2	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS									
Weapon Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0

Unfounded Crimes 2023–None Reported
Unfounded Crimes 2024–None Reported
Unfounded Crimes 2025–None Reported

***2024 Please note that all 5 reported Motor Vehicle Thefts were E-bikes or E-scooters. Per the Clery Act they count as Motor Vehicle Thefts.**

**This statistic was corrected on October 28, 2026, after originally published on October 1, 2026. It was determined that the burglary that was reported by local law enforcement for calendar year 2025 as occurring on "public property" actually occurred on private property. The following correction has been made:
Original Stat Disclosed: 1 Corrected Stat: 0

CLERY ACT CRIME STATISTICS
MONTGOMERY COLLEGE
NONCAMPUS PROPERTY- CENTRAL SERVICES

CENTRAL SERVICES	2023	2024	2025
CRIMINAL HOMICIDE			
Murder and Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
SEX OFFENSES			
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
ROBBERY	0	0	0
AGGRAVATED ASSAULT	0	0	0
BURGLARY	0	0	0
MOTOR VEHICLE THEFT	0	0	0
ARSON	0	0	0
HATE/BIAS CRIMES	0	0	0
ARRESTS			
Liquor Law Violation	0	0	0
Drug Law Violation	0	0	0
Weapon Law Violation	0	0	0
DISCIPLINARY REFERRALS			
Liquor Law Violation	0	0	0
Drug Law Violation	0	0	0
Weapon Law Violation	0	0	0

Unfounded Crimes 2023–None Reported
Unfounded Crimes 2024–None Reported
Unfounded Crimes 2025–None Reported

CLERY ACT CRIME STATISTICS
MONTGOMERY COLLEGE

GAITHERSBURG BUSINESS TRAINING CENTER

GAITHERSBURG BUSINESS TRAINING CENTER	2023	2024	2025
CRIMINAL HOMICIDE			
Murder and Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
SEX OFFENSES			
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
ROBBERY	0	0	0
AGGRAVATED ASSAULT	0	1	0
BURGLARY	0	0	0
MOTOR VEHICLE THEFT	0	0	0
ARSON	0	0	0
HATE/BIAS CRIMES	0	0	0
ARRESTS			
Liquor Law Violation	0	0	0
Drug Law Violation	0	0	0
Weapon Law Violation	0	0	0
DISCIPLINARY REFERRALS			
Liquor Law Violation	0	0	0
Drug Law Violation	0	0	0
Weapon Law Violation	0	0	0

Unfounded Crimes 2023–None Reported
Unfounded Crimes 2024–None Reported
Unfounded Crimes 2025–None Reported

Please note that Gaithersburg Business Training Center is classified as a campus. This location does not have any noncampus building or property to report. Public Property crime statistics for 2023, 2024 and 2025 for this location are "0" for all reporting fields.

CLERY ACT CRIME STATISTICS
MONTGOMERY COLLEGE

EAST COUNTY EDUCATION CENTER

EAST COUNTY EDUCATION CENTER	2023			2024*			2025		
	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property
CRIMINAL HOMICIDE									
Murder and Non-Negligent Manslaughter				0	0	0	0	0	0
Negligent Manslaughter				0	0	0	0	0	0
SEX OFFENSES									
Rape				0	0	0	0	0	0
Fondling				0	0	0	0	0	0
Incest				0	0	0	0	0	0
Statutory Rape				0	0	0	0	0	0
ROBBERY				0	0	0	0	0	0
AGGRAVATED ASSAULT				0	0	0	0	0	0
BURGLARY				0	0	0	0	0	0
MOTOR VEHICLE THEFT				0	0	0	0	0	0
ARSON				0	0	0	0	0	0
HATE/BIAS CRIMES				0	0	0	0	0	0
ARRESTS									
Weapon Law Violations				0	0	0	0	0	0
Drug Law Violations				0	0	0	0	0	0
Liquor Law Violations				0	0	0	0	0	0
DISCIPLINARY REFERRALS									
Weapon Law Violation				0	0	0	0	0	0
Drug Law Violation				0	0	0	0	0	0
Liquor Law Violation				0	0	0	0	0	0

Unfounded Crimes 2024 and 2025–None Reported

***Please note that for 2024 reporting purposes, Beginning April 1, 2024 East County Education Center opened and is classified as a campus. Statistics reflect April 1 to December 31, 2024. This location does not have any noncampus building or property to report. "0" for all reporting fields.**

SECTION VI–VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT (VAWA) AND CAMPUS SEXUAL VIOLENCE ELIMINATION ACT (SaVE) COMPLIANCE

The Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022) embodies the Campus Sexual Violence Elimination Act (Campus SaVE Act) and expands the Clery Act coverage to include victims of domestic violence, dating violence, and stalking. Montgomery College is required to report crimes statistics for these offenses. Compliance with VAWA regulations does not constitute a violation of section 444 of the General Education Provisions Act (20 USC 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

VAWA Definitions

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 on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence—a felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking—engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

Course of Conduct—two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Maryland Law Definitions for Domestic Violence Abuse

Maryland law defines domestic violence abuse as the occurrence of one or more of the following acts between family or household members:

- Assault.
- An act that places a person in fear of imminent serious bodily harm.
- An act that causes serious bodily harm.
- Rape or sexual offense.
- Attempt rape or sexual offense.
- Stalking.
- False imprisonment, such as interference with freedom, physically keeping you from leaving your home, or kidnapping you.

Stalking—Maryland Law
A malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear of (1) serious bodily injury, of an assault in any degree, of rape or sexual offense, of false imprisonment, of death, or (2) that a third person likely will suffer any of these listed acts.

Harassment—Maryland Law
A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other with the intent to harass, alarm, or annoy the other; after receiving a reasonable warning or request to stop by or on behalf of the other; and without a legal purpose.

Maryland Law Definitions for Sexual Assault

Rape First Degree—engaging in sexual intercourse with another without his or her consent by force, using weapons, strangling or inflicting serious physical injury, threatening with death, serious injury, or kidnapping, or committed with another's help or during a burglary.

Rape Second Degree—engaging in vaginal intercourse with another 1) without his or her consent by force or threat, 2) with a mentally or physically incapacitated person (includes drunk, high, or unconscious) when the defendant knows of his or her condition, or 3) the victim is under 14 years old and the defendant is at least four years older than the victim.

Sex Offense First Degree—engaging in a sexual act (oral or anal sex or any object or part of one's body penetrates the genitals or anus for sexual gratification) by force, threat, or without consent while displaying a weapon; suffocating or physically injuring the victim; threatening the victim with death, disfigurement, or serious physical injury; or committed with another's help or during a burglary.

Sex Offense Second Degree—engaging in a sexual act with another by 1) force or without his or her consent, 2) with a mentally or physically incapacitated person (includes drunk, high, or unconscious) when the defendant should know of his or her condition, or 3) the victim is under 14 and the defendant is at least four years older than the victim.

Sex Offense Third Degree—engaging in sexual contact (intentionally touching the victim's or defendant's genital, anal, or other private parts for sexual gratification or abuse of either person) without consent while using a weapon, strangling or seriously injuring the victim; threatening the victim with death, serious injury, or kidnapping; or committed with another's help or the victim is mentally or physically incapacitated and the defendant knows of his or her condition. The victim is under 14 years old and the defendant is at least four years older. Engaging in a sexual act (i.e., oral or anal sex) or vaginal sex with a 14- or 15-year-old victim by a 21-year-old—or older—defendant, also known as, statutory rape.

Sex Offense Fourth Degree—engaging in sexual contact without the other's consent or, engaging in a sexual act or vaginal sex with a 14 or 15 year old when the defendant is at least four years older. Engaging in a sexual act, sexual contact, or vaginal sex with a child under 18, who at the time of the sexual activity was a student enrolled in a school where the person was in a position of authority (i.e., a principal, coach, teacher, or counselor who is at least 21 years old, employed by the school, and was in a supervisory position over the student).

Maryland Civil Protection Orders
In Maryland, a judge may issue a civil protection order or a peace order that requires a respondent (accused) to refrain from committing certain acts against the victim (petitioner).

Protection Order
An individual is eligible for a protective order based on the petitioner's relationship with the alleged abuser:

- Current or former spouse.
- Lived together in an intimate relationship for at least 90 days during the past year.
- Related by blood, marriage, or adoption.
- In a parent-child or stepparent-stepchild relationship, and have resided together for at least 90 days during the past year.
- In a caretaker relationship with a vulnerable adult.
- Parents of a child together.
- Had a sexual relationship within one year before the filing of the petition.

The petitioner must prove that one of the following acts has been committed.

- An act that caused serious bodily harm.
- An act that placed the petitioner in fear of imminent bodily harm.
- Assault in any degree.
- Rape or sexual offense.
- Attempted rape or sexual offense.
- False imprisonment.
- Criminal stalking.

Peace Order
An individual is eligible for a peace order if the accused is someone in a dating relationship, a neighbor, a stranger, or anyone else.

The petitioner must prove one of the following acts has been committed:

- Criminal harassment.*
- Criminal trespassing.*
- Malicious destruction of property.*
- Misuse of telephone facilities and equipment.*
- Misuse of electronic communication or interactive computer service.*
- Revenge porn.*
- Visual surveillance.*

(*) crimes eligible for peace orders

More information on obtaining a civil protection order can be found on the Maryland Courts website at: courts.state.md.us/legalhelp/domesticviolence

Clery Act Amendment—Sex Crimes Prevention Act (Registered Sex Offenders)
The Campus Sex Crimes Prevention Act requires sex offenders to notify states when they enroll or become employees at an institution of higher education. Information provided by the state of Maryland concerning registered sex offenders may be obtained from the Department of Public Safety and Correctional Services. Maryland's sex offender registry can be found online at dpscs.maryland.gov/onlineservs/socem/default.shtml.

VAWA CRIME STATISTICS

MONTGOMERY COLLEGE MAIN CAMPUSES

GERMANTOWN CAMPUS	2023			2024			2025		
	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property
VAWA CRIMES									
Domestic Violence	0	0	0	0	0	0	1	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	1	0	0	2	0	0

ROCKVILLE CAMPUS	2023			2024			2025		
	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property
VAWA CRIMES									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	6	0	0	3	0	0	3	0	0

TAKOMA PARK/ SILVER SPRING CAMPUS	2023			2024			2025		
	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property	On Campus	Non Campus Building & Property	Public Property
VAWA CRIMES									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	1	0	0	0	0	0	0	0	0

NOTE: Dating Violence statistics not available from local law enforcement
Unfounded Crimes 2023–None Reported
Unfounded Crimes 2024–None Reported
Unfounded Crimes 2025–None Reported

VAWA CRIME STATISTICS

MONTGOMERY COLLEGE NONCAMPUS PROPERTY

CENTRAL SERVICES

CENTRAL SERVICES	2023	2024	2025
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Unfounded VAWA Crimes 2023–None Reported
Unfounded VAWA Crimes 2024–None Reported
Unfounded VAWA Crimes 2025–None Reported

VAWA CRIME STATISTICS

MONTGOMERY COLLEGE CAMPUS

GAITHERSBURG BUSINESS TRAINING CENTER

GAITHERSBURG BUSINESS TRAINING CENTER	2023	2024	2025
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Unfounded VAWA Crimes 2023–None Reported
Unfounded VAWA Crimes 2024–None Reported
Unfounded VAWA Crimes 2025–None Reported

Please note that Gaithersburg Business Training Center is classified as a campus. This location does not have any noncampus building or property to report. Public Property crime statistics for 2023, 2024 and 2025 for this location are "0" for all reporting fields.

VAWA CRIME STATISTICS

MONTGOMERY COLLEGE CAMPUS

EAST COUNTY EDUCATION CENTER

EAST COUNTY EDUCATION CENTER	[redacted]	2024 *	2025
Domestic Violence		0	0
Dating Violence		0	0
Stalking		0	0

Unfounded VAWA Crimes 2024–None Reported
Unfounded VAWA Crimes 2025–None Reported

***Please note that for 2024 reporting purposes, Beginning April 1, 2024 East County Education Center opened and is classified as a campus. Statistics reflect April 1 to December 31, 2024. This location does not have any noncampus building or property to report. Public Property crime statistics for 2024 for this location are "0" for all reporting fields.**

SECTION VII—SEXUAL MISCONDUCT POLICY AND PROCEDURES

Montgomery College's Sexual Misconduct Policy and Procedure outline the institutions framework for responding to allegations of sexual misconduct, including sexual assault, stalking, and sexual harassment. The policy and procedure is available at 21001 Sexual Misconduct.

Montgomery College Sexual Misconduct Policy Statement

It is the policy of Montgomery College to establish and maintain an environment in which all members of the Montgomery College community can work or participate in College education programs and activities free from all forms of sexual misconduct. Sexual misconduct is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. In addition, some forms of sexual misconduct violate the criminal laws of the State of Maryland. Sexual misconduct in any form will not be tolerated by Montgomery College. The College will take immediate action to preserve and restore equal educational access when the College has actual knowledge of sexual misconduct.

Definitions

Sexual Misconduct— is an umbrella term that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Harassment, Sexual Assault, and Stalking. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by any person, regardless of gender identity, and can occur between people of the same or different sex, sexual orientation, or gender expression.

Sexual Assault—an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- 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, without the consent of the victim.
- Nonconsensual Sexual Contact (previously referred to as Fondling)[1]: The intentional touching of the clothed or unclothed body parts of the Complainant by the Respondent without the consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation. Or the intentional touching by the Complainant of the Respondent's clothed or unclothed body parts without consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Consent—a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make rational, reasonable judgment can give consent. Consent may be expressed either by words and/or by actions as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that they have consent from the other party, and that the other party is capable of providing consent.

1. Lack of protest or resistance is not consent, nor may silence, in and of itself, be interpreted as consent. For that reason, relying solely on nonverbal communication can lead to

[1] This definition is not taken from the FBI Uniform Crime Reporting (UCR) system verbatim. The College has substituted "complainant" for "victim." The College also changed the term from Criminal Sexual Contact to Nonconsensual Sexual Contact with a parenthetical reference to the term Fondling, which NIBRS updated in 2025 guidance documents. These are liberties the College thinks are important to take with respect to the federal definitions.

misunderstanding.

2. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
3. Previous relationships, including past sexual relationships or prior consent cannot imply consent to future sexual acts.
4. Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.
5. In order to give effective consent, one must be of legal age, as defined by applicable Maryland law. Sexual activity that is forced or coerced is by definition nonconsensual. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of nonconsent. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure used to obtain consent. Frequency, intensity, isolation, and duration of the behavior will be considered in making a determination of whether coercion occurred. When a party makes clear that they do not want to engage in sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercing someone into sexual activity violates the policy in the same way as physically forcing someone into sex.

It is a violation of Policy 21001 to engage in sexual activity with someone whom one knows to be— or based on the circumstances should reasonably have known to be—mentally or physically incapacitated. To be incapacitated means that a person's decision-making ability is impaired such that they lack capacity to understand the "who, what, where, why, or how" of their sexual interaction. Incapacitation may result from sleep or unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, or the influence of drugs or alcohol.

Who Is Covered by the Sexual Misconduct Policy?

Sexual misconduct is prohibited between students, between employees, between students and employees, and by students or employees against contractors, vendors, or other individuals whose relationship to the student or employee is through the College's facilities, programs or activities. Similarly, the College will not tolerate sexual misconduct by College contractors, vendors, or other third parties, including visitors and guests to the College, whose relationship to the victim is through the College's facilities, programs or activities.

1. The policy applies regardless of the sex, sexual orientation, or gender identity of either the perpetrator or the victim of the sexual misconduct.
2. The policy applies to sexual misconduct
    a. that occurs on College premises, including any property owned or leased by the College (including College buses) or that the College has permission to occupy for purposes of conducting a College-sponsored program or event;
    b. that occurs in connection with any College-sponsored, College-recognized, or College-approved activities within the United States (e.g., off-campus education programs and activities such as College-sponsored field trips, athletic team travel, events for officially recognized College clubs that occur off campus, and social activities for employees sponsored by the College or relating to the College or relating to the business of the College);
    c. that occurs during business travel in the United States or otherwise in connection with College-related business; or
    d. sexual harassment on or off campus during any college-sponsored activity that impacts equal educational opportunity or access.
3. All incidents of sexual misconduct should be reported so that the College may determine whether the conduct falls within the scope of the policy.

Reporting and Confidentiality

1. All members of the Montgomery College community may report allegations of sexual misconduct at any time, but are encouraged to make such reports promptly in order to maximize the College's ability to respond and take appropriate action, including to obtain evidence and to conduct a prompt and equitable investigation.

   Students may report alleged sexual misconduct to the Title IX coordinator or to any "mandated reporter," which includes any College administrator, supervisor, faculty member, public safety officer, coach, or trainer. Employees and other members of the College community may report sexual misconduct to the Title IX coordinator or the director of employee and labor relations, and employees may also report sexual misconduct to their supervisor. A mandated reporter, the director of employee and labor relations, and any other employee who receives a report of sexual misconduct must promptly relay such report to the Title IX coordinator. No employee is authorized to investigate or resolve reports of sexual misconduct without the involvement of the Title IX coordinator.

   Sarah Martin is the College's interim Title IX coordinator. She can be reached during normal business hours in person in the Central Services Building, by telephone, 240-567-4279; or by email, sarah.martin@montgomerycollege.edu or TitleIX@montgomerycollege.edu. Members of the College community may contact the Title IX coordinator in order to seek information about courses of action available to resolve reports or complaints that involve sexual misconduct; to file a formal complaint; to get information about available resources and supports services available to victims of sexual misconduct; and, to ask any questions concerning Montgomery College Policies and Procedures relating to sexual misconduct.

   Certain College employees will be designated confidential resources for purposes of this policy. Confidential resources are not considered to be mandated reporters (that is, upon receipt of a report of alleged sexual misconduct, confidential resources are not required to notify the Title IX coordinator). An individual seeking support or guidance with respect to an alleged incident of sexual misconduct may contact any confidential resource, who will normally keep private the individual's identity and any other information concerning the incident.

   The College has designated counselors in the Counseling and Advising Department as Confidential Resources. College counselors are available to help on an emergency basis. Local community-based resources, such as crisis centers, are also confidential and have no duty to report disclosed information to the College.

   The College recognizes that allegations of sexual misconduct are a sensitive subject for all parties involved and is committed to maintaining the privacy of the parties involved to the fullest extent possible, consistent with applicable law and the need for investigation and resolution. The College, through the Title IX coordinator, may sign a formal complaint to initiate the investigation and formal resolution process even when the individual making a report of sexual misconduct requests anonymity or requests that no action be taken. Thus, absolute confidentiality cannot be guaranteed. In all cases, the College will take care to protect the identity of the parties through processes that provide for discussion of the allegations only among those who have a legitimate administrative, investigative, or legal need to know.

2. Upon receiving a report, the College shall immediately inform the complainant of available options about the involvement of law enforcement, including the Complainant's option to:
   a. Notify law enforcement authorities, including the campus public safety and local police.
   b. Decline to notify such authorities.
   c. Be promptly assisted by the College, at the victim's request, in notifying local law

enforcement authorities and in obtaining appropriate medical attention, including arranging transportation to the nearest hospital equipped with the Maryland State Police sexual assault evidence collection kit. In Montgomery County, the only facility equipped with the Maryland State Police sexual assault evidence collection kit (SAFE) and specially trained forensic nurses is:

Shady Grove Adventist Hospital
Forensic Medical Unit
9901 Medical Center Drive Rockville,
MD 20850
(240)-826-6225

This is the best option to ensure preservation of evidence that may assist in proving that a criminal offense occurred or may be helpful in obtaining a protection order.

3. The College will provide support that can assist each complainant in making decisions about whether or not to request any particular course of action. To the extent possible and reasonable, the College will respect a complainant's autonomy in deciding how to proceed. In this process, the College will balance the complainant's interest with its obligation to provide a safe and nondiscriminatory environment for all members of the College community.

4. Safe Harbor
   To encourage reporting, an individual who reports sexual misconduct, either as a reporting party or a third-party witness, will not be subject to disciplinary action by the College for a violation of the College's alcohol or drug use policies if:
   a. The violation occurred during or near the time of the alleged sexual misconduct violation.
   b. The individual is determined to have made the report or is participating in an investigation as a witness in good faith.
   c. 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.

Confidential Resources
Generally, it is not confidential when a person reports sexual misconduct. If a person desires to keep an incident of sexual misconduct confidential, they should speak with individuals who have professional or legal obligations to keep communications confidential. When seeking advice and support, persons should always consider whether they want to discuss their concerns with a confidential resource.

Both internal and external confidential resources are available. Upon receipt of a report of an alleged violation, confidential resources are not required to notify the Title IX coordinator (or alternatively, if the sexual misconduct is by or against an employee, the Director of Employee Engagement and Labor Relations). As a result, an individual seeking support or guidance with respect to an alleged incident of sexual misconduct may contact any confidential resource, who will normally keep private the individual's identity and any other information concerning the incident. Unless there is an imminent threat to health or safety or other basis for disclosure, such as child abuse, confidentiality applies when persons seek services from the following resources.

Internal Confidential Resources for Students
College counselors have been deemed confidential resources. Students may contact a counselor directly as follows:

- Germantown Counseling Department, 240-567-7734
- Rockville Counseling Department, 240-567-5063 or 240-567-4101
- Takoma Park/Silver Spring Counseling Department, 240-567-1480
- East County Education Center Counseling Department, 240-567-1480

Internal Confidential Resources for Employees
Office of the Ombuds
240-687-6199
ombuds@montgomerycollege.edu

Confidential Resources may need to make reports or a disclosure as required by the Jeanne Clery Act. Such reporting for purposes of the Clery Act does not require a confidential resource to reveal an individual's identity.

Discussing an alleged incident of sexual misconduct with a confidential resource will not lead to an investigation or resolution of the incident. Confidential Resources do not have the authority to establish supportive measures or take corrective action.

External Confidential Reporting
Individuals who are seeking information and support may also contact the following organizations. Please note, however, that disclosures or reports made to any of these organizations may not be required to be kept confidential as a matter of law.

Community Resources for Students and Employees:
Montgomery County Victim Assistance and Sexual Assault Program (VASAP)
1301 Piccard Drive, Suite 4100
Rockville, MD 20850
240-777-4357 (24-hour crisis hotline)
240-777-1347 TTY

Resource for Employees**:**
MC Cares, the College's Faculty and Staff Assistance Program, provides comprehensive resources and services to assist employees with personal or work-related challenges. Visit MC CARES | Montgomery College, Maryland for information on how to access confidential services at no cost (Use code MCC). Employees may also call 844-236-2668. Employees who require assistance should dial TRS 711.

Supportive Measures
Supportive measures are individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. The College will treat complainants and respondents equitably, meaning that for a complainant, the College will offer supportive measures, and for a respondent, the College will follow the adjudication process before imposing disciplinary sanctions. These steps ensure the restoration or preservation of equal educational access of the parties, protect safety, and deter sexual harassment without unreasonably burdening the other party. Supportive measures are available to both parties and to the Complainant, regardless if a formal complaint is filed.

Investigation and Timeframe
All reports of sexual misconduct will be taken seriously and investigated as appropriate. The College strives to investigate all complaints within 60 days after the filing of a complaint. Actual resolution time may vary depending on many factors, including but not limited to, the complexity of the investigation and the severity and extent of the alleged misconduct.

Grievance—Resolution and Sanctions
It is presumed that a respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Individuals found to have committed sexual misconduct in violation of the policy will be subject to disciplinary action in accordance with applicable College policies and procedures and/or collective bargaining agreements.

Employees found in violation of this policy are subject to disciplinary action in accordance with the applicable College policies and procedures for disciplinary action and discharge (34002 and 34003), or, for bargaining unit members, the applicable procedures in the collective bargaining agreement. Sanctions will be based on the circumstances and nature of the violation, ranging from a reprimand up to and including termination of employment. Students found in violation of the policy are subject to disciplinary action in accordance with procedures set forth in the Student Code of Conduct (42001). Sanctions will be based on the circumstances and nature of the violation and include, but are not limited to, a warning, disciplinary probation, community service, participation in sexual misconduct education programming, suspension and dismissal from the College. In the event of sexual misconduct by a third party against a College student or employee, the College will take appropriate action within its control to address the misconduct and prevent its recurrence, including but not limited to, referring to local law enforcement to issue a no trespass notice denying access to the College's buildings and grounds. As required or appropriate, parties will be informed of the outcome of any resolution process based on a violation of this policy.

Persons who commit sexual misconduct in violation of federal, state, or local law may also be subject to criminal charges and penalties as a result of related legal proceedings.

Evidentiary Standard
In any investigation and/or disciplinary proceeding concerning an alleged violation of this policy, the finding will be determined by a preponderance of the evidence. The burden of collecting evidence and proving a violation of policy is the responsibility of the College and not the individuals.

Good Faith Reporting
Allegations of sexual misconduct are extremely serious, with potential for great harm to the accused if ill-conceived or made with malice. An individual found to have knowingly filed a false allegation may be subject to separate appropriate disciplinary action. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct.

Retaliation
The College prohibits retaliation by anyone in the College community against an individual because the individual reports or complains about sexual misconduct or participates in the College's investigation or proceedings related to an allegation of sexual misconduct. When the College is aware of possible retaliation, it will take immediate and appropriate steps to investigate. Students or employees who commit retaliation in violation of this Policy are subject to appropriate disciplinary action. The Complainant or participants in any report or investigation of sexual misconduct who believe they have experienced retaliation in violation of this Policy should immediately report such conduct to the Title IX Coordinator. Retaliation is defined as intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privilege secured by Title IX.

Sexual Assault Education and Information
The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Sexual Misconduct Policy and Procedures. Sufficient periodic training will be conducted for Mandated Reporters and for those involved in the investigation and resolution of complaints, as determined by the president. Any mandatory education requirements will be announced and posted on the College's website.

All students are encouraged to complete the online course *Sexual Assault Prevention for Community Colleges*. The interactive training provides education related to sexual assault prevention and includes information and activities designed to increase students' knowledge and awareness and strengthen prevention skills.

Students can self-enroll in the course through Blackboard. From the Blackboard Courses page, students can access the Course Catalog, search for "Sexual Assault Prevention," and enroll in the course.

Current instructions for accessing the training are also available on Montgomery College's Title IX Student Training webpage. Students who experience difficulty locating or accessing the course may contact the Student Wellness Center at studentwellnesscenter@montgomerycollege.edu.

Sexual Assault Awareness and Prevention Programs

Montgomery College is committed to providing ongoing awareness and prevention programs to the campus community addressing sexual violence, dating and domestic violence, stalking, sexual harassment, and related concerns.

In 2016, Montgomery College adopted the *Bringing in the Bystander*® prevention program, which uses a community of responsibility model to teach participants how to recognize opportunities for intervention and respond in positive, appropriate, and safe ways. The program emphasizes that all members of the community can play a role as active bystanders in preventing harm.

Bystander intervention education continues to be incorporated into the College's broader prevention programming. Additional educational programs throughout the year address topics such as healthy and unhealthy relationships, relationship violence, stalking and patterns of concerning behavior, sexual harassment, digital boundaries, consent, supportive responses, and campus and community resources.

Bystander Intervention Training

Learning Objectives

- Increase knowledge and awareness of sexual and relationship violence and recognize situations in which intervention may prevent harm or support someone experiencing concerning behavior.
- Recognize inappropriate or concerning behavior along the continuum of sexual and relationship violence.
- Identify barriers to intervention and practical strategies for addressing those barriers.
- Develop skills for positive, appropriate, and safe direct and indirect intervention.
- Apply bystander intervention strategies to realistic situations and identify appropriate support resources.
- Increase awareness of individual and community responsibility for preventing sexual and relationship violence.

Dating Violence, Domestic Violence, Sexual Assault and Stalking Prevention Programs

The Offices of Student Life, Student Affairs, Title IX, and Public Safety, Health and Emergency Management provide ongoing education and prevention programming throughout the year as part of Montgomery College's efforts to educate students and employees about dating violence, domestic violence, sexual assault, stalking, sexual harassment, bystander intervention, and related prevention topics. Programming is offered in multiple modalities and through workshops, awareness campaigns, outreach activities, collaborative initiatives, and other educational opportunities throughout the academic year. Additional programming may be provided for specific College populations and constituent groups, including athletics, student peer groups, classes, and governance councils. Programs also connect participants with applicable College and community support resources.

SECTION VIII—DRUG/ALCOHOL ABUSE PREVENTION POLICY, PROGRAMS, AND SANCTIONS

Montgomery College's Drug and Alcohol Abuse Prevention Policy 31005 and Procedure 31005CP addresses awareness, prevention, standards of conduct for students and employees and sanctions. Please see the attachment in the appendix for additional information.

Policy on Drug and Alcohol Abuse Prevention

On May 15, 1989, the College Board of Trustees underscored its commitment to drug and alcohol abuse prevention by adopting the following policy:

I. "The Board of Trustees is committed to the education of students, employees, and community members regarding substance abuse prevention, detection, and treatment services; to the continuation of a collegewide substance abuse prevention program and other ongoing efforts which will foster such education; and to the maintenance of a drug-free environment throughout the College.
II. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited at Montgomery College.
III. College students and employees are subject to appropriate disciplinary action for violation of this policy, in accordance with College policies and procedures regarding employee discipline and discharge and in accordance with the student code of conduct.
IV. The College president is authorized to establish procedures to implement this policy."

Drug/Alcohol Abuse Prevention Education and Awareness for Students

The collegewide dean of student engagement serves as the College's administrator responsible for facilitating the promotion of student drug and substance abuse awareness and prevention activities. The Offices of Student Life, Student Affairs, and Public Safety, Health and Emergency Management conduct ongoing training throughout the year as part of Montgomery College's expansive effort to provide education to students concerning drug and alcohol prevention. Topics cover addiction, substance use, dependency and signs of opioid overdose. Opioid overdose response and reversal training is also provided along with naloxone distribution. The trainings are conducted in various modalities and during campaign times throughout the year and are open to the entire College community. The Office of Public Safety, Health and Emergency Management holds prescription drug take back days throughout the year where old, unneeded or unused medications can be safely disposed. For additional information regarding substance and alcohol abuse programs, consult the Montgomery College Biennial Report for Drug and Alcohol Abuse Prevention Programs.

Employee Substance Abuse Awareness and Notification Procedures

Drug and alcohol programs for employees are primarily provided through the Office of Human Resources and Strategic Talent Management. The mission is to promote responsible decision-making regarding alcohol and drug use to students and employees through educational programs and other resources. Educational information is disseminated through workshops and training seminars, new employee orientation, Staff Enrichment Day, the intranet, and flyers placed on bulletin boards on all campuses. Current employees are notified via email of the Drug and Alcohol Abuse Prevention Policy annually during the fall semester.

Drug and Alcohol Abuse Prevention Programs for Employees
These presentations deliver information on drug and alcohol use to employees via a lecture and other interactive activities. The objectives of the program are:

- To discuss the harmful effects of substance abuse.
- To explain the college's substance abuse policy.
- To provide the consequences for violating the policy and to describe how employees can get help for substance abuse problems.

Presentations are delivered to college employees at training seminars, department meetings and workshops. An online drug and alcohol abuse prevention program is available to employees through MC Learns.

Employee Assistance Program
Employees needing assistance are referred to the Employee Assistance Program. The assistance program is voluntary and confidential. The program is available 24 hours a day, seven days a week, 365 days a year at no cost to employees. The employee assistance provides telephonic and face-to-face sessions. It has licensed, master's-level employee assistance program specialists answering calls. It has a diverse and credentialed national and international affiliate network to provide face-to-face sessions. The program provides short- term, solution-focused interventions and consultations.

Tip Sheets
Tip sheets on topics related to substance abuse prevention are placed on bulletin boards on all three campuses and at eight satellite locations throughout Montgomery College. These tip sheets are also featured on *Inside MC Online*, an online newsletter that is accessible to all employees and students. The tip sheets are run twice a month for the entire year on these topics:

- Alcoholism in the Workplace: A Manager's Role
- Alcohol and the Family
- What Do You Know About Alcohol and Drugs?
- Addiction

New Employee Orientation
New employees are provided with a hard copy of the College's Drug and Alcohol Abuse Prevention Policy and Procedure as referenced in Attachment 2. New employees are advised that short-term counseling is available to employees and eligible dependents at no cost via the Employee Assistance Program. A list of resources in the community related to substance abuse prevention and treatment is also provided to all new employees.

Staff Enrichment Day
Staff Enrichment Day is a day set aside to celebrate staff and to provide them with a wide variety of programs that will enrich their lives. Employees can attend workshops on various subjects of interest to them. Every year two workshops on drug and alcohol abuse prevention are offered to employees.

Workshop Objectives:

- Have a clear understanding of the Drug and Alcohol Abuse Prevention Policy and Procedure at Montgomery College.
- Understand the supervisor's responsibilities in maintaining a drug-free workplace.
- Understand the effects of drugs and alcohol.
- Know that help is available.
- Identify resources for assistance with substance abuse problems.

Prevention of Workplace Violence Workshops

It is mandatory for all managers and supervisors to attend Prevention of Workplace Violence training. Information on the Prevention of Bullying and Workplace Violence Policy and Procedure, tools to recognize the signs of awareness and the resources available to manage these situations is discussed at length with attendees. Real-life scenarios and case studies are presented, and discussion is encouraged. Employees leave the discussion not only feeling empowered to manage these situations, but also knowing more about the policy and how to get assistance as needed.

Employee Benefits Handbook

The employee benefits handbook is provided to all new employees during orientation. The employee benefits handbook is also available to all employees on the Human Resources and Strategic Talent Management website.

The Drug and Alcohol Abuse Prevention Policy is published in the employee benefit handbook, along with community resources to address issues related to drug and alcohol abuse. New employees receive a summary of the College's drug-free workplace policy and sign a statement confirming they received it when they complete their packet of new hire paperwork.

The Commonly Used Drug (Table 1) at the end of this section contains a description of health risks associated with the use of illicit drugs and abuse of alcohol. A list of drug and alcohol resources and clinical services is also available. For more detailed information concerning Montgomery College programs for students and employees to prevent drug/alcohol abuse, please consult The Drug-Free Schools and Community Act Biennial Review located in the Health and Safety section at montgomerycollege.edu/heoa/.

Table 1:
Description of Health Risks Associated with the Use of Illicit Drugs and Abuse of Alcohol

HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS AND THE ABUSE OF ALCOHOL			
Substances (Commonly known as)	Short-Term Risks and Effects	Long-Term Risks and Effects	Overdose Risks and Effects
Alcohol (Beer, distilled liquor, ethanol, wine)	Impaired judgment or vision Lowered inhibitions Loss of motor skills Loss of coordination Slurred speech	Cardiovascular disease High blood pressure Liver Damage Neurologic Damage Toxic psychosis	Coma Possible death
Cannabis (Hash oil, hashish, grass marijuana, marijuana concentrates, pot, weed)	Confusion Euphoria Impaired balance Impaired coordination Memory loss Slowed reaction time Slowed thinking	Cardiovascular damage Frequent respiratory infections Impaired learning Impaired memory Increased heart rate Tolerance and addiction	Insomnia Hyperactivity Panic attack Paranoia Possible toxic reaction if combined with other chemicals
Depressants (Barbiturates, benzodiazepines (Valium, Xanax, Ativan), GHB (liquid Ecstasy), Special K, flunitrazepam, methaqualone)	Confusion Fatigue Feeling of well-being or irritability Lowered blood pressure Lowered inhibitions Poor concentration Reduced anxiety Sedation Slowed pulse and breathing Slurred speech	Anxiety Dizziness Hallucinations Insomnia Loss of peripheral vision Nausea Seizures Weak, rapid pulse Toxic psychosis Tremors	Blackouts Cold, clammy skin Coma Life-threatening withdrawal Possible death Respiratory depression or arrest Toxic reaction if combined with alcohol
Hallucinogens (Acid, crystal, LSD, MDA, mescaline, mushroom, PCP, peyote, phencyclidine, psilocybin, Ecstasy. MDMA, K2/Spine)	Altered state of perception Increased heart rate, body temperature, blood pressure Loss of appetite Nausea Numbness Sleepiness Tremors Weakness	Hallucinogen Persisting Perception Disorder (flashbacks) Intensifying of existing psychosis Violent behavior	Intense, prolonged hallucinations Possible sudden death Psychosis
Inhalants (gases, solvents)	Impaired judgment Headache Nausea Vomiting Poor coordination Slurred speech	Cardiovascular and nervous system damage leading to inability to walk, talk, think Cramps Depression Loss of muscle tone Memory impairment Mild withdrawal Muscle wasting and weakness Weight loss	Coma Possible sudden death Possible toxic reaction Unconsciousness
Narcotics (Codeine, heroin, hydromorphone, morphine, opium, oxycodone, Vicodin, methadone, fentanyl)	Confusion Constipation Drowsiness Euphoria Nausea Pain relief Sedation Staggering gait	AIDS and hepatitis infection risk Malnutrition	Clammy skin Coma Convulsions Possible death Respiratory arrest Shallow perspirations Tolerance, addition Toxic reaction if combined with alcohol
Stimulants (Amphetamine (Adderall), cocaine, Ecstasy, MDMA, Methylphenidate (Concerta, Ritalin), phenmetrazine	Appetite loss Excitement and euphoria Feelings of well-being Increased alertness Changes to blood pressure, pulse Insomnia	Insomnia Nervous system damage Organ or tissue damage Paranoia Psychosis Weight loss	Agitation Convulsions Hallucinations Heart attack, stroke High blood pressure Loss of consciousness Seizures Temperature increase
Tobacco (Chewing/smokeless tobacco, cigarettes, cigars, nicotine)	Bad breath Bad taste in mouth Decreased lung capacity Increased blood pressure Increased heart rate	Adverse pregnancy outcomes Cardiovascular disease Cancer	Possible death

Source: ***https://www.montana.edu/legalcounsel/compliance/daapp/index.html***

Drug and Alcohol Abuse Treatment Resources and Clinical Services for Montgomery College Students and Employees

National Hotlines	
American Addiction Centers **Substance abuse treatment and referrals, 24 hour** 800-ALCOHOL (252-6465)	**Suicide and Crisis Lifeline** Call or Text 988 https://988lifeline.org/
Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline 1-800-662-HELP (4357)	**Substance Abuse and Mental Health Services Administration (SAMHSA)** *Treatment Facility Locator* https://findtreatment.gov/
List of Treatment Resources, Clinical Services, and Self-Help Groups	
MC CARES Employee Assistance Program ***This service is for employees only*** Guidanceresources.com App: GuidanceNowSM 1-844-236-2668 TDD: 800-697-0353 Montgomery College Web ID: MCC Available 24 Hours a Day, 7 Days per Week Free to all Employees; Except Contractors	**Crisis Center** 1301 Piccard Drive Rockville, MD 20850 240-777-4000 Available 24 hours a day, 7 days per week
Every Mind 1000 Twinbrook Parkway Rockville, MD 20851 Phone: 301-424-0656 Crisis Hotline: 988 https://www.everymind.org/	**Montgomery County Department of Health and Human Services** *Access to Behavioral Health Services* 27 Courthouse Square, Suite 101 Rockville, MD 20850 240-777-1770 *Behavioral Health – Outpatient Addiction Services* 1500 East Gude Dr. Rockville, MD 20850 240-777-1680 www.montgomerycountymd.gov/hhs/
Avery House (Group) 14705 Avery Road Rockville, MD 20853 **Phone: 301-762-4651**	**Bilingual Counseling Center** 11236 Triangle Lane Wheaton, MD 20902 www.bilingualcounselingcenter.com/ **Phone: 301-942-7821**
Counseling Plus Inc. 8561 Fenton Street, Suite 230 Silver Spring, MD 20910	**Family Health Center Psychological Services** 6 Montgomery Village Ave., Suite 400 Gaithersburg, MD 20879

https://www.counselingplus.com/ **Phone: 301-565-9001**	http://www.fhcenter.com/ **Phone: 301-963-7222**
Journeys Adult Program 14703 Avery Road Rockville, MD 20853 **Phone: 301-294-4015**	**Kolmac Integrated Behavioral Health Phone: 1-888-521-7692** www.kolmac.com
Metro Counseling Service Inc. 20 Courthouse Square, Suite 217 Rockville, MD 20850 www.metrocounselingservices.com/ **Phone: 301-670-6161**	**Montgomery Recovery Services Inc.** 14636 Rothgeb Drive Rockville, MD 20850 **Phone: 301-762-5300**
Adventist Health Care Shady Grove Medical Center Behavioral Health 14901 Broschart Road Rockville, MD 20850 **Phone: 301-251-4500**	**MedStar Montgomery Medical Center Addiction and Mental Health Center** 18101 Prince Philip Drive Olney, MD 20832 https://www.medstarhealth.org/locations/outpatient-behavioral-health-medstar-montgomery **Phone: 301-774-8860**
Suburban Hospital Addiction Treatment Center Outpatient Services 6410 Rockledge Drive, Suite 150 Bethesda, MD 20817 www.hopkinsmedicine.org/substance-abuse-center/treatment/suburban **Phone: 301-896-2036**	**Suburban Hospital Behavioral Health** 8600 Old Georgetown Road Bethesda, MD 20814 **Phone: 301-896-2586** **301-896-3100**
Heroin and Opioid Awareness & Prevention Toolkit **Maryland State Department of Education** http://www.marylandpublicschools.org/Pages/heroinprevention/index.aspx	
Anonymous Resources	
Alcoholics Anonymous *Self-help group for alcoholic and alcohol abusers* 202-966-9115 (DC, MD, VA) www.aa-dc.org	**Narcotics Anonymous** Group for Narcotics Abusers 1-800-543-4670 DC and MD www.na.org

Local, State, and Federal Sanctions
Students and employees are subject to federal, state, and local laws for the possession, use, and distribution of illegal drugs. Federal law states that it is unlawful to possess controlled substances including cannabis, cocaine, LSD, PCP, heroin, designer drugs, etc. Possession and use of medical cannabis is a violation of the federal Controlled Substances Act, and compliance with Maryland state medical cannabis laws is not a legal defense to a violation of federal law. The U.S. Department of Justice (DOJ) has the authority to enforce federal cannabis laws, even in states with authorized medical cannabis programs. If the substance is cocaine, or contains a cocaine base, the penalty for simple possession is a fine and/or imprisonment from five to 20 years. Federal Law 21 USCA/sections 841 and 844 to 845a (1990).

For other illegal drugs, the penalty for simple possession is a fine of at least $1,000 and/or imprisonment up to three years. The penalties increase if the possession includes intent to manufacture, distribute, or dispense a controlled substance, especially if done near a public or private elementary, vocational, or secondary school or a public or private college or university. Additionally, any person who violates this law shall be liable for an amount up to $10,000 in civil penalties. Federal drug trafficking penalties are captured in (Table 2 and 3) at the end of this section.

The state of Maryland has its own laws dealing with distribution, manufacturing, and possession of controlled substances. Detailed information on the Maryland criminal statutes regarding drug law violations and penalties may be obtained at https://govt.westlaw.com/mdc. Federal and State drug laws are enforced in the local jurisdictions by local law enforcement.

An overview of the more common offenses:
Please note that although Maryland voters approved a ballot referendum in the 2022 General Election to allow recreational use of cannabis by adults age 21 and over starting July 1, 2023, the use and possession of cannabis remains illegal under the Federal Controlled Substances Act of 1970 and is, therefore, not permitted on College property or at College-sponsored activities under any circumstances.

Students and employees are subject to state and local laws for drinking and obtaining alcohol. It is illegal in the state of Maryland for any person under 21 to drink alcohol (1). It is also illegal for a person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them (2). It is also illegal in most situations to furnish alcohol to a person under 21 (3). The penalty is a fine of up to $2,500 for a first offense, and up to $5,000 for repeat offenses (4). Local alcohol laws for the jurisdictions where Montgomery College is located are primarily directed towards distribution, allowances and licensing etc. State underage drinking laws are enforced in the local jurisdictions by Montgomery College campus police officers or local law enforcement.

1. Md. Code Criminal Art. Section 10-114
2. Md. Code Criminal Art Section 10-113
3. Md. Code Criminal Art. Section 10-117
4. Md. Code Criminal Art. Section 10-121

Table 2: Federal Trafficking Penalties

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	**First Offense:** Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than $5 million if an individual, $25 million if not an individual. **Second Offense:** Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.	5 kgs or more mixture	**First Offense:** Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than $10 million if an individual, $50 million if not an individual. **Second Offense:** Not less than 15 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual. **2 or More Prior Offenses:** Not less than 25 years. Fine of not more than $20 million if an individual, $75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	

		PENALTIES
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	**First Offense:** Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine $1 million if an individual, $5 million if not an individual. **Second Offense:** Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	
Other Schedule III drugs	Any amount	**First Offense:** Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than $500,000 if an individual, $2.5 million if not an individual. **Second Offense:** Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than $1 million if an individual, $5 million if not an individual.
All other Schedule IV drugs	Any amount	**First Offense:** Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual. **Second Offense:** Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if other than an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	
All Schedule V drugs	Any amount	**First Offense:** Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual. **Second Offense:** Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual.

Source: ***https://www.dea.gov/sites/default/files/2024-12/2024-Drugs-of-Abuse-508.pdf***

Table 3: Federal Trafficking Penalties–Marijuana

FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than $10 million if an individual, $50 million if other than an individual.	Not less than 15 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than $20 million if an individual, $75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than $5 million if an individual, $25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than $8 million if an individual, $50 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine $1 million if an individual, $5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kg marijuana (except 50 or more marijuana plants regardless of weight); 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than $250,000, $1 million if other than an individual	Not more than 10 yrs. Fine $500,000 if an individual, $2 million if other than individual
Hashish (Schedule I)	10 kg or less	Not more than 5 yrs. Fine not more than $250,000, $1 million if other than an individual.	Not more than 10 yrs. Fine $500,000 if an individual, $2 million if other than individual
Hashish Oil (Schedule I)	1 kg or less	Not more than 5 yrs. Fine not more than $250,000, $1 million if other than an individual.	Not more than 10 yrs. Fine $500,000 if an individual, $2 million if other than individual

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is not less than 25 years imprisonment and a fine up to $20 million if an individual and $75 million if other than an individual.

Source: ***https://www.dea.gov/sites/default/files/2024-12/2024-Drugs-of-Abuse-508.pdf***

SECTION IX—HAZING PREVENTION AND STATISTICS

Montgomery College's Anti-Hazing Policy 42004 and Procedure 42004CP ensures the College's commitment to the health and safety of all students. Hazing presents a serious risk to the health and safety of students, is against state and federal law, and is strictly prohibited at the College. Please see the attachment in the appendix for the entire policy.

Hazing is defined as an intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons, regardless of the willingness of such other person or persons to participate, that is:

1. committed in the course of an initiation into an affiliation with, or the maintenance of membership in, a student organization; and
2. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

All members of the MC community must report known or suspected hazing incidents and are encouraged to make such reports promptly to maximize the College's ability to respond and take appropriate action, including obtaining evidence and conducting a prompt and equitable investigation.

Campus Security Authority personnel are considered mandatory reporters and must report known or suspected hazing incidents immediately upon learning of them.

Hazing incidents may be reported through any of the following means:

1. The Office of Public Safety at any location, or to any designated Campus Security Authority.
2. The Office of the Dean of Student Affairs at any location or **onlinenew window**.
3. The Title IX Coordinator in the Office of Compliance, Risk, and Ethics at 240-567-4279 or **HazingConcerns@montgomerycollege.edu**.
4. The College's confidential online reporting line, www.montgomerycollege.ethicspoint.com, or the toll-free confidential reporting line, 1-844-572-2198.

Students and/or student organizations found in violation of the Anti-Hazing policy are subject to disciplinary action in accordance with procedures set forth in the College policy 42001: Student Code of Conduct. Sanctions will be based on the circumstances and nature of the violation and include, but are not limited to, a warning, disciplinary probation, community service, participation in education programming, suspension, and dismissal from the College. Employees found in violation of this Policy are subject to action in accordance with the procedures for set forth in College policies 34002: Disciplinary Action and Suspension and 34003: Discharge of Administrators and Staff or, for bargaining unit members, the applicable procedures in the collective bargaining agreement.
Violations may be subject to criminal penalties pursuant to Maryland law. Additionally, the College reserves the right to refer violators to law enforcement authorities.

Campus Hazing Transparency Report Statistics
During the calendar year 2025, zero incidents of hazing were reported.

SECTION X— COLLEGE POLICIES AND PROCEDURES RELATED TO CLERY ACT

College Policies and Procedures

As mandated by the Clery Act and Campus SaVE Act, the following policies and procedures have been provided in the attachments at the end of this report.

Montgomery College Policies and Procedures

Policy	What does this policy tell?	Who does this policy apply to?
Attachment 1: Clery Crime Alert Notice and Incident Notification	Information required for a "Timely Warning" notification.	Office of Public Safety and Emergency Management
Attachment 2: 91005–Drug and Alcohol Abuse Prevention	Sanctions against students and employees that abuse illegal drugs or alcohol. Prohibition of illegal drugs or alcohol at MC	Students and Employees
Attachment 3: 21001– Sexual Misconduct	Definition of sexual misconduct (including sexual assault and sexual harassment). How to report sexual misconduct. Resources available to victims. Education made available to College community to reduce sexual misconduct. Sanctions against those committing sexual misconduct.	Students and Employees
Attachment 4: 21011–Prevention of Bullying and Workplace	Definition of workplace violence. Process for evaluating workplace violence threats. Sanctions against those threatening or creating workplace violence acts. Resources for victims of workplace violence.	Employees and Students
Attachment 5: 21002– Hate/Violence Activity	Definition of hate/violence activities. Education made available to College community to reduce hate/violence activities. Sanctions against those conducting hate/violence	Students and Employees
Attachment 6: 95005– Protection of Minors	Definition of child sexual abuse, including reporting requirements. Procedures for criminal background checks. Requirements for supervision of minors on campus.	Students, Employees, Visitors
Attachment 7: 42004– Anti-Hazing	Definition of Hazing Prevention of Hazing Reporting and Investigation for hazing incidents Violations and sanctions Transparency report	Students and Employees

ATTACHMENT I

CRIME ALERT TIMELY NOTICE AND INCIDENT NOTIFICATION

MONTGOMERY COLLEGE
Office of Public Safety, Health and Emergency Management

CRIME ALERT
In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Montgomery College posts crime alerts for serious crimes that occur within its Clery Act geography and that may pose an ongoing risk to members of the College community. Through crime alerts, the College seeks to encourage crime prevention and safety practices.

Date: Incident Number:

The content should include:

Date and Time of Incident
A brief description of the incident

Suspect description when appropriate, and if there is sufficient detail (If the only provided detail is race, for example, a description should NOT be included).

Other information as deemed appropriate by the campus Public Safety Manager

or his/her designee Police/Public Safety agency contact information

Information that will promote safety and potentially aid in the prevention of similar crimes (e.g. crime prevention or safety tips)

MONTGOMERY COLLEGE
Office of Public Safety, Health and Emergency Management

PUBLIC SAFETY ADVISORY

This is a Public Safety Advisory, not an official Clery Crime Alert. This notification is being sent to the College community to increase awareness of a possible risk and to encourage crime prevention and safety practices.

ATTACHMENT II

DRUG AND ALCOHOL ABUSE PREVENTION POLICY 91005 AND PROCEDURE 91005CP

POLICY Board of Trustees - Montgomery College **91005**

Chapter: Public Safety, Health, & Emergency Management Modification No. 001

Subject: **Drug and Alcohol Abuse Prevention**

I. The Board of Trustees is committed to the education of students, employees, and community members regarding substance abuse prevention, detection, and treatment services; to the continuation of a collegewide substance abuse prevention program and other ongoing efforts which foster such education; and to the maintenance of a drug-free environment throughout the College.

II. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited at Montgomery College.

III. College employees and students are subject to appropriate disciplinary action for violation of this policy, in accordance with College policies and procedures regarding employee discipline and discharge and in accordance with the student code of conduct.

IV. The President is authorized to establish procedures to implement this policy.

Board Approval: May 15, 1989

PROCEDURE - Montgomery College **91005CP**

Chapter: Public Safety, Health, & Emergency Management Modification No. 003

Subject: **Drug and Alcohol Abuse Prevention**

I. The College's Drug and Alcohol Abuse Prevention (substance abuse) program shall consist of the following:

A. Notification to all employees at the time of hire and annually thereafter through handbooks and other informational means:

1. Of the College's policy on drug and alcohol abuse prevention;
2. That the possession, use, or distribution of unlawful drugs and alcohol on its property or as part of any of its activities is prohibited;
3. That the College will impose disciplinary sanctions on employees for violations of the policy, up to and including discharge;
4. Of the availability of counseling services available through the Faculty/Staff Assistance Program;
5. Of the educational opportunities, online resources, and training programs available for all employees concerning the adverse effects of alcohol and drug abuse, addiction and prevention awareness, and the identification of behaviors and conduct that may be indicative of alcohol and drug abuse; and
6. Of the treatment options available locally.

B. Mandatory online training administered through the Office of the Senior Vice President for Student Affairs or designee for all incoming full-time students during orientation on heroin and opioid addiction and prevention awareness. All students will receive annual notification:

1. Of the College's policy on drug and alcohol abuse prevention;
2. Of the availability of counseling services and resources available concerning addiction and prevention awareness; and
3. Of the College's ability to impose disciplinary sanctions for violations of the policy.

C. Maintaining data on the number of reported cases of drug and alcohol-related violations to assist in determining the effectiveness of programs and activities offered;

D. Maintaining data on the number and type of sanctions imposed for violations of drug and alcohol-related violations for federal reporting purposes; and

E. Maintaining data on the number of incidents that required the use of overdose-reversing medication.

F. The Drug-Free Schools and Communities Act Amendments of 1989 (amends the Higher Education Act) requires the College to conduct a written biennial review which will be coordinated by the Office of Compliance, Risk and Ethics. The review is to determine the effectiveness of programs to implement any needed changes to the prevention program and to ensure that sanctions developed for violating standards of conduct are enforced consistently.

II. Standards of Conduct for Employees

A. Employees should report for work fit for duty and free of any adverse effects of illegal drugs or alcohol. This does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their physicians about the medication's effect on their fitness for duty and the ability to work safely and promptly disclose restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions to supervisors, but should do so to the HIPAA Privacy Official in the Office of Human Resources and Strategic Talent Management.

B. Employees may be required to undergo a medical examination pursuant to College Policy 31105-Medical Examinations when the employee's observable behavior creates a reasonable belief that the employee cannot perform the essential job functions or that the employee poses a threat to the health or safety of the employee or others, or to College property, as a result of the effects of drugs or alcohol.

C. The unlawful manufacture, sale, distribution, dispensing, possession or use of controlled substances, and the unlawful use or abuse (e.g., being intoxicated) of alcohol by anyone on College property (including any facilities leased or used by the College) or in College vehicles is prohibited. The use of alcohol by anyone under 21 years of age or the abuse of alcohol by anyone at any College sponsored or supervised activity off campus is also prohibited.

D. Notification of Criminal Conviction

1. As required by the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments, the Maryland Higher Education Commission's Policies Concerning Drug and Alcohol Abuse Control, and as a condition of employment, employees must abide by the terms of this procedure and notify the Office of Human Resources and Strategic Talent Management in writing, of any criminal drug statute conviction for a violation occurring on or off Montgomery College property, no later than five calendar days after such conviction. Lack of compliance with these requirements may subject the employee to immediate disciplinary action, up to and including discharge.

2. Upon receipt of notification of a conviction, the College will take the following actions as required by law:

   a. Notify the appropriate federal agencies of such convictions, and
   b. Take appropriate personnel action against the employee, up to and including discharge; and/or
   c. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

E. Consequences of Alcohol and Drug Abuse

1. The unlawful manufacture, distribution, use, sale, or possession (e.g., on the person or in a desk, or vehicle) of illegal drugs or of opened alcohol while on the job or on College leased or owned property is an offense punishable by discharge and may result in criminal prosecution. Any illegal drugs found will be turned over to the appropriate law enforcement agency.

2. The illegal use or abuse of alcohol on campus or as a part of any College activity whether on College leased or owned property is prohibited in accordance with all applicable Federal, State and local laws and the Drug and Alcohol Abuse Prevention Policy. In addition to possible prosecution under the aforementioned laws, employees who violate the prohibitions of this policy are subject to College imposed disciplinary sanctions consistent with applicable procedures and regulations. Sanctions may include, but need not be limited to, suspension, discharge, or referral to appropriate authorities for prosecution. Any disciplinary sanction imposed may also include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued employment.

III. Standards of Conduct for Students

A. Students are expected to abide by 42001 Student Code of Conduct. The unlawful manufacture, sale, distribution, dispensing, possession or use of controlled substances, and the unlawful use or abuse (e.g., being intoxicated) of alcohol by students on College property (including any facilities leased or used by the College) or in College vehicles is prohibited. The use of alcohol by anyone under 21 years of age or the abuse of alcohol by students at any College sponsored or supervised activity off campus is also prohibited.

B. Consequences of Alcohol and Drug Abuse

1. The unlawful manufacture, distribution, use, sale, or possession (e.g., on the person or in a desk, or vehicle) of illegal drugs or of opened alcohol while on College leased or owned property may result in criminal prosecution. Any illegal drugs found will be turned over to the appropriate law enforcement agency.

2. The illegal use or abuse of alcohol on campus or as a part of any College activity whether on College leased or owned property is prohibited in accordance with all applicable Federal, State and local laws and the Drug and Alcohol Abuse Prevention Policy. In addition to possible prosecution under the aforementioned laws, students who violate the prohibitions of this policy are subject to College imposed disciplinary sanctions consistent with applicable procedures and regulations. Sanctions may include, but need not be limited to, dismissal, suspension, disciplinary probation, community service, or referral to appropriate authorities for prosecution. Any disciplinary sanction imposed may also include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued enrollment.

3. The Dean of Student Affairs or designated instructional Dean of Workforce Development and Continuing Education should be informed

in writing about any situation that should be addressed through the formal disciplinary process. The faculty or staff member will provide the Dean of Student Affairs with a written summary of the facts or conduct on which the referral is based within 48 hours of the incident for appropriate and effective disciplinary process, which must include the date, time, place, and a description of the incident.

IV. Responsibility

A. The Office of Human Resources and Strategic Talent Management, Student Affairs, and the Office of Compliance, Risk and Ethics shall collaborate to make the Drug and Alcohol Abuse Prevention (substance abuse) program known and available to all employees and students and manage the procedural aspects of managing cases.

B. The Risk Management Coordinator is responsible for employee education and providing community resources on the topics of drugs and alcohol and for tracking and reporting the number of initiatives, programs and people attending to ensure programming is adequate to address the needs of employees.

C. The Vice President for Student Affairs, or designee, is responsible for educating students on the topics of drugs and alcohol and providing students with community resources and for tracking and reporting on the number of initiatives, programs and attendance to ensure programming is adequate to address the needs of students.

D. The Office of Public Safety and Emergency Management (PSEM) is responsible for developing guidelines regarding the training of appropriate College personnel on the administration of overdose-reversing medication in emergency situations. PSEM is also responsible for promulgating appropriate operational guidelines on the acquisition, storage, and distribution of overdose-reversing medication and providing reports, as directed, on each incident that required the use of an overdose-reversing medication.

E. The President, or designee, shall from time to time promote opportunities to educate the community regarding substance abuse prevention, detection, and available treatment options.

V. Emergency Situations Involving Possible Drug Overdoses

A. If anyone encounters the victim of what appears to be a drug overdose on College premises, including at off-site locations or any College-sponsored event:

1. Dial 911 immediately; and
2. Contact Campus Public Safety

B. The appropriate College and/or emergency personnel will assess the situation and administer overdose-reversing medication as appropriate.

C. Leave the immediate area If directed by appropriate College or emergency personnel until it is deemed safe to return.

D. Any member of the College community who administers an overdose-reversing medication to anyone on College premises, including off-site locations, or any College-sponsored event must report such incidents to the Director of Public Safety and Emergency Management.

Administrative Approval: June 24, 2013; November 3, 2017; February 13, 2018.

ATTACHMENT III

SEXUAL MISCONDUCT
POLICY 21001 AND PROCEDURE 21001CP

POLICY Board of Trustees - Montgomery College 21001

Chapter: General Administration Modification No. 005

Subject: **Sexual Misconduct**

I. Policy Statement

It is the policy of Montgomery College to establish and maintain an environment in which all members of the Montgomery College community can work or participate in College education programs and activities free from all forms of sexual misconduct. Sexual misconduct is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. In addition, some forms of sexual misconduct violate the criminal laws of the State of Maryland. Sexual misconduct in any form will not be tolerated by Montgomery College. The College will take immediate action to preserve and restore equal educational access when the College has actual knowledge of sexual misconduct.

II. Definitions

For purposes of this Policy, "sexual misconduct" is an umbrella term that encompasses various types of prohibited conduct, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking. The President is authorized and directed to establish procedures to define other terms relevant to this Policy, including but not limited to: "sexual harassment", "sexual assault", "domestic violence", "dating violence", and "stalking".

III. Applicability

All students and employees of the College must comply with this Policy. Sexual misconduct is prohibited between students, between employees, between students and employees, and by students or employees against contractors, vendors, or other individuals whose relationship to the student or employee is through the College's facilities, programs or activities. Similarly, the College will not tolerate sexual misconduct by College contractors, vendors, or other third parties, including visitors and guests to the College whose relationship to the victim is through the College's facilities, programs, or activities. This Policy applies regardless of the sex, sexual orientation, or gender identity of either the perpetrator or the victim of the sexual misconduct. This Policy applies to sexual misconduct (i) that occurs on College premises, including any property owned or leased by the College (including College buses) or that the College has permission to occupy for purposes of conducting a College-sponsored program or event; (ii) that occurs in connection with any College-sponsored, College-recognized, or College-approved activities within the United States (e.g., off-campus education programs and activities such as College-sponsored field trips, athletic team travel, and events for officially recognized College clubs that occur off-campus, and social activities for employees sponsored by the College or relating to the business of the College); (iii) that occurs during business travel in the United States or otherwise in connection with College-related business; or (iv) sexual harassment on- or off-campus during any college-sponsored activity that impacts equal educational opportunity or access. All incidents of sexual misconduct should be reported so that the College may determine whether the conduct falls within the scope of this Policy.

IV. Reporting and Confidentiality

All members of the Montgomery College community may report allegations of sexual

misconduct at any time, but are encouraged to make such reports promptly in order to maximize the College's ability to respond and take appropriate action, including to obtain evidence and to conduct a prompt and equitable investigation.

Students may report alleged sexual misconduct to the Title IX Coordinator or to any "Mandated Reporter," which includes any College administrator, supervisor, faculty member, public safety officer, coach, or trainer. Employees and other members of the College community may report sexual misconduct to the Title IX Coordinator or the Director of Employee and Labor Relations, and employees may also report sexual misconduct to their supervisor. A Mandated Reporter, the Director of Employee and Labor Relations, and any other employee who receives a report of sexual misconduct must promptly relay such report to the Title IX Coordinator. No employee is authorized to investigate or resolve reports of sexual misconduct without the involvement of the Title IX Coordinator.

The College's designated Title IX Coordinator can be reached by email at TitleIX@montgomerycollege.edu.[1] The Title IX Coordinator is available to meet on any campus by appointment. Members of the College community may contact the Title IX Coordinator in order to seek information about courses of action available to resolve reports or complaints that involve sexual misconduct; to file a formal complaint; to get information about available resources and supports services available to victims of sexual misconduct; and, to ask any questions concerning College Policies and Procedures relating to sexual misconduct.

Certain College employees will be designated Confidential Resources for purposes of this policy. Confidential Resources are not considered to be Mandated Reporters – that is, upon receipt of a report of alleged sexual misconduct, Confidential Resources are not required to notify the Title IX Coordinator. An individual seeking support or guidance with respect to an alleged incident of sexual misconduct may contact any Confidential Resource, who will normally keep private the individual's identity and any other information concerning the incident.

The College recognizes that allegations of sexual misconduct are a sensitive subject for all parties involved and is committed to maintaining the privacy of the parties involved to the fullest extent possible, consistent with applicable law and the need for investigation and resolution. The College, through the Title IX Coordinator, may sign a formal complaint to initiate the investigation and formal resolution process even when the individual making a report of sexual misconduct requests anonymity or requests that no action be taken. Thus, absolute confidentiality cannot be guaranteed. In all cases, the College will take care to protect the identity of the parties through processes that provide for discussion of the allegations only among those who have a legitimate administrative, investigative, or legal need to know.

V. College Aid to Victims of Sexual Misconduct

The President is authorized and directed to establish procedures to provide victims of

[1] The President is authorized to change the designation of the Title IX Coordinator by a procedure that provides the name and contact information of the Title IX Coordinator similar to the information provided in this Policy. Upon adoption of the procedure with this information and the posting of notice of the change to the College's web site, this Policy may be modified by direction of the President to substitute the new information about the Title IX Coordinator without the need for further action of the Board of Trustees.

sexual misconduct with reasonable accommodations (e.g., changes in academic, transportation and/or working situations) and/or supportive measures that will be made available upon a report of sexual misconduct to a victim of sexual misconduct, regardless of whether the victim chooses to report the sexual misconduct to campus security or local law enforcement.

VI. Investigation

All reports of sexual misconduct will be taken seriously and investigated as appropriate. The President is authorized and directed to establish procedures for the investigation of such reports, which shall provide for a prompt, thorough, and impartial process.

VII. Time Frame

The College strives to investigate all complaints within sixty (60) days after the filing of a complaint. Actual resolution time may vary depending on many factors, including but not limited to, the complexity of the investigation and the severity and extent of the alleged misconduct.

VIII. Sanctions

It is presumed that a Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Individuals found to have committed sexual misconduct in violation of this Policy will be subject to disciplinary action in accordance with applicable College policies and procedures and/or collective bargaining agreements.

Employees found in violation of this Policy are subject to disciplinary action in accordance with the applicable College policies and procedures for disciplinary action and discharge (34002 and 34003), or, for bargaining unit members, the applicable procedures in the collective bargaining agreement. Sanctions will be based on the circumstances and nature of the violation, ranging from a reprimand up to and including termination of employment. Students found in violation of this Policy are subject to disciplinary action in accordance with procedures set forth in the Student Code of Conduct (42001). Sanctions will be based on the circumstances and nature of the violation and include, but are not limited to, a warning, disciplinary probation, community service, participation in sexual misconduct education programming, suspension and dismissal from the College. In the event of sexual misconduct by a third party against a College student or employee, the College will take appropriate action within its control to address the misconduct and prevent its recurrence, including but not limited to, referring to local law enforcement to issue a “No Trespass” notice denying access to the College’s buildings and grounds.

As required or appropriate, parties will be informed of the outcome of any resolution process based on a violation of this Policy.

Persons who commit sexual misconduct in violation of federal, state, or local law may also be subject to criminal charges and penalties as a result of related legal proceedings.

IX. Evidentiary Standard

In any investigation and/or disciplinary proceeding concerning an alleged violation of this Policy, the finding will be determined by a preponderance of the evidence. The burden of collecting evidence and proving a violation of policy is the responsibility of the College

and not the individuals.

X. Good Faith Reporting

Allegations of sexual misconduct are extremely serious, with potential for great harm to the accused if ill-conceived or made with malice. An individual found to have knowingly filed a false allegation may be subject to separate appropriate disciplinary action. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct.

XI. Retaliation

The College prohibits retaliation by anyone in the College community against an individual because the individual reports or complains about sexual misconduct or participates in the College's investigation or proceedings related to an allegation of sexual misconduct. When the College is aware of possible retaliation, it will take immediate and appropriate steps to investigate. Students or employees who commit retaliation in violation of this Policy are subject to appropriate disciplinary action. The Complainant or participants in any report or investigation of sexual misconduct who believe they have experienced retaliation in violation of this Policy should immediately report such conduct to the Title IX Coordinator.

XII. Education

Education is a key element of this Policy. Notice of this Policy will be provided to all students during admissions and all employees during onboarding. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Sexual Misconduct Policy and Procedures. Sufficient periodic training will be conducted for Mandated Reporters and for those involved in the investigation and resolution of complaints and appeals, as determined by the President. Records and verification of all training will be maintained by the Title IX Coordinator and published on the Title IX website. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to prevent sexual misconduct, promote safety, and reduce perpetration. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, students, and other members of the college community, including contractors, about the proper way to recognize and address complaints involving a violation of this Policy; (d) preventing issues that this Policy addresses, and; (e) identifying the necessary steps for preventing sexual misconduct and addressing its effects.

XIII. The President is authorized and directed to establish procedures to implement this Policy.

Board Approval: December 15, 2014; September 21, 2015; June 17, 2019 (Administrative correction); June 22, 2020; January 25, 2023

PROCEDURE - Montgomery College **21001CP**

Chapter: General Administration Modification No. 007

Subject: **Sexual Misconduct**

I. Introduction

A. Montgomery College is committed to establishing and maintaining an environment in which all members of the Montgomery College community can work and participate in College education programs and activities free from all forms of sexual misconduct, as defined in Section II below. Sexual misconduct will not be tolerated and the College will consider any violation as a significant act of misconduct that will result in disciplinary action. When made aware, the College will take immediate action to stop the misconduct, prevent its recurrence, and remedy its effects. The resolution processes described herein relating to reports of sexual misconduct will be prompt, thorough, and impartial and provide a meaningful opportunity for each party to be heard. The process will be conducted by College officials who, at minimum, receive annual training on issues related to sexual misconduct.

B. Complainant and Respondent Rights

1. Treatment with dignity, respect, and sensitivity by the official of the College during all phases of the disciplinary process.

2. A fair and impartial investigation.

3. Disciplinary proceedings and resolutions that are prompt and equitable and provide an opportunity for the complainant and respondent to be heard, including the provision of a live hearing.

4. Availability of Supportive Measures, regardless of whether a formal complaint is filed.

5. Timely written notice of:

   a. The reported violation, including date, time, and location of the alleged violation;
   b. The availability of informal resolution options;
   c. The range of potential sanctions associated with the alleged violation;
   d. The parties' rights and responsibilities under the sexual misconduct policy and information regarding other civil and criminal options;
   e. The date, time, and location of each hearing, meeting, or interview that the parties are required or permitted to attend;
   f. A final determination made by the College regarding whether or not a violation occurred and the basis for the determination;
   g. Any sanction imposed; and
   h. The right to appeal and a description of the appeal process.

6. Participation in the disciplinary proceedings, including:

a. Access to the evidence regarding the incident obtained by the College during the investigation or considered by the College, with personally identifiable or other information redacted as required by applicable law;
b. Offering testimony during the proceedings;
c. Submitting evidence, witness lists, and suggested specific questions to be posed to the other party(ies) involved in the disciplinary proceedings;
d. Providing and reviewing testimony electronically or in a way in which the parties are not required to be in the physical presence of the other;
e. Reviewing and providing written responses to the investigation report; and
f. Appealing a determination or sanction.

C. Nothing in this Procedure shall supersede the legal obligations of a College employee or the College to comply with mandatory reporting laws, such as those applicable to sexual or other abuse of minors. In all cases, College employees and the College will comply with Montgomery College Policy 91003-Protection of Minors.

II. Applicability

Sexual misconduct is prohibited between students, between employees, between students and employees, and by students or employees against contractors, vendors, or other individuals whose relationship to the student or employee is through the College's facilities, programs, or activities. Similarly, the College will not tolerate sexual misconduct by College contractors, vendors, or other third parties, including visitors and guests to the College, whose relationship to the victim is through the College's facilities, programs, or activities.

A. These procedures apply regardless of the sex, sexual orientation, or gender identity and expression of either the perpetrator or the victim of sexual misconduct.

B. These procedures apply to sexual misconduct that:

1. occurs on College premises, including any property owned or leased by the College (including College vehicles) or that the College has permission to occupy for purposes of conducting a College-sponsored program or event;

2. occurs in connection with any College-sponsored, College-recognized, or College-approved activities within the United States (e.g., off-campus education programs and activities such as College-sponsored field trips, athletic team travel, and events for officially recognized College clubs that occur off campus, and social activities for employees sponsored by the College or relating to the business of the College);

3. occurs during business travel within the United States or otherwise in connection with College-related business; and,

4. sexual harassment on or off campus in any College program or activity

that impacts equal educational access.

C. All incidents of sexual misconduct should be reported so that the College may determine whether the conduct falls within the scope of the Policy and may respond appropriately under these procedures.

III. Definitions

The following capitalized defined terms are used throughout the Procedure:

A. Advisor – A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.

B. Complainant - refers to an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

C. Confidential Resource – specific College employees whose role under this procedure is limited to providing confidential support and guidance to any individuals who wish to discuss alleged incidents of sexual misconduct. Confidential resources are specific College employees who are not considered to be Mandated Reporters and therefore are not required to notify the Title IX Coordinator (or alternatively, if the sexual misconduct is by or against an employee, the Director of Employee and Labor Relations) upon receipt of a report of sexual misconduct.

D. Consent – a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make rational, reasonable judgment can give Consent. Consent may be expressed either by words and/or by actions as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that they have consent from the other party, and that the other party is capable of providing consent.

1. Lack of protest or resistance is not consent, nor may silence, in and of itself, be interpreted as consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding.

2. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

3. Previous relationships, including past sexual relationships or prior consent cannot imply consent to future sexual acts.

4. Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.

5. In order to give effective consent, one must be of legal age, as defined by applicable Maryland law.

Sexual activity that is forced or coerced is by definition non-consensual. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure used to obtain consent. Frequency, intensity, isolation, and duration of the behavior will be considered in making a determination of whether coercion occurred. When a party makes clear that they do not want to engage in sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercing someone into sexual activity violates this Policy in the same way as physically forcing someone into sex.

It is a violation of Policy 21001 to engage in sexual activity with someone whom one knows to be ─ or based on the circumstances should reasonably have known to be ─ mentally or physically incapacitated. To be incapacitated means that a person's decision-making ability is impaired such that they lack capacity to understand the "who, what, where, why, or how" of their sexual interaction. Incapacitation may result from sleep or unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, or the influence of drugs or alcohol.

E. Corrective Action – action(s) recommended by the Hearing Officer in consultation with appropriate administrator to be taken to sanction the Respondent and provide appropriate remedies to the Complainant, if the Hearing Officer concludes that there has been a violation of the College's Sexual Misconduct Policy.

F. 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 on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

G. Domestic violence – encompasses a broad range of behaviors, including Sexual Assault, physical abuse and other forms of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Maryland.

H. Formal Complaint – a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of

sexual harassment. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator, or through the Sexual Misconduct Report form.

I. Formal Resolution – one of several available routes for resolution of allegations of sexual misconduct under this Procedure. Formal Resolution involves a prompt, fair, and impartial fact-finding Investigation and live hearing.

J. Incapacitated - an individual who is Incapacitated is unable to give Consent to sexual contact. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the prime causes of Incapacitation. However, a person is not incapacitated merely because they have been drinking or using drugs. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

1. making decisions about the potential consequences of sexual contact;
2. appraising the nature of one's own conduct;
3. communicating Consent to sexual contact; or
4. communicating unwillingness to engage in sexual contact.

K. Informal Resolution – a remedies-based, non-judicial style approach designed to address allegations of sexual misconduct without taking disciplinary action against a Respondent. Informal Resolution may not be appropriate for resolving allegations of some types of sexual misconduct.

L. Initial Title IX Intake– an assessment, conducted by the Title IX Coordinator upon receipt of a report of an alleged violation of Policy 21001 - Sexual Misconduct, to provide an integrated and coordinated response to a report of sexual misconduct.

M. Supportive Measures – individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

N. Investigation – a prompt and thorough process for providing a fair and reliable means of gathering relevant and factual information in the course of Formal Resolution.

O. Investigator – the College official, or designee, responsible for conducting investigations of reports of sexual misconduct. The College may engage internal or external individuals who are trained to conduct the resolution processes described in these procedures.

P. Hearing Officer - is a "presiding officer" in a full hearing for the purpose of conducting a full adjudicative proceeding under this policy.

Q. Mandated Reporter - College employees who have the responsibility to notify the Title IX Coordinator when they are made aware of a student or employee experiencing sexual misconduct. Mandated Reporters do not have the Authority to implement corrective action or resolve a report of sexual misconduct.

For student Complaints, Mandated Reporters are:

- Instructional Faculty and Faculty Department Chairs,
- Coaches,
- Athletic trainers,
- Administrators (including but not limited to the Title IX Coordinator),
- Campus Public Safety Officers, and

For employee Complaints, Mandated Reporters are:

- Administrators (including but not limited to the Title IX Coordinator and the Director of Employee Relations, Diversity, and Inclusion),
- Supervisors, and
- Campus Public Safety Officers

R. Respondent – refers to an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

S. Retaliation – Intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privilege secured by title IX..

T. Sexual Assault – An offense that meets the definition of rape, non-consensual sexual contact, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- 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, without the consent of the victim.
- Nonconsensual Sexual Contact (previously referred to as Fondling)[2]: The intentional touching of the clothed or unclothed body parts of the Complainant by the Respondent without the consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation. Or the intentional touching by the Complainant of the Respondent's clothed or unclothed body parts without consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

U. Sexual Harassment – Conduct on the basis of sex that satisfies one or more of

[2] This definition is not taken from the FBI Uniform Crime Reporting (UCR) system verbatim. The College has substituted "complainant" for "victim." The College also changed the term from Criminal Sexual Contact to Nonconsensual Sexual Contact with a parenthetical reference to the term Fondling, which NIBRS updated in 2025 guidance documents. These are liberties the College thinks are important to take with respect to the federal definitions.

the following:

1. An employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct; or

2. unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

3. any instance of sexual assault, dating violence, domestic violence, or stalking.

V. Sexual Misconduct – is an umbrella term that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Harassment, Sexual Assault, and Stalking. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by any person, regardless of gender identity, and can occur between people of the same or different sex, sexual orientation, or gender expression.

W. Support Person - an individual age eighteen (18) or older who is not a Complainant or Respondent to the alleged misconduct and who serves as a silent and non-participating presence during any part of the processes under this Procedure. The role of the Support Person is solely to observe and provide moral support to a Complainant or Respondent in a way that does not disrupt or delay the process.

X. Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

Y. Third-Party Witness - an individual who may have relevant direct or circumstantial knowledge or information about the alleged misconduct.

Z. Title IX Coordinator – the College administrator who oversees the College's centralized review, investigation, and resolution of reports of sexual misconduct. The Coordinator also oversees the College's overall compliance with Title IX. The Title IX Coordinator is responsible for:

1. providing oversight of the investigation and resolution of all reports of sexual misconduct;

2. recommending updates to the College's policies and procedures related to sexual misconduct;

3. designing and/or providing or overseeing training on sexual misconduct and the implementation of the College's 21001 - Sexual Misconduct Policy and Procedure;

4. advising any individual, including a Complainant, a Respondent, or a third party, about the courses of action available at the College, both informally and formally, and in the community;

5. implementation of supportive measures

6. providing assistance to any College employee or student regarding how to respond appropriately to a report of sexual misconduct;

7. monitoring full compliance with all procedural requirements and time frames outlined in this Procedure; and,

8. training, prevention, and education efforts and periodic reviews of climate and culture.

The College's current Title IX Coordinator is:

Sarah Martin
9221 Corporate Blvd.
Rockville, MD 20850
240-567-4279
TitleIX@montgomerycollege.edu

IV. Confidential Resources

Generally, it is not confidential when a person reports Sexual Misconduct. If a person desires to keep an incident of Sexual Misconduct confidential, they should speak with individuals who have professional or legal obligations to keep communications confidential. When seeking advice and support, persons should always consider whether they want to discuss their concerns with a confidential resource. Unless there is an imminent threat to health or safety or other basis for disclosure, such as child abuse, confidentiality applies when persons seek services from the following resources.

A. Internal Confidential Reporting

1. Certain College employees have been deemed Confidential Resources for purposes of this Procedure:

a. For Students (contact a counselor directly):

Rockville Counseling Department
240-567-5063 or 240-567-4104

Germantown Counseling Department
240-567-7734

Takoma Park/Silver Spring Counseling Department
240-567-1480

b. For Employees:

Office of the Ombuds
240-687-6199
ombuds@montgomerycollege.edu

2. Confidential Resources may need to make reports or a disclosure as required by the Jeanne Clery Act. Such reporting for purposes of the Clery Act does not require a Confidential Resource to reveal an individual's identity.

3. Discussing an alleged incident of sexual misconduct with a Confidential Resource will not lead to an investigation or resolution of the incident. Confidential Resources do not have the authority to establish supportive measures or take corrective action.

B. External Confidential Reporting

Individuals who are seeking information and support may also contact the following organizations. Please note, however, that disclosures or reports made to any of these organizations may *not* be required to be kept confidential as a matter of law.

1. Resource for Employees

Faculty Staff Assistance Program
1-800-935-9551 (24-hour hotline)
1-800-855-288 TTY

2. Community Resources for Students and Employees

Montgomery County Victim Assistance and Sexual Assault Program (VASAP)
1301 Piccard Drive, Suite 4100
Rockville, MD 20850
240-777-4357 (24-hour crisis hotline)
240-777-1347 TTY

V. Reporting Sexual Misconduct

The College encourages all individuals to make a report to the College and to local law enforcement whenever a crime may have been committed. The College will assist Complainant who wish to report sexual misconduct to law enforcement authorities. Reports to law enforcement and reports to the College can be pursued simultaneously.

A. Emergency Situations

1. If there is an immediate threat, if possible and necessary go to a safe location, and if injured, seek immediate medical attention.

2. Call 911 first, then call 240-567-3333 or go to the nearest Office of Public Safety:

a. Germantown Campus Public Safety
282 Science and Applied Sciences (SA) Building

b. Rockville Campus Public Safety
101 Counseling and Advising (CB) Building

c. Takoma Park/Silver Spring Public Safety
117 Charlene Nunley Student Services (ST) Building

B. Internal Reporting

1. A report of sexual misconduct may be made at any time. Members of the College community are encouraged to make reports promptly in order to maximize the College's ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, fair, and equitable investigation.

a. Students may report alleged sexual misconduct:

i. to the Title IX Coordinator in person, by mail, or electronic mail;
ii. to any other Mandated Reporter, as defined in Section III; or
iii. through the online Formal Sexual Misconduct Report Form

b. Employees and other members of the College community who are not students may report sexual misconduct:

i. to the Title IX Coordinator in person, by mail, or electronic mail;
ii. to the Director of Employee and Relations;
iii. to any other Mandated Reporter, as defined in Section III; or
iv. through the online Sexual Misconduct Report Form.

c. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

d. When the College has knowledge of sexual harassment, but the Complainant has chosen to not file a formal complaint, the Title IX Coordinator may sign a formal complaint initiating the formal resolution process. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during the resolution process.

2. Upon receiving a report, the College shall immediately inform the Complainant of available options about the involvement of law enforcement, including the Complainant's option to:

a. notify law enforcement authorities, including the campus Public Safety and local police;

b. decline to notify such authorities; and

c. be promptly assisted by the College, at the victim's request, in notifying local law enforcement authorities and in obtaining appropriate medical attention, including arranging transportation to the nearest hospital equipped with the Maryland State Police sexual assault evidence collection kit. In Montgomery County, the only facility equipped with the Maryland State Police sexual assault evidence collection kit (SAFE) and specially trained forensic nurses is:

Shady Grove Adventist Hospital
Forensic Medical Unit
9901 Medical Center Drive
Rockville, MD 20850

This is the best option to ensure preservation of evidence that may assist in proving that a criminal offense occurred or may be helpful in obtaining a protection order.

3. The College will provide support that can assist each Complainant in making decisions about whether or not to request any particular course of action. To the extent possible and reasonable, the College will respect a Complainant's autonomy in deciding how to proceed. In this process, the College will balance the Complainant's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

4. Safe Harbor

To encourage reporting, an individual who reports sexual misconduct, either as a Complainant or a Third-Party Witness, will not be subject to disciplinary action by the College for a violation of the College's alcohol or drug use policies if:

a. The violation occurred during or near the time of the alleged sexual misconduct violation;
b. The individual is determined to have made the report or is participating in an investigation as a witness in good faith; and
c. 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.

The College may, however, initiate an educational or employment discussion or pursue other remedies regarding alcohol or other drugs.

5. Obligations of "Mandatory Reporters"

A Mandatory Reporter must promptly notify the Title IX Coordinator of any report of Sexual Misconduct brought to their attention, including

Public Safety. The Title IX Coordinator works collaboratively with the reporting entity, making every effort to operate with discretion and maintain the privacy of the individuals involved. The Mandatory Reporter is not authorized to take corrective action.

C. External Reporting

In addition, members of the College community may also report instances of sexual misconduct to applicable federal, state, or local government agencies responsible for enforcing laws prohibiting sexual harassment against students or employees. For more information please contact:

U.S. Department of Education
Office for Civil Rights
800-421-3481
OCR@ed.gov

Montgomery County Office of Human Rights
Compliance Section
240-777-8450
Human-Rights.Administration@montgomerycountymd.gov

D. Retaliation

The College prohibits retaliation by anyone in the College community against an individual because the individual reports sexual misconduct or participates in the College's processes related to an allegation of sexual misconduct as described in this Procedure. When the College is aware of possible retaliation, it will take immediate steps to investigate. Students or employees who commit retaliation in violation of Policy 21001 are subject to appropriate disciplinary action. A Complainant or other participant in any proceedings described in this Procedure who believes they have experienced retaliation in violation of Policy 21001 should immediately report such conduct to the Title IX Coordinator.

VI. Resolution Process

A. Initial Title IX Assessment

1. The College will meet with the Complainant to conduct an Initial Title IX Assessment when made aware of an allegation. For allegations involving students, the Title IX Assessment will be conducted by the Title IX Coordinator. For allegations involving employees, the Title IX Assessment will be conducted by the Director of Employee and Labor Relations. The Initial Title IX Assessment will:

   a. Assess any immediate threats to the safety of the Complainant and the College community;

   b. Inform the Complainant of their right to seek medical treatment and report to law enforcement;

   c. Provide supportive measures to ensure equal educational access;

d. Determine whether the allegation could be a possible violation of the Sexual Misconduct policy

e. Provide the Complainant a copy of the Sexual Misconduct Policy and information on any College and community resources;

f. Discuss adjudication options and procedures for resolution;

g. Inquire about the Complainant's expressed preference regarding confidentiality and resolution, including any request that no further action be taken; and

h. Determine next steps, including possibility of informal resolution, initiation of a formal investigation, no cause, referral to appropriate disciplinary process, or referral for timely warning under the Clery Act.

2. Dismissal (Mandatory and Discretionary)

The College must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

a. The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined above, even if proved
b. The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College does not have control of the Respondent
c. The conduct did not occur against a person in the United States
d. At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in the College's education program or activity, and based on the available information, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf of the College

The College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
b. The Respondent is no longer enrolled in or employed by the College
c. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal.

3. Allegations Made by a Third-Party Witness

a. Any person may report sexual misconduct whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual misconduct, in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

b. If a report has been made by a Third-Party Witness or other individual with knowledge of sexual misconduct but no report has been made by the individual against whom the violation is alleged to have been committed, the Title IX Coordinator will contact the individual against whom the violation is alleged to have been committed.

c. The Title IX Coordinator will provide the individual an opportunity to make a formal complaint, review supportive measures, and to become a Complainant for purposes of this Procedure.

d. The individual is not obligated to make such a report or to participate in the Initial Title IX Assessment or any subsequent processes.

e. In addition, the individual may request that the College not investigate or take any action against the Respondent.

B. Supportive Measures

As part of the Initial Title IX Assessment, the College will make an immediate assessment of whether supportive measures are appropriate based on the particular circumstances. The College will treat complainants and respondents equitably, meaning that for a complainant, the College will offer supportive measures, and for a respondent, the College will follow the adjudication process before imposing disciplinary sanctions. These steps ensure the restoration or preservation of equal educational access of the parties, protect safety, and deter sexual harassment without unreasonably burdening the other party. Supportive measures are available to both parties and to the Complainant, regardless if a formal complaint is filed. When deemed in the best interests to protect the parties and the College community, the following interim remedies can be implemented with proper notice to both parties where appropriate:

a. Providing information on available medical services;

b. Access to counseling services and assistance in setting up initial counseling appointment, both on- and off-campus;

c. Imposition of campus "No Contact Letter" (i.e., an official College directive that serves as a notice to an individual that they must not have verbal, electronic, written, or third-party communications with another individual);

d. Change in work schedule or job assignment or reassignment to other work group/team, or an alternative supervisor/management relationship;

e. Limit an individual or organization's access to certain College facilities or activities pending resolution of the matter;

f. Voluntary leave of absence;

g. Providing an escort to ensure safe movement between classes and activities;

h. Rescheduling of assignment(s) and/or examination(s) (in consultation with appropriate faculty);

i. Providing alternative course completion options (with the agreement of the appropriate faculty);

j. Change in class schedule, including the ability to take an "incomplete," drop a course without penalty, or transfer sections (with the agreement of the appropriate faculty);

k. Providing academic support services, such as tutoring;

l. Any other remedy that can be tailored to protect the parties and achieve the goals of this policy; and

m. Where a respondent poses an immediate threat to the physical health or safety of the complainant or the campus community, emergency interim withdrawal or College-imposed leave:

   i. For students, emergency interim withdrawal pursuant to Campus Behavioral Intervention Teams - 42002; or

   ii. For employees, College-imposed leave pursuant to Disciplinary Action and Suspension - 34002.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns.

All individuals are encouraged to report to the Title IX Coordinator concerns about failure of another individual to abide by any restrictions imposed by a supportive measure. The College will take immediate and responsive action to

enforce the measure.

C. Grievance Process

The College resolves sexual misconduct complaints in one of two ways: informal resolution and formal resolution.

1. Informal Resolution – includes a variety of informal options for resolving reports.

2. Investigation and Formal Resolution – includes an investigation, review, live hearing, outcome determination, and sanctions, if applicable.

D. Informal Resolution

The informal resolution process may be used at any point prior to reaching a determination of responsibility as long as a formal complaint has been filed and an employee is not the respondent. The College may use mediation or other informal mechanisms for resolving complaints related to a complaint alleging violation of this policy if:

1. All parties provide voluntary, written consent to use the informal process;
2. The College participates in the informal resolution by providing trained staff;
3. The alleged misconduct does not involve sexual assault or sexual coercion; and
4. All parties are provided with a written notice that includes:
   a. The allegations.
   b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations.
   c. At any time prior to agreeing to a resolution, the right of any party to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
   d. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
   e. For the purposes of this procedure, a student employee is not considered an employee for purposes of informal resolution.

E. Investigation of a Formal Complaint

1. An investigation/formal resolution begins with the filing of a formal complaint by the Complainant or Title IX Coordinator.

2. The College shall initiate a prompt, thorough, and impartial Investigation to gather relevant information. Any subsequent disciplinary proceedings and resolutions shall be prompt and equitable and provide an opportunity for the Complainant and Respondent to be heard.

3. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert

information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

4. A Notice of Investigation will be issued to both parties within ten (10) business days upon determination by the Title IX Coordinator that the alleged offense is within scope of the Policy and will include the following:

    a. Summary of the allegation, including time, date, and location of the alleged violation;
    b. Potential violation(s) of Policy 21001 – Sexual Misconduct;
    c. List of possible sanctions that may be imposed upon a finding that a violation has occurred;
    d. The identity of the Investigator (and any applicable assistant);
    e. Available College and community resources and services;
    f. Invitation for both parties to submit a written statement and identify any third-party witnesses with information relevant to the complaint;
    g. The rights and responsibilities of each party
        i. statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the formal resolution process;
        ii. a statement that the parties may request to see and review evidence collected in an investigation.
        iii. The right to a Support Person and an Attorney or Non-Attorney Advisor, and the roles of such persons;
    h. Availability and possibility of criminal and civil court options;
    i. An outline of the process, including the contact information for the investigator and any required meetings that may be required; and
    j. The College’s prohibition against retaliation.

5. The Investigation will be conducted by an investigator (internal or external) who is trained on the definition of sexual harassment under Title IX regulations, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, bias, and issues of relevance to create an investigative report that fairly summarizes relevant evidence..

6. An investigation typically contains the following elements:

    a. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the respondent.
    b. Complete the investigation promptly and without unreasonable deviation from the intended timeline.

c. Conduct interviews with the Complainant and Respondent to gather facts about the allegation.
d. Allow each party the opportunity to suggest witnesses and offer potential questions to consider asking to help uncover relevant facts related to the allegation.
e. Interview all available relevant witnesses and conduct follow-up interviews as necessary.
f. If and when additional material alterations to allegations arise, communicate this promptly to the parties. This notice will provide the parties with a summary of the additions or alterations of the allegations, as well as any changes to the policies implicated.
g. Provide the parties and witnesses an opportunity to review and verify the investigator's summary notes from their respective interviews and meetings.
h. Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence, copies of which are to be included in an appendix to the report.
i. At the conclusion of the investigation, provide the parties and their respective advisors (if so desired by the parties) a copy of the draft investigation report.
j. Provide the parties with an equal opportunity to inspect and review the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a responsibility determination, so that each party may meaningfully respond to the evidence.
k. Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten (10) calendar-day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days.
l. Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
m. Incorporate any relevant feedback and share the final report with all parties and their Advisors at least ten (10) calendar days prior to a hearing. The parties and Advisors are also provided with a file of any directly related evidence that was not included in the report.
n. Within 3 days of receiving the final investigation report, if the Parties wish to propose any additional witnesses not

included in the investigation, notice must be provided to the Title IX Coordinator including list of the names of witnesses.

o. No unauthorized audio or video recording of any kind is permitted during investigation meetings. If investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

7. The College may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

8. Upon a dismissal, the College must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The notice must contain information about the appeal process.

F. Advisors

1. The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the Resolution Process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

   Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

   The College may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

2. The advisor may be a friend, mentor, family member, attorney, union representative or any other individual a party chooses to advise and consult with them throughout the resolution process. The parties may choose advisors from inside or outside the Montgomery College community. The Title IX Coordinator will also offer to assign a trained Pool member to serve as an advisor for any party if the party so chooses. The parties may choose their advisor from the Pool, a non-trained advisor from outside the pool, or proceed without an advisor.

3. The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

4. Montgomery College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney. The College will, however, provide a party with an advisor selected by the Title IX Coordinator from the Pool if a hearing proceeding takes place and the party has not previously been accompanied by an advisor. A College-appointed advisor is a process advisor who is trained on the institutional process and how to conduct appropriate cross-examination during the hearing. The advisor provided by the College is not an advocate or attorney and is not able to provide the same kinds of advice that an advocate or attorney is trained to provide, but will act in the best interests of their advisee.

5. Parties may have assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the disciplinary proceedings, including:

    a. Attendance at hearings, meetings, and interviews,
    b. Private consultations during hearings, meetings, and interviews, except during a questioning at a hearing; and
    c. Assistance with the exercise of any rights during the disciplinary proceedings. Notwithstanding the choice that the parties make in regards to the above, the presence of no more than two people, including a personal supporter, an attorney, or an advocate, at any hearing, meeting, or interview during the disciplinary proceedings.

6. <u>Student Right to Paid Counsel for College Disciplinary Proceedings involving Sexual Assault.</u>

    a. Maryland Law (Education Article of the Annotated Code of Maryland, §11-601) requires the Maryland Higher Education Commission (MHEC) to pay reasonable costs and attorney's fees, subject to state funding and eligibility requirements, for:

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

    b. In consultation with State and local bar associations and legal services providers with expertise about sexual misconduct, MHEC will develop a list of attorneys and legal services programs willing to represent students on a pro bono (no cost to the student) basis or at fees equivalent to those paid to attorneys

under civil legal services programs administered by the Maryland Legal Services Corporation.

c. A student may select an attorney from the list developed by MHEC to assist them throughout any disciplinary proceedings.

d. If a student selects and retains an attorney who is not on the list developed by MHEC, MHEC will pay fees to the attorney selected by the student that are equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation.

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

f. The College may not discourage a student from retaining an attorney.

g. The student right to counsel will not prohibit the College from imposing interim safety measures.

7. All advisors are subject to the same College rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or other decision-makers except during a hearing proceeding, as described below.

8. The parties are expected to ask and respond to questions on their own behalf throughout the investigation. While the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed, or quietly by passing notes during any resolution process meeting or interview, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks to step out of meetings to allow for private consultation.

9. Advisors may be given an opportunity to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

10. Advisors are expected to refrain from interference with the College's investigation and resolution. Any advisor who interferes with or obstructs the investigation and resolution process, or otherwise disregards the parameters set forth in this procedure, will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated or replaced by a different advisor.

11. The College expects that the parties may wish to have the College share documentation and evidentiary information related to the allegations with their advisors. Parties may share this information directly with their advisor, or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. The College provides a consent form that authorizes the College to share such information directly with the advisor. The parties must either complete this form or provide similar documentation consenting to a release of information to the advisor before the College is able to share records with an advisor. While the College seeks consent for information sharing with advisors, the College is required to share the final investigation report and directly related evidence with the advisor in order to prepare for the hearing. If a party requests that all communication be made through their attorney advisor, the Institution will comply with that request.

12. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the Institution's privacy expectations.

13. The College expects an advisor to adjust their schedule to allow them to attend College meetings when planned. The College does not typically change scheduled meetings to accommodate an advisor's inability to attend. The College will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

14. A party may elect to change advisors during the process, and is not obligated to use the same advisor throughout. The parties are expected to inform the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to investigators if they change advisors at any time.

15. For parties who are entitled to union representation, the College will allow the unionized employee to have their union representative (if requested by the party) as well as an advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, when at least one of the parties' request union representation, they are entitled to a non-union representative as well. In such cases, the other party (regardless of union membership) will be permitted to have two advisors. Witnesses are not permitted to have union representation or advisors in resolution process interviews or meetings.

G. Role and Participation of Witnesses

Witnesses (as distinguished from the parties) who are faculty, students, or staff

of the College are encouraged cooperate with and participate in the College's investigation and resolution process.

While in-person interviews for both parties and all potential witnesses are ideal, circumstances (e.g. study abroad, summer break) may require individuals to be interviewed remotely using technology. Witnesses may also provide written statements in lieu of interviews, if deemed appropriate by the investigators, though not preferred.

H. Assurances to Persons Involved, Safeguarding of Privacy. All individuals, including the Complainant, the Respondent, and any Third-Party Witnesses, will be treated with appropriate sensitivity and respect. The Investigator will safeguard the privacy of the individuals involved in a manner consistent with law and College policy and the need to investigate the matter.

I. Consolidation of Investigations. At the discretion of the Title IX Coordinator, multiple reports may be consolidated against a Respondent(s) in one Investigation, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

J. Referral for Hearing
Provided that the contested allegations are not resolved through Informal Resolution~~,~~ the Title IX Coordinator will refer the matter for a hearing at least ten (10) days after the conclusion of the investigation, barring unusual circumstances.

1. Notice of Hearing

At least 10-days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Hearing Officer will send a letter of notice to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The letter will contain:

a. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
b. The time, date, and location of the hearing and a reminder of the importance of their attendance, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Hearing Officer may reschedule the hearing.
c. Notification that the parties may have the assistance of an advisor of their choosing at the hearing (See Section on "Advisors" above). If any party does not have an advisor, the Title IX Coordinator will appoint one from the Pool.

d. The parties will be provided the names of the Hearing Officer at least ten (10) days in advance of the hearing. All objections to the Hearing Officer must be raised in writing and submitted to the Title IX Coordinator as soon as possible. The Hearing Officer will

only be removed if the Title IX Coordinator concludes that the Hearing Officer's bias or conflict of interest precludes an impartial hearing of the allegation.

2. Pre-Hearing

The Hearing Officer, after consultation with the parties as necessary, will provide the names of witnesses who will be participating in the hearing with the parties prior to the hearing. Any witness scheduled to participate in the hearing must have been interviewed first by investigators [or have proffered a written statement], unless all parties consent to the witness' participation in the hearing.

3. Alternative Hearing Options

If a party or parties prefer not to attend the hearing in person, the parties should request alternative arrangements from the Hearing Officer at least five (5) days prior to the hearing. The Hearing Officer may arrange to use technology to allow remote testimony without compromising the fairness of the hearing.

4. Evidentiary Considerations

a. Except for the evidentiary prohibitions set forth below, any evidence that the Hearing Officer believes is relevant and credible may be considered, including an individual's prior misconduct history, as well as evidence indicating a pattern of misconduct. When prior misconduct is related to the current allegations, the prior misconduct may be considered at the findings stage of the process; unrelated prior misconduct (e.g. alcohol abuse) will only be considered during sanctioning. The Hearing Officer may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

b. While previous conduct violations by the respondent are not generally admissible as information supporting the current allegation, the investigator(s) may, after a determination of responsibility is made that may result in sanctions, supply the Hearing Officer with information about previous misconduct, good faith allegations, and/or findings, when that information suggests a potential pattern and/or predatory conduct.

c. Previous disciplinary action of any kind involving the respondent may be considered in determining the appropriate sanction, because the Institution uses a progressive discipline system.

d. The Hearing Officer renders a determination based on the preponderance of the evidence, i.e., whether it is more likely than not that the respondent violated policy.

5. Evidentiary Prohibitions

The Hearing Officer shall not consider certain evidence, including:

a. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior. Such questions and evidence are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

b. Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

6. Hearing Procedures

Hearings will usually be convened at least 10-days days from the completion of the final investigative report and will be conducted in private. Participants will include the Hearing Officer, investigator(s) who conducted the investigation, the Complainant and Respondent organizational representatives when an organization is the respondent), advisors and support person to the parties (the parties may have up to two people present, one advisor and one support person), and any called witnesses.

a. Investigator Presents the Report

i. The Hearing Officer explains the procedures and introduces the participants.
ii. The investigator(s) will then present the report of the investigation and will be subject to questioning by the Hearing Officer and parties. The investigator(s) will be present during the entire hearing process. Once the investigator(s) present their report and are questioned, the parties may provide relevant information in turn and the Hearing Officer will permit questioning of the parties and witnesses through the respective Advisors.

b. Participation in Hearing

The Complainant and Respondent have the right to be present at the hearing. If, despite being notified of the date, time, and location of the hearing, any party is not in attendance, the hearing may proceed as described below. Neither party is required to participate in the hearing in order for the hearing to proceed. Investigators will be present, unless the Hearing Officer permits an absence under extenuating circumstances.

c. Questioning

i. Questioning will be permitted of investigators, parties, and witnesses by the advisors to each party and the Hearing Officer, including cross examination contesting a party's or witness's credibility. Direct cross examination by the parties is prohibited; the party's advisor must conduct the cross-examination on behalf of that party.

ii. The Hearing Officer has absolute discretion to determine which questions are relevant to the determination and may decline to permit certain questions.

iii. The Hearing Officer may direct that certain live questions, once posed, are not appropriate and should not be answered. In such instances, the Hearing Officer will provide the questioning advisor with a rationale for their exclusion of the specific question(s). The Hearing Officer is responsible for ensuring that neither abusive nor inappropriate questioning occurs. The Hearing Officer will explain, on the record, the reason any question has been determined not appropriate to be answered.

iv. The Hearing Officer may consult with the College's General Counsel, when needed, to help assess the appropriateness of specific questions. If any party or advisor is disrespectful of or disruptive to the proceedings, the Hearing Officer will take actions they deem appropriate to preserve appropriate decorum.

d. Evidence Presented at the Hearing

i. Formal rules of evidence do not apply. Any evidence that the Hearing Officer believes is relevant and credible may be considered, except for the prohibitions stated in this procedure. The Hearing Officer is responsible for addressing any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence, and may disregard evidence lacking in credibility or that is improperly prejudicial. The Hearing Officer will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. An advisor is not permitted to answer questions on behalf of the party.

ii. Unless the Hearing Officer determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they evidence a pattern, (2) the sexual history of the Complainant (though there may be a limited exception with respect to pattern, the sexual history between the parties, or where evidence regarding the Complainant's sexual history is offered to prove that

someone other than the Respondent engaged in the reported misconduct), if relevant, (3) or the character of the parties. While previous conduct violations by the respondent are not generally admissible as information about the present allegation, the investigators may supply the Hearing Officer with information about previous findings to consider as possible evidence of pattern and/or predatory conduct.

iii. There will be no observers in the hearing unless an exception is granted by the Hearing Officer. The Hearing Officer will allow witnesses who have relevant information to attend only the portion of the hearing where that witness is responding to specific questions from the Hearing Officer or the parties involved, and then be excused.

iv. In hearings involving more than one Respondent or in which two (2) or more complainant's have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Complainant to be conducted separately, if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent.

v. Hearings (except for deliberations) are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Hearing Officer, the parties, their advisors and appropriate administrative officers of the College will be allowed to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

e. Deliberation and Determination of Outcome

i. The Hearing Officer will deliberate in closed session to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. The Hearing Officer will base the determination(s) on a preponderance of the evidence (i.e. whether it is more likely than not that the respondent committed each alleged violation).

ii. If the Hearing Officer concludes that there has been a violation of the College's 21001 - Sexual Misconduct Policy, the final determination and implementation of sanctions will be formulated in consultation with the

appropriate administrators/disciplinary authority:

a) The Hearing Officer and The Director of Employee and Labor Relations and the Chief Human Resources Officer (for matters where the Respondent is an employee), or
b) The Hearing Officer and the appropriate Dean of Student Affairs (for matters where the Respondent is a student).

iii. All sanctions shall be consistent with the College's applicable policies, depending on the identity of the Respondent.
a) Students: Student Code of Conduct (42001)

b) Employees: the College's Disciplinary Action and Suspension Policy (34002/34002CP), the College's Discharge of Administrators and Staff Policy (34003/34003CP), the Personnel Grievance Process for Non-Bargaining Staff (34101/34101CP), the grievance procedure under applicable collective bargaining procedures, or any other applicable processes.

f. Notice of Outcome

i. The Hearing Officer will then prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding, the information used in support of its recommendation, and any information the Hearing Officer excluded from its consideration and why. The report should conclude with any sanctions.

ii. The Hearing Officer, using the deliberation report, will prepare a letter of outcome and will share the letter with the parties, including the final determination and applicable sanction(s), within three (3) days of sending the deliberative report to the Title IX Coordinator. The letter of outcome will be shared with the parties without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Institution records, or emailed to the parties' Institution-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter of outcome will contain the following information:
a) Identify the specific policy(ies) reported to have been violated, including the relevant policy section;
b) a description of the procedural steps taken by the College from the receipt of the misconduct

report to the determination, including any and all notifications to the parties, interviews with parties, and witnesses, site visits, methods used to obtain evidence, and hearings held.

c) specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law;

d) any corrective actions issued which the College is permitted to share according to state or federal law; and any remedies provided to the complainant designed to ensure access to the College's educational program or activity, to the extent the College is permitted to share such information under state or federal law; and

e) the notification will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any appeals options that are available.

VII. Appeals

A. Both parties have an opportunity to appeal from a determination regarding responsibility, and from the College's dismissal of a formal complaint or any allegations therein.

B. An appeal must be filed within ten (10) business days after notice of dismissal or notice of outcome. After this ten-day timeframe, the right to appeal has been waived.

C. The grounds for appeal are limited to:

1. A procedural error or omission occurred that significantly affected the outcome.

2. To consider new evidence, unknown or unavailable during the original Investigation, that could substantially impact the Investigative Findings and/or Determination (a summary of this new evidence and its potential impact must be included in the written statement of appeal);

3. 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.

4. The recommended Corrective Actions are substantially disproportionate to the severity of the violation or fall outside the range of sanctions the College has designated for purposes of its 21001 - Sexual Misconduct

Policy.

D. A written request must be sent to the designated Senior Vice President or designee, hereinafter collectively referred to as the Reviewing Official:

1. The Senior Vice President for Administrative and Fiscal Services (for employees)

2. The Senior Vice President for Student Affairs (for students)

E. The designated Senior Vice President may elect to serve as the Reviewing Official or designate another administrator to serve as the Reviewing Official. In any case, the Reviewing Official shall not have a conflict of interest or bias for or against the Complainant or the Respondent. The Complainant or the Respondent may submit a written request to the Reviewing Official, with a copy to the designated Senior Vice President, that the Reviewing Official excuse him/herself. The grounds for such request are limited to: (1) claim of bias, (2) conflict of interest, and (3) inability to be fair or impartial. The request must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within two (2) days after receipt of the Investigative Summary. The designated Senior Vice President shall grant or deny the recusal request within two (2) days after receipt of the request.

F. Upon receipt of an appeal, the Reviewing Official or their designee shall notify the non-appealing person or persons, and the Title IX Coordinator. The Reviewing Official will provide both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

G. The Reviewing Official or their designee will generally be limited to a review of the Investigative Report and evidence file (i.e., the materials collected by the Investigator in the course of conducting the Investigation), the hearing recording, the Hearing Officers deliberative report, the College's 21001 - Sexual Misconduct Policy, and any other appropriate College policy and the Respondent's and/or Complainant's written appeal. The Reviewing Official, or their designee, may, in their sole discretion, ask the Title IX Coordinator, the investigator, or the Hearing Officer to clarify the Investigation report, hearing procedure and deliberative report, or remand the report back for additional investigation concerning any new evidence identified in the appeal or to assist in determining whether there was, in fact, a procedural error, if such Reviewing Official or their designee believes such an alleged error may have affected the outcome of the Investigation/Hearing and the Findings/Determination by the Hearing Officer.

H. If the Reviewing Official or their designee determines in the course of their review that there was a procedural error that substantially affected the outcome of the Investigation , or that other circumstances exist requiring additional Investigation and hearing, the Reviewing Official shall order the Investigation and hearing to be reopened subject only to direction/supervision by and any terms/conditions imposed by the Reviewing Official (including, in any case in which substantial bias was present, appointment of a new Investigator or Hearing Officer). No disciplinary action may be carried out prior to the Reviewing Official or their designee expressly so directing in their Notice of Appeal Outcome.

I. Within fifteen (15) days after the Reviewing Official receives the appeal, the Reviewing Official or her or his designee shall issue a Notice of Appeal Outcome either upholding the Hearing Findings and Determination and recommended Corrective Action of the Hearing Officer or remanding the case back to the Investigator. The Notice of Appeal Outcome of the Reviewing Official shall be final and will be forwarded simultaneously to the Complainant, Respondent, the Title IX Coordinator, appropriate Senior Vice President, campus Vice President and Provost, and the General Counsel.

1. In the case of an appeal involving a student (i.e., in which either the Complainant and/or Respondent is a student), a copy of the Notice of Appeal Outcome shall be forwarded to the appropriate Dean or to the appropriate campus Vice President and Provost.

2. In the case of an appeal involving a staff member (i.e., in which either the Complainant and/or Respondent is a staff member), a copy of the Notice of Appeal Outcome shall also be forwarded to the Director of Employee and Labor Relations, the Associate Senior Vice President of Human Resources and Strategic Talent Management, the employee's immediate supervisor, and other appropriate administrators.

3. In the case of an appeal involving a faculty member (i.e., in which either the Complainant and/or Respondent is a faculty member), a copy of the Notice of Appeal Outcome shall be forwarded to the Director of Employee and Labor Relations, the Associate Senior Vice President of Human Resources and Strategic Talent Management, the Senior Vice President for Academic and Student Services, the Instructional Dean who has supervisory authority over the faculty member's academic department, and other appropriate administrators.

VIII. Implementation of Corrective Action

A. If a notice of appeal is not submitted to the appropriate Senior Vice President in accordance with Section VII. above, the appropriate administrators/disciplinary authority shall act to implement the recommended Corrective Action as soon as possible, but no later than twenty (20) days after the appropriate administrators/disciplinary authority receives notice of the corrective action.

B. If a notice of appeal is submitted to the appropriate Senior Vice President, the appropriate unit administrator/disciplinary authority shall act to implement recommended Corrective Action as soon as possible but no later than twenty (20) days after the appropriate unit administrator/disciplinary authority receives a copy of the Notice of Appeal Outcome containing the final recommended Corrective Action.

C. Notwithstanding the foregoing, in cases where the Complainant or Respondent is an employee covered by a collective bargaining agreement, the employee may seek review of the recommended Corrective Action (or, if an appeal has been filed, the Notice of Appeal Outcome) under any grievance procedures available under the employee's collective bargaining agreement. If both Complainant and Respondent are employees covered by different collective bargaining agreements, the grievance procedures in the agreement that covers the party challenging the decision shall be used. If a Complainant or Respondent covered

by a collective bargaining agreement seeks review of the recommended Corrective Action through the applicable agreement's grievance procedure, they may not also appeal the recommended Corrective Action under this Procedure. However, a Complainant or Respondent may appeal a recommended Corrective Action under this Procedure and then seek review of the Notice of Appeal Outcome under the grievance procedure of the applicable collective bargaining agreement.

If the Hearing Officer makes a Finding or the Reviewing Official makes a final written determination that there has been a violation of the College's policy with respect to a grade awarded to a student, the Hearing Officer or the Reviewing Official shall make no determination with respect to the Corrective Action to be taken regarding a specific grade assignment. The Hearing Finding or final written determination shall be forwarded to the Complainant, Respondent, and the appropriate Dean, who shall select a review committee in accordance with the procedures stated in the Academic Regulations for the review of allegations of arbitrary and capricious grading. The Committee, which is established pursuant to 53001-Academic Regulations to review allegations of arbitrary and capricious grading, shall have no authority to reverse the Investigative Finding or Determination of the Investigator or the final written determination of the Reviewing Official, and shall confine its consideration to a determination of the appropriate Corrective Action with respect to the grade. The Committee shall, within twenty (20) days after appointment of the Committee and its receipt of the Initial Finding and Determination or final written determination, forward to the Investigator and the Reviewing Official, Complainant, and Respondent a written recommendation as to the appropriate Corrective Action with respect to the grade.

Within ten (10) days after receipt of the written recommendation of that Committee, the Senior Vice President for Academic Affairs and the Senior Vice President for Student Services shall review the recommendation of the Committee and, upon completing such review, shall issue a final written determination of the Corrective Action with respect to the grade she or he determines to be appropriate for such violation (which she/he shall implement), and a copy of which shall be forwarded to the Complainant, Respondent, Reviewing Official, and Hearing Officer.

IX. Notice of Final Outcomes

Once an appeal has exhausted the process set forth above, the Notice of Appeal Outcome is the final administrative decision of the College. The Title IX Coordinator shall simultaneously send the Notice of Appeal Outcome to the Complainant and Respondent .

X. Sanctions

A. Both parties shall be informed of the outcome of any investigation and adjudicative process based on a violation of this policy. The College shall not publicly disclose personally identifiable information about either of the parties, except as required by law.

B. Employees found in violation of this policy are subject to a range of disciplinary action up to and including discharge, depending on the circumstances (See Appendix I for possible sanctions).

C. Students found in violation of this policy are subject to disciplinary action based on the circumstances and nature of the violation. Sanctions include, but are not limited to dismissal from the College (suspension or expulsion) and other sanctions provided by 42001-Student Code of Conduct (See Appendix I for possible sanctions).

D. Persons who commit Sexual Misconduct in violation of federal, state, or local law may also be subject to criminal charges and penalties.

XI. Records

A. The Title IX Coordinator and the Director of Employee and Labor Relations will retain records of all reports, regardless of whether the matter is resolved by means of an Initial Title IX Assessment, Informal Resolution or Investigation/Formal Resolution. Reports resolved by means of an Initial Title IX Assessment or Informal Resolution are not part of a student's conduct file or academic record or of an employee's personnel file. Records will be maintained by the Title IX Coordinator for 7 years.

B. Affirmative findings of responsibility in matters resolved through Investigation/Formal Resolution are part of a student's conduct record and an employee's labor relations record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's labor relations record.

C. Generally, suspension, demotion, and discharge are permanently noted in an employee's labor relations record. The labor relations records of employees who have been suspended, demoted, or discharged are maintained in the Associate Senior Vice President for Human Resources and Strategic Talent Management Office according to the College's published retention schedule. Further questions about record retention should be directed to the Associate Senior Vice President for Human Resources and Strategic Talent Management Office.

D. Generally, suspension, expulsion, and withdrawal are permanently noted on a student's transcript. The conduct files of students who have been suspended or expelled from the College are maintained in the Senior Vice President of Student Services Office indefinitely. Conduct files of students who have not been suspended or expelled are maintained in the Dean of Students office for no fewer than seven years from the date of the incident. Further questions about record retention should be directed to the Senior Vice President for Student Services office.

XII. Time Limits

Business days are defined as all days during the calendar year other than Saturdays, Sundays, and days the College is closed.

The Title IX Coordinator, Director of Employee and Labor Relations, and, where appropriate, the Senior Vice Presidents, or designees, may exercise reasonable discretion to adjust the time limits set forth in this procedure.

XIII. Receipt of Notification

Whenever, under these procedures, individuals must be notified in writing, a copy shall be served in person, by certified, return receipt requested mail to the address that is kept on file at the College, or via email. For purposes of computing any time frames under these procedures, where service is by US mail, the date of service shall be considered to be the third day after the postmarked date of the letter. It is the responsibility of the individual to ensure that the College has their current address on file.

XIV. Pursuant to the President's authority to establish the foregoing Procedure, the President may amend, modify, or supplement this Procedure, or replace the Procedure in whole or in part, at any time and from time to time.

Administrative Approval: June 29, 2015; October 28, 2015; October 11, 2018; June 18, 2019; September 7, 2021; February 22, 2023; March 19, 2026.

ATTACHMENT IV

PREVENTION OF BULLYING AND WORKPLACE VIOLENCE POLICY 21011 AND PROCEDURE 21011CP

POLICY Board of Trustees - Montgomery College 21011

Chapter: Human Resources Modification No. 002

Subject: **Prevention of Bullying and Workplace Violence**

I. Montgomery College is committed to maintaining a working, learning, and social environment in which the rights and dignity of all employees, students, and visitors are respected.

II. Montgomery College views bullying and/or violent behavior as unwelcome, disruptive, and contrary to the development and maintenance of a safe, productive and supportive work environment. Such behavior is prohibited. Employees who exhibit such behavior will be held accountable. Visitors who exhibit such behaviors will be removed from College premises. Supervisors, in conjunction with the Office of Human Resources and Strategic Talent Management (HRSTM), are responsible for ensuring that the College appropriately investigates allegations of bullying and/or violent behavior. Supervisors, in conjunction with HRSTM, are also responsible for recommending appropriate disciplinary action against individuals found to have violated this policy.

III. It is the policy of Montgomery College to expressly prohibit bullying and violent behavior or threats of violent behavior against any other employee, student, or visitor on College property (including its leased locations) at any time or while engaged in business with or on behalf of the College. Montgomery College will not condone any behavior that it considers to be bullying or violent, including hostile, aggressive, and intimidating conduct and behavior that impairs another's ability to perform that individual's responsibilities to the College or to participate in curricular and/or extracurricular activities. Furthermore, reprisal or retaliation against a complainant, witness, or anyone with information about behavior in violation of this policy is strictly prohibited.

IV. Nothing in this policy should be read to impede academic freedom or violate rights to free expression. The prohibition against aggressive, bullying, and/or violent behavior will not constrain commonly accepted workplace management practices (e.g. performance reviews, disciplinary action, changes in employee status, etc.) that are carried out consistent with College Policies.

V. The President is authorized to develop procedures to implement this policy.

Board Approval: June 20, 2011; November 13, 2017.

PROCEDURE - Montgomery College **21011CP**

Chapter: Human Resources Modification No. 003

Subject: **Prevention of Bullying and Workplace Violence**

I. Purpose

A. Montgomery College is committed to establishing and maintaining an environment in which the rights and dignity of all employees, students, and visitors are respected and where all members of the Montgomery College community can work and participate in College educational and/or workplace settings free from all forms of bullying and violent behavior.

B. Bullying and violent behavior, as defined by this policy and procedure, will not be tolerated and the College will consider any violation of 21011/21011CP as an act of misconduct that will result in disciplinary action.

C. The College has taken steps to prevent and promptly correct behavior not covered by this policy and procedure. Discriminatory conduct is covered by 31006/31006CP-Equal Opportunity and Non-Discrimination Policy and 41002/41002CP-Equal Educational Opportunity and Non-Discrimination Policy. Sexual misconduct, including sexual harassment, sexual assault, intimate partner violence/abuse, sexual exploitation, and sexual intimidation is covered by 21001/21001CP-Sexual Misconduct.

II. Scope and Applicability

A. Employees, students, and visitors are prohibited from engaging in bullying, retaliation, and/or violent behavior, as those terms are defined in this procedure. This prohibition applies regardless of whether the behavior is exhibited toward other employees, students, or visitors.

B. Individuals found to have violated this policy and procedure will be subject to disciplinary action in accordance with applicable College policies and procedures (such as 34002, 34002CP, 34003, and 34003CP) and/or collective bargaining agreements. Sanctions may include any available disciplinary measure, up to and including, discharge.

D. In the event a third party (someone who is not a College employee or student) violates this Policy and Procedure against a College student or employee, the College will take appropriate action within its control to address the conduct and prevent its recurrence, including but not limited to, contacting law enforcement, and barring the third party from the College's property.

III. Definitions

A. "Bullying" is abusive conduct that is threatening, unwelcome, aggressive, hostile, intimidating, harassing, and/or unreasonable behavior that demeans, mentally or physically intimidates, or humiliates people either as individuals or as a group. Bullying is typically a repeated course of conduct but may occur as a single incident. Bullying can be conducted by an individual or multiple individuals. Bullying may, but need not, result in physical harm; emotional and/or

psychological harm; economic harm; and/or reputational harm. Bullying is not limited to conduct between individuals with a certain relationship. For example, bullying may be peer to peer, subordinate to supervisor, supervisor to subordinate, and faculty/employee to student, among other relationships. Bullying includes, but is not limited to:

1. Verbal/written bullying, such as ridiculing, insulting, verbally abusing, or maligning a person, either in person or in writing; making abusive, threatening, or derogatory remarks to or about a person; and/or attempting to exploit an individual's known intellectual or physical vulnerabilities; and

2. Cyberbullying, such as bullying an individual using any electronic form, including, but not limited to, the internet, e-mail, cellular phones, and/or other electronic resources.

3. Conduct that amounts to bullying as defined here may, in appropriate circumstances, also meet the definition of other conduct discussed in 21011 and 21011CP, or elsewhere in the College's Policies and Procedures.

Bullying does not include the following conduct unless the conduct meets the definition set forth above:

1. A supervisor or any person with supervisory authority reporting and/or documenting an employee's unsatisfactory job performance and the potential consequences of such performance;

2. A supervisor or any person with supervisory authority administering and/or recommending discipline;

3. A College employee advising a student of unsatisfactory academic work and the potential for course failure or dismissal from a program; and

4. A College employee advising a student of inappropriate behavior that may result in disciplinary proceedings.

B. "Retaliation" is the punishment of or an action taken against an employee or student by a College employee or agent for: (1) reporting bullying and/or violent behavior; or (2) participating in an investigation into bullying and/or violent behavior. Retaliation can include, but is not limited to, demotion, discipline, discharge, salary reduction, and certain job/shift reassignment.

C. "Violent behavior" includes physical violence toward a person and/or property, as well as threats of violence, whether direct or indirect. Violent behavior includes all forms of physical violence, all stated threats of violence, and behavior that would lead a reasonable person to believe that someone may act violently. Conduct that amounts to violent behavior as defined here may, in appropriate circumstances, also meet the definition of other conduct discussed in 21011 and 21011CP, or elsewhere in the College's Policies and Procedures. Examples of violent behavior include, but are not limited to:

1. Physically touching another person in a non-consensual manner, such as pushing, punching, shoving, kicking, and/or tripping;
2. Intentionally damaging a person's work area or personal property or College property;
3. Damaging, destroying, interfering with, and/or sabotaging another's work product;
4. Making a credible threat of violence toward another;
5. Making a credible threat to damage and/or destroy another's property or work product, or College property;
6. Directing threatening gestures toward a person;
7. Behaving aggressively or hostilely in a manner that creates an objective reasonable fear of physical injury to another person or property;
8. Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications;
9. Stalking (as defined in 21001-Sexual Misconduct);
10. Possessing a weapon, as defined in 97002-Prohibiton of Weapons on Campus, while on College property or while on College business (unless specifically approved as a job-related requirement);
11. Using any object in a threatening or weapon-like manner;
12. Committing an act or acts of violence;
13. Engaging in overt physical intimidation and/or aggression.

D. A "College educational and/or workplace setting" is defined as any location where an employee performs any work-related duty or student engages in any curricular or extracurricular activity. This setting includes but is not limited to, all College owned and leased premises, rental locations, off-site locations where College activities occur, and locations where College business, curricular, and/or extracurricular activities take place. College educational and/or workplace setting also includes online environments that the College operates and/or provides for employee or student use.

IV. Reporting Procedures

A. Situations Involving Violent Behavior and Bullying

1. If presented with bullying, violent behavior or the threat of violent behavior, aggressor, if possible, and notify the Office of Public Safety. If at an off-site location, contact 911 then notify the appropriate Office of Public Safety listed in IV, A, 4 below.

2. If a threat of violence is immediate, call 911 and provide all relevant details. After making the request for emergency assistance via 911, call the Office of Public Safety and provide all relevant details, including current location so that a Public Safety Officer can be dispatched to obtain additional information.

3. As soon as practical, employees shall report the incident to their supervisor or to someone in the employee's supervisory chain, and, if the aggressor is an employee, to the Director of Employee and Labor Relations (ELR). Upon notification, the supervisor is responsible for ensuring that ELR is notified.

4. In cases where a student is the reporting party and the aggressor is an employee, the Deputy Director of Public Safety for that campus or the closest campus for off-site locations is responsible for notifying the Director of ELR.

   Westfield – TPSS
   GBTC – Germantown
   Community Engagement Centers – closest public campus

5. In all cases where the behavior rises to the level of a crime, it will be investigated as such. If the aggressor is a student, the incident may be investigated as a crime and as a violation of the Student Code of Conduct.

6. When reporting threats or acts of bullying or violence, employees, students, or visitors will provide as much detailed information as is possible and will, if requested, prepare a written report.

B. Response to Allegations

1. Upon receiving an allegation of bullying, violent behavior, or threat of violent behavior, the Director of ELR, or designee, will assess the allegation to determine whether the allegation falls within the scope of this Policy and Procedure and whether the allegation is supported by facts and circumstances.

2. After reviewing all facts and circumstances, the Director of ELR or designee may, where appropriate and with both parties' consent, attempt informal resolution prior to proceeding with the formal complaint process.

3. When informal resolution is inappropriate, the Director of ELR or designee shall recommend disciplinary action or other appropriate administrative action.

4. The Director of ELR, or designee, may place an employee accused of violating this Policy and Procedure on either paid or unpaid leave pending further investigation, depending on the circumstances of the complaint and evidence at hand. If the Director of ELR or designee decides to place an employee on paid or unpaid leave, the Director of ELR or designee shall comply with 34002-Disciplinary Action and Suspension and applicable collective bargaining agreements.

C. Good Faith Reporting and Non-Retaliation

The College prohibits retaliation against employees, students, and visitors who, in good faith, bring complaints regarding violations of this Policy and Procedure. An individual found to have knowingly filed a false allegation may be subject to appropriate disciplinary action. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation.

V. Faculty Staff and Assistance Program (FSAP)

A. The FSAP Program, which includes counseling and referral services, is available to all employees, and should be used to prevent bullying, violent acts, and situations occurring in the workplace in accordance with section 35002.

B. Any employee who displays a tendency to engage in bullying and/or violent behavior, or who otherwise engages in behavior that the College deems harassing, threatening, and/or aggressive, may be required to contact the FSAP provider for assessment and referral for appropriate treatment or other services and subject to disciplinary action, up to and including dismissal.

C. A mandatory referral may be used only when the employee is facing imminent suspension or dismissal. A mandatory referral may only be made by the Office of Human Resources and Strategic Talent Management after consultation with the supervisor. If the employee chooses not to participate in the FSAP program, dismissal proceedings will be initiated. If the employee does choose to participate in FSAP, the employee will be required to sign a written statement, agreeing to an immediate referral to FSAP. Further, the employee will agree to sign a release of information statement allowing the Office of Human Resources, Development, and Engagement access to the following limited information: the employee's attendance, cooperation, and progress as specified by the FSAP provider, after the assessment has been made. If the employee does not cooperate with the recommendations of FSAP, then disciplinary proceedings shall begin.

VI. Education

A. Education is a key element of this Policy and Procedure. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Prevention of Bullying and Work Place Violence Policy and Procedures. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing educational programs to increase knowledge and share information and resources to prevent bullying and violent behavior, promote safety, and reduce perpetration of the conduct proscribed by this Policy and Procedure. Goals to be achieved through education include: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of prohibited conduct; (c) informing employees, students, and other members of the College community, including contractors, about the proper way to recognize and address complaints involving a violation of this Policy and Procedure; (d) preventing issues that this Policy and Procedure addresses, and; (e) identifying the necessary steps for preventing bullying and violent behavior and addressing its effects.

B. Workplace Bullying and Violent Behavior Advisory Team

1. The College will establish a Workplace Bullying and Violent Behavior Advisory Team and shall include representation from Facilities, Public Safety, Human Resources, General Counsel, the College Ombuds, Equity and Inclusion, and others deemed appropriate by the President or designee. The Deputy Chief of Staff will convene the group quarterly, or as needed, and provide periodic reports to the President as directed.

2. This team will assist in promoting this Policy and Procedure by addressing bullying and violent behavior by reviewing best practices and college protocols. This Team will provide guidance in developing bullying and violent behavior prevention and education tools (such as incident reporting forms, pamphlets, guidelines, trainings and handbooks, etc.) to further assist in recognizing and preventing workplace violence.

Administrative Approval: July 11, 2012; November 27, 2017; April 1

ATTACHMENT V

HATE/VIOLENCE ACTIVITY
POLICY 21002 AND PROCEDURE 21002CP

Chapter: General Administration Modification No. 005

Subject: **Hate/Violence Activity**

I. Montgomery College is committed to maintaining educational and employment environments free from ethnic, cultural and racial hostility, violence, or harassment. Further, the College encourages and promotes a climate of civility and mutual respect among its diverse employees, students and groups that make up the College and Montgomery County communities. The College condemns any and all hate/violence activities, including those acts based on age, color, citizenship status, covered veteran status, disability, gender, gender identity and expression, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason to the extent these attributes are not covered in this policy and covered by federal, state and county laws and regulations.

II. Montgomery College is a learning community that encourages freedom of thought and expression which maintains civility in the meaningful exchange of ideas. The College's employees and students are encouraged to be the voices and examples of reason and understanding in maintaining community, mutual respect and civility which are consistent with the mission, vision and goals of the College.

III. Education is a key element of this policy. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Hate/Violence Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness about hate/violence. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, contractors, and students about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.

IV. The President is authorized to support efforts in this area, including governmental, private and individual efforts; to make certain that any individuals who conduct such activities on any of the campuses or at any facility used by the College, at college sponsored-activities, or during the execution of college-related business are referred to appropriate authorities for prosecution to the fullest extent of the law and subjected to appropriate disciplinary action, including dismissal if they are College students or employees; and to establish procedures to implement this policy.

Board Approval: September 21, 1987; September 18, 1990; February 16, 1998; December 13, 2010; February 25, 2013.

Chapter: General Administration Modification No. 006

Subject: **Hate/Violence Activity**

I. General

Any person, including but not limited to an employee, student, facility user, or visitor, who performs acts considered within the purview of hate/violence activities, who conducts or attempts to conduct hate/violence activities and/or encourages, participates in, or assists in hate/violence activities shall be subject to disciplinary action including dismissal and/or referral to the appropriate authorities for prosecution to the fullest extent of the law.

II. Definition

Hate/violence activities include but are not limited to:

A. Activities which involve the destruction of, injury to, defacement of, or molestation of any person or any real or personal property with the intent of intimidating or attempting to intimidate any person because of personal attributes as age, color, citizenship status, covered veteran status, disability, gender, gender identity and expression, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason to the extent these attributes are not covered in this policy and covered by federal, state and county laws and regulations; and/or;

B. Burning, or causing to be burned, any religious symbol or simulation thereof without the express consent of the College or the owner of the property which is the site of the burning if other than the College, and without prior notification to the serving fire department.

III. Procedures

A. Any person, including but not limited to an employee, student, facility user, or visitor, who conducts such activities on any of the campuses or at any facility used by the College, at College-sponsored activities, or during the execution of College-related business shall be subject to administrative disciplinary action including dismissal and/or referred to appropriate authorities for prosecution to the fullest extent of the law.

B. Hate/violence activity by a student at College sponsored activities, on or off campus, as defined in the Student Conduct Code, is a violation of College policy and procedure subject to administrative disciplinary action under the Student Code of Conduct. Such hate/violence activity shall be immediately reported to the appropriate College personnel and external agencies, which includes the Dean(s) of Student Development, the Title IX Coordinator, and/or the Director of Employee Relations, Diversity and Inclusion.

C. Hate/violence activity by an employee, on property owned, operated, maintained, leased or used by the College, at College-sponsored activities, during the execution of College-related business, or in a manner related to employment at the College, is a violation of College policy and procedure and subject to appropriate disciplinary action under the College's personnel policies and

procedures, up to and including dismissal. Such hate/violence activity shall be immediately reported to the Safety and Security Manager who must immediately notify the immediate supervisor and other College personnel as appropriate.

D. Hate/violence activity by a person other than a student or employee shall be immediately reported to the Safety and Security Manager who shall immediately initiate appropriate administrative proceedings, which could include referral to appropriate authorities for prosecution to the fullest extent of the law.

E. Nothing contained in these procedures shall preclude the College from pursuing any and all other remedies available at law and equity, including but not limited to reporting the activity to appropriate governmental legal authorities, and all such rights and remedies are specifically reserved.

Administrative Approval: September 21, 1987; September 18, 1990; February 16, 1998; July 15, 1999; December 13, 2010**;** February, 23 2015.

ATTACHMENT VI

PROTECTION OF MINORS
POLICY 95005 AND PROCEDURE 95005CP

Chapter: Public Safety. Health, and Emergency Management Modification No. 008

Subject: **Protection of Minors**

I. Montgomery College is committed to providing a safe environment for minors who participate in College-sponsored programs and activities and/or programs held on College property. The College affirms its obligation to prevent harm, including all forms of abuse and neglect, and requires timely and effective responses to any suspicions or observations of such conduct.

II. It is the policy of the College that no employee, student, volunteer, or member of the community shall harm a minor; this prohibition applies to individuals and members of outside groups that may use College facilities, participate in College programs, or otherwise be present on College property. The College will hold accountable any individual within its authority who harms a minor. The College will cooperate with county, state, and federal authorities charged with the protection of minors.

III. The College complies with all state reporting requirements related to child abuse or neglect in *Md. Code Regs. 07.02.07.04*, including the provision that any individual who has reason to believe that a child has been abused or neglected shall immediately notify a local law enforcement agency or local department by any available means.

IV. The Board of Trustees authorizes the president to establish any procedures necessary to implement this policy.

Effective Date: April 28, 2014.
Modification Date(s): February 16, 2026.
Last Review Date: February 16, 2026.

PROCEDURE – Montgomery College **95005CP**

Chapter: Public Safety. Health, and Emergency Management Mod No. 008

Subject: **Protection of Minors**

I. The following procedures set minimum requirements for the protection of minors. However, some units of the College, including the Center for Early Education and educational programs, may implement additional protections to satisfy regulatory guidelines or best practices specific to their situations.

II. The College is not responsible for unaccompanied minors who are not participating in a structured program or activity. If a minor on College premises appears to be unaccompanied and in need of supervision (for example, should an emergency arise), staff will contact the College Office of Public Safety, Health, and Emergency Management. Public Safety staff will temporarily supervise the minor and may, in their discretion, contact law enforcement or child protection authorities.

III. The College is not responsible for injuries to children who are on College premises in violation of these procedural guidelines.

IV. The College may require vendors and contractors to meet requirements of this policy including, among others, reporting obligations, Criminal Background Checks, training, and adherence to behavioral standards.

V. Students and employees who violate these procedures may be subject to disciplinary action and other appropriate sanctions by the College in accordance with normal processes.

VI. Definitions

A. Authorized Adult: A College employee who has satisfied the following: completed required Criminal Background Check; completed the Youth Protection course administered by the Youth Protection Coordinator; and is listed on the Request for Program Registration form as an individual responsible for supervision.

B. Child Abuse[1]: Physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed.

C. Child Neglect[2]: Failure to give proper care and attention to a child, including leaving the child unattended, under circumstances indicating: 1) that the child's health or welfare is harmed or placed at substantial risk of harm; or 2) mental injury to the child or a substantial risk of mental injury.

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[1] Pursuant to MD Criminal Law Code § 3-601 an act constitutes child abuse, child neglect, or child sexual abuse only if committed by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member. An individual who harms a child may lack this type of relationship with the child. The harmful conduct may nonetheless be a crime, for example, assault or a sexual offense, and not subject to the mandatory reporting law; however, such conduct should be reported to the college to evaluate the applicability of State reporting requirements.

[2] *See footnote 1*

D. Child Protective Services (CPS): Maryland public agency responsible for protecting children from abuse and neglect.

E. Child Sexual Abuse[3]: Any act that involves sexual molestation or exploitation of a child.

F. College Tours: Time-limited activities designed for minors in K-12 schools to explore pathways in higher education by engaging with the College.

G. Criminal Background Check: includes, but is not limited to, checks of countywide, federal criminal, and National Sex Offender lists, and additional screenings as appropriate to the position.

H. Custody or Supervision: exists when Authorized Adults or Responsible Adults have responsibility for the safety and well-being of minors.

I. Student: a person currently matriculating, enrolled in or auditing credit or non-credit courses at the College, whether on or off campus, regardless of their physical location or enrollment status online, or on a part-time or full-time status.

J. Minor (also Child or Youth): A person under 18 years of age.

K. Request for Program Registration form: a required form used to request registration of any College or non-College sponsored event or program that involves the participation of minors on campus.

L. Rule of Three: youth protection guideline that requires two responsible adults to be present at all times and no individual to be alone with a minor.

M. Professional Employee: a person employed by Montgomery College as a part or full-time instructional or counseling faculty member, an administrator, a coach, or other employee who provides academic support or student services.

N. Responsible Adults (also called “Chaperones”): non-College individuals who have custody and supervision of minors.

O. Training: refers to the College’s youth protection online training or its approved substitutable equivalent such as MCPS training. Completion of a substitution for the College’s training must be verified by the Youth Protection Coordinator.

P. Youth Protection Coordinator: College employee who has responsibility for coordinating compliance with this policy and its associated procedures.

VII. Scope and Applicability

[3] *See footnote 1*

With the exception of the legal obligation to report child abuse or neglect outlined in Section VIII, these procedures do not apply to: (1) minors who are matriculated Montgomery College students, (2) events on campus that are open to the general public and which minors attend at the sole discretion of their parents or guardians, or (3) private events where minors attend under the supervision of their parent, guardian, or supervising adult.

VIII. Reporting Child Abuse or Neglect

All Maryland citizens have a general obligation to report suspected abuse or neglect to the local department of social services or to a local law enforcement agency.

Professional Employees, and anyone who suspects abuse or neglect that bears a connection to the College, have additional mandatory reporting requirements.

A. Protection for Individuals Making Reports

In accordance with 39003: Protection Against Retaliation, the College will not retaliate against any person for making a good-faith report of child abuse or neglect. In addition, Maryland law provides immunity to anyone making a good-faith report of child abuse or neglect, so the alleged wrongdoer cannot recover damages from the reporter for making the report.

B. Who Must Make a Report?

Anyone who has reason to believe a child has been subjected to abuse or neglect must make a report to government authorities. This includes College employees, students, volunteers, visitors, and individuals or groups using College facilities for any purpose.

C. Reporting Child Abuse or Neglect to Government Authorities

1. In an emergency, dial 911 or if on a College site, call the Department of Public Safety at 240-567-3333.

2. Immediately after forming a reasonable suspicion of child abuse or neglect, individuals should report it to the local social services department or to a local law enforcement agency where the child lives or where the incident occurred. In Montgomery County, notice may be made to the Child Abuse and Neglect Hotline at 240-777-4417 or Department of Police at 301-279-8000.

D. Additional Reporting Requirements for Professional Employees

1. Professional Employees, when acting in a professional capacity, who have reason to believe a child has been abused or neglected, must follow an oral report with a written report to the relevant agency within 48

hours of the event that caused them to believe that the child may have been subjected to abuse or neglect.

2. Professional Employees who make such a report shall include in the report the following information, to the extent it is known:

   a. the name, age, and home address of the child;
   b. the name and home address of the child's parent or other person who is responsible for the child's care;
   c. the whereabouts of the child;
   d. the nature and extent of the abuse or neglect of the child; including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
   e. any other information that would help to identify the person responsible for or determine the cause of the abuse or neglect.

3. A copy of the reports of Professional Employees must be provided to the College's Youth Protection Coordinator. The record is maintained in the event verification of fulfillment of mandatory reporting obligations is needed.

   For minors enrolled in the Dual Enrollment Program the College has additional reporting obligations. In such cases, a College administrator responsible for overseeing Dual Enrollment will fulfill the College's obligation to share information with the student's school of record in accordance with the appropriate memoranda of understanding and will also inform the College's Youth Protection Coordinator.

E. Internal Reporting of Harms to Children

1. If the suspected child abuse or neglect bears a connection to the College it is also subject to internal reporting requirements. Suspected abuse or neglect may bear a connection to the College because:

   a. The incident took place at a College site or within Clery reportable geography;

   b. It was committed by a current or former employee or volunteer of the College;

   c. It occurred in connection with a College-sponsored, recognized, or registered program or event, regardless of locations; and/or

   d. The individual became aware of the abuse as part of their College responsibilities.

2. In such cases, after making the required oral or written report to the appropriate government authorities, all reporting individuals, regardless of their professional role, must also report the matter to the College.

   Promptly notify the Department of Public Safety which, in turn, shall notify the Youth Protection Coordinator. Report to the College only after any mandated reporting to the government.

   The report may be a copy of Section VIII.D.2 if this is available or if not available should include the same information.

3. To ensure compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), Public Safety must disclose certain crimes in the daily crime log and yearly statistics that are published in the annual security report, depending on the geographic location where the crime occurred.

   Names and personally identifying information are not disclosed, only the report of the incident and the location it occurred.

4. If an individual is unsure about whether or how to make a report, promptly contact the Youth Protection Coordinator.

F. Disclosure by an Adult of Prior Abuse or Neglect as a Child

An adult may disclose that they were abused or neglected as a child. Regardless of when the abuse or neglect occurred, employees are compelled by law to make a report. There is no statute of limitations for reporting. If there are concerns about reporting, please contact the Youth Protection Coordinator (See Opinion of the Maryland Attorney General dated December 3, 1993, at 78 Op. Att'y Gen. 189).

G. How to Respond to a Disclosure of Child Abuse or Neglect

It is not the role of any College employee, contractor. or volunteer to investigate to determine the validity of a report of suspected abuse or neglect. Detailed questioning should be avoided as it can cause trauma or compromise an investigation.

H. College Investigations

1. In cases of alleged abuse or neglect by a College employee, or student, the College shall conduct an investigation consistent with all applicable College policies and procedures and recommend appropriate discipline in accordance with applicable College policies and procedures, including but not limited to 42001: Student Code of Conduct, 34002: Disciplinary Action and Suspension, and 34003: Discharge of Administrators and

Staff or, for bargaining unit members, the applicable procedures in the collective bargaining agreement.

2. The College may conduct an investigation even when CPS closes the case without acting because such cases may still involve violations of College policies. To the extent permitted by law, the College's investigations should make use of police reports, statements, and other information obtained by external investigators to avoid repetitive questioning of alleged victims and witnesses.

3. Investigations may focus on whether appropriate reporting of suspected abuse occurred as required by law and this procedure or whether an employee failed to meet their reporting obligations.

IX. Criminal Background Checks

All required Criminal Background Checks must be completed before an individual begins work or participates in College-sponsored activities.

Some College employees and students may be required to undergo Criminal Background Checks before participating in College-sponsored activities in other instructional or community settings. This section does not replace external Criminal Background Checks and other requirements.

A. College Employees

1. All College employees[4] undergo a Criminal Background Check at the time of hire, which includes checks of county and federal criminal records.

2. Additional background screening shall be required when the nature of a position involves direct, unsupervised, or uncontrolled access to minors. The level and type of screening shall correspond to the specific risks and responsibilities of the position, the details of which are maintained by the Office of Human Resources and Strategic Talent Management (HRSTM).

3. College employees who are arrested and charged with a non-traffic offense during their employment must notify their supervisor and HRSTM.

B. College Volunteers and Outside Groups

1. Pursuant to College Policy and Procedure 39002: Volunteers and Interns:
College volunteers who have any contact with minors are required to have a satisfactory Criminal Background Check based on a check of the

[4] Except employees hired before 2012 for positions that did not require fingerprinting as a condition of employment.

National Sex Offender public website, maintained by the United States Department of Justice, using the individual's name and current known place of residence and conducted by the Youth Protection Coordinator. Based on the nature and duration of the volunteer assignment, the College may conduct additional background checks and screening.

2. As outlined in Section XII, external youth-serving groups using College facilities may be required to conduct their own Criminal Background Check for their employees and volunteers, to sign a certification that they have done so, and to submit supporting documentation upon request.

X. Program Registration

A. Except as expressly exempted in Section X.E, all programs that serve youth shall be required to register in advance and adhere to all applicable youth protection requirements.

B. The Youth Protection Coordinator has the authority to decline to register any youth programs that do not meet the requirements stated in this procedure.

C. Registration of programs serving youth shall be contingent upon compliance with the following guidelines:

1. Submit an online Request for Program Registration form for College-sponsored events to the Youth Protection Coordinator as soon as possible but no less than sixty (60) calendar days before the event or program begins. Registration forms must include documentation that an administrator in the sponsoring unit has approved the proposed event.

2. Establish staffing ratios for the program or follow industry standard staffing ratios available from the Youth Protection Coordinator. Staffing ratios should account for factors including:

a. the type and length of the program;

b. the numbers, ages, and experience levels of the youth;

c. the ages and experience levels of the staff;

d. whether the program involves transportation, swimming, changing clothes, showering, or other special circumstances; and

e. how the program will function if a staff member is unavailable or attending to emergency needs of a single child rather than supervising the whole group.

3. Coordinate criminal history checks for current employees with HRSTM. The Youth Protection Coordinator will notify the program director or event planner whether or not the individual is authorized to have contact with minors. Until the program director or event planner receives this notification, the individual may not have contact with minors in the program.

4. Receive notice from the Youth Protection Coordinator that the Request for Program Registration is complete, and the program may go forward.

E. Program Registration Exemptions

Certain activities involving minors are exempt from the program registration process. However, these activities still require adherence to background check, fingerprinting, and training protocols as appropriate as well as compliance with the College's youth protection standards, including following the Rule of Three.

Exempt activities are:

1. Any activity in which minors are accompanied by chaperones, such as College tours.

2. College credit or non-credit classes where College registration is required, except as required by MCPS for teachers assigned to teach in a school.

3. Events open to the general public, including recruitment events.

XI. Behavioral Standards, Training, and Resources

A. Rule of Three

The College prohibits individuals working with youth from being alone with a minor before, during, or after the program or activity. In accordance with the Rule of Three, at least two responsible adults must be present at all times when interacting with minors. Any exception to the Rule of Three must be requested, in advance, to the Youth Protection Coordinator and will be granted only in exceptional circumstances.

B. Electronic Communications and Social Media

Any electronic communication with minors should comply with 22003: Public Information, Communications, and Marketing, be conducted through College accounts, professional in nature and limited to the educational program or activity. Any private electronic communication outside the scope of the activity or program between staff or volunteers and minors, including the use of personal social networking websites, is prohibited.

1. Group messaging is a convenient and quick means of communication. Best practice calls for the use of a platform that enables transparent and open messaging and allows for the personal information of minors to remain private. Minors should never be required to share their personal contact information with adults or peers.

2. Social media services may be used to engage with minors as long as the communication happens through a College-associated account. At least two College employees should have access to the account and any use should comply with 42003: Student Social Media Privacy Protection.

XII. Use of College Facilities by Outside Groups

A. Many outside groups use College facilities for their own youth-serving programs. These organizations are responsible for complying with the following requirements to ensure the protection of minors:

1. Register the program at least sixty (60) calendar days in advance under Section X.C. above.

2. Structure the program to eliminate any one-on-one time between an adult and a minor in a private area not readily observable by others.

3. Distribute educational materials regarding the protection of minors provided by the College to the adults participating in the program and review the contents with adult participants.

4. Comply with any additional requirements set forth in the applicable facilities use agreement.

B. For outside groups required to have commercial general liability insurance, the insurance must have appropriate limits and types of coverage as determined by the College's Office of General Counsel.

C. For outside programs lasting more than one day (8 hours or more) or involving an overnight stay, conduct criminal history checks on all paid staff and volunteers. Outside programs must certify to the College that the outside group's staff and volunteers have satisfactory results from a completed criminal history check. No staff member or volunteer in an outside program lasting more than one day or including an overnight stay may work with youth on College premises until a satisfactory Criminal Background Check has been completed.

Exemptions to the background screening requirement can be made at the discretion of the Youth Protection Coordinator, in consultation with the Office of General Counsel.

D. Comply with instructions from the Youth Protection Coordinator concerning program operations. The College may require an outside group to: (a) provide documentation showing satisfaction of all requirements in this section, and/or (b) permit the College to audit youth protection protocols and records upon request.

XIII. Children at College Locations

The College seeks to create a sense of belonging for parenting students and employees while ensuring the safety of children and the operations of the College with the following guidelines:

A. Children on College locations must be accompanied by a parent/guardian at all times except when the minor is a registered student or participant in a College-sponsored program, course, or activity that provides its own supervision such as the College's Youth Programs and Early Childhood Education lab school.

B. The parent/guardian is responsible for the supervision, safety, security, and well-being of the child and is responsible for any injuries to persons or damage to property caused by the child.

C. Employees should not bring children to work except for occasional short periods of time and provided this does not interfere with the employee or their colleagues devoting their full attention to College business. The employee must first communicate with their supervisor who has the authority to deny the request if the environment would be unsafe or there is an operational reason to do so. The employee retains full responsibility for supervision of the child at all times.

D. It is understood that students have complex lives and the College seeks to equitably support students. Understanding that students will make childcare arrangements for periods when they will be on site to attend class or participate in other academic requirements, the College recognizes that emergency situations may require a student to bring a child to class. The student must first communicate with the instructor who has the authority to deny the request if the environment of instruction would be unsafe or there is a compelling pedagogical reason to do so. If the instructor does not grant permission for the child to be present, the student must remove the child from the classroom or environment of instruction.

    1. Children are allowed in most buildings, including the library and student services centers.

    2. Children may accompany their parents/guardians to appointments at the College if necessary, including, but not limited to, advising and financial aid.

    3. Children may not accompany their parents/guardians to placement assessment testing, assessment centers, or classrooms during exams or other quizzes or tests.

E. Except in cases of College-sponsored events, children, whether supervised or unsupervised, are not permitted in natural science laboratories, any classroom with mechanical equipment, machinery, or power tools, on construction sites, in maintenance facilities, in food preparation areas, or in other areas where their presence constitutes a danger to themselves or others.

XIV. Interpretations and Exemptions

The Youth Protection Coordinator is authorized to advise on the application of these procedures and to grant specific exemptions in consultation with their supervisors and, when appropriate, College leadership. The Youth Protection Coordinator must maintain a record of any such interpretations and exemptions, and upon request furnish a copy of this record to the president and the Chief Planning, Policy, and Governance Officer.

Administrative Approval: July 29, 2004; June 10, 2013, April 28, 2014 (administrative correction only); February 23, 2015; November 27, 2017; October 18, 2019; February 22, 2023; February 6, 2026.

ATTACHMENT VII

ANTI-HAZING
POLICY 42004 AND PROCEDURE 42004CP

POLICY Board of Trustees - Montgomery College **42004**

Chapter: Student Affairs Modification No. 001

Subject: **Anti-Hazing**

I. Montgomery College is committed to ensuring the health and safety of all students. Hazing presents a serious risk to the health and safety of students, is against state and federal law, and is strictly prohibited at the College.

II. This anti-hazing policy applies to conduct that occurs on or off College property between two or more enrolled students who are members of a student organization (e.g., club, group, team), regardless of whether the organization is established or recognized by the College. This policy also applies to College employees and volunteers working with student organizations.

III. Any member of the College community who becomes aware of a hazing incident must report it as soon as possible. All allegations will be promptly and thoroughly investigated through established procedures.

IV. All students, employees, and volunteers working with student organizations will be educated about this policy. The policy will be included in relevant handbooks (e.g. Student Club Handbook, Student-Athlete Handbook, Coaches Handbook), and included in training for those working with student organizations (e.g. Student Life Specialists, Coaches).

V. The College Community will also be provided with research-informed prevention programs and strategies at times and in formats most appropriate to them.

VI. Violators of this policy may subject to disciplinary action in accordance with applicable College policies, procedures, or Collective Bargaining Agreements.

VII. The Board of Trustees authorizes the president to establish any procedures necessary to implement this policy.

Effective Date: May 19, 2025.

PROCEDURE - Montgomery College **42004CP**

Chapter: Student Affairs Modification No. 001

Subject: **Anti-Hazing**

I. Montgomery College is dedicated to fostering a safe environment for all students and strictly prohibits any form of hazing.

II. Definitions

A. Hazing: an intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that

1. is committed in the course of an initiation into an affiliation with, or the maintenance of membership in, a student organization; and

2. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

B. Student organization: any student group or organization (e.g. club, association) at the College in which two or more of the members are students enrolled at the College, regardless of whether the organization is established or recognized by the institution.

C. Student: a person who is currently matriculated, enrolled in or auditing credit or non-credit courses at the College, whether on site, off-site, online, part-time, or full-time.

III. Scope and Applicability

A. The College prohibits hazing regardless of whether the conduct occurs on or off College premises, in-person or during online activities, or outside of the hours of College operation.

B. This policy applies to all employees, students, student organizations, groups, clubs, and volunteers associated with any student club or organization at the College.

C. The implied or expressed consent of a student to hazing is not a defense to an alleged violation of this policy and procedures.

D. Retaliation against any person who reports hazing or who participates in a hazing investigation pursuant to this policy and procedure is prohibited in accordance with College Policy 39003: Protection Against Retaliation.

IV. Prevention

Education and prevention are essential means by which the College creates and maintains a safe, positive environment free from hazing. Programs and strategies include, but are not limited to:

A. Posting this policy on the College website.

B. Inclusion of policy in new student orientation.

C. Annually inform students, organizations, College employees and volunteers that hazing is prohibited, by means of distribution of written policy and publication in handbooks.

D. Making anti-hazing online training available to all students and employees. Such anti-hazing training shall include information regarding hazing awareness, prevention, intervention, and the College's policy.

E. Requiring student government association, student athletes, leaders of registered student clubs, and other organizations and groups, to complete anti-hazing training provided by the College. Such anti-hazing training may be conducted online or in-person and shall include information regarding hazing awareness, prevention, intervention, and the College's policy. Failure to complete the training will result in the student being denied the ability to join any recognized student club or organization.

F. The College shall also provide all staff and volunteers that advise or coach a student club or organization recognized by or operating under the sanction of the College and who have direct contact with students with mandatory training on hazing which shall include information on hazing awareness, hazing prevention, and the institution's policy, including how to report incidents.

V. Reporting and Investigation

A. All members of the Montgomery College community must report known or suspected hazing incidents and are encouraged to make such reports promptly to maximize the College's ability to respond and take appropriate action, including to obtain evidence and to conduct a prompt and equitable investigation.

B. Campus Security Authority personnel are considered mandatory reporters and must report known or suspected hazing incidents immediately upon learning of them.

C. Hazing incidents may be reported through any of the following means:

1. The Office of Public Safety at any location, or to any designated Campus Security Authority.

2. The Office of the Dean of Student Affairs at any location.

3. The Title IX Coordinator in the Office of Compliance, Risk, and Ethics at 240-567-4279 or HazingConcerns@montgomerycollege.edu.

4. The College's confidential online reporting line, www.montgomerycollege.ethicspoint.com, or the toll-free confidential reporting line, 1-844-572-2198.

D. Once notice is received from any source, the College will proceed with a preliminary investigation. Where a reported violation is covered by the College's existing policies and procedures, including grievance procedures, the office designated under that policy or procedure will be responsible for investigating the report:

1. Complaints identifying a student respondent will be referred to the process for resolution under 42001: Student Code of Conduct.

2. Complaints identifying an employee respondent will be referred to the Office of Compliance, Risk & Ethics for assessment and triage under 10001: Code of Ethics and Employee Conduct.

3. In accordance with College policies and procedures, the Office of Compliance, Risk, & Ethics is authorized to investigate any suspected violation not explicitly under the jurisdiction of another office.

E. If during an investigation a College employee meets with any individual who reports being hazed, they will be informed of their right to report to law enforcement.

VI. Violations and sanctions

A. Students and/or student organizations found in violation of this policy are subject to disciplinary action in accordance with procedures set forth in the College policy 42001: Student Code of Conduct. Sanctions will be based on the circumstances and nature of the violation and include, but are not limited to, a warning, disciplinary probation, community service, participation in education programming, suspension, and dismissal from the College.

B. If a student activity or organization permits hazing in violation of this policy or other relevant College regulations, penalties may include revocation of the organization's authorization to operate on college property or to function under the college's sanction or recognition.

C. Employees found in violation of this Policy are subject to action in accordance with the procedures for set forth in College policies 34002: Disciplinary Action and Suspension and 34003: Discharge of Administrators and Staff or, for bargaining unit members, the applicable procedures in the collective bargaining agreement.

D. Violations may be subject to criminal penalties pursuant to Maryland law. Additionally, the College reserves the right to refer violators to law enforcement authorities.

VII. Campus Hazing Transparency Report

A. The College will publish on its website a report summarizing findings concerning any recognized student organization found to be in violation of this policy to include: the name of the student organization, a general description of the violation that resulted in a finding of responsibility, and the pertinent dates.

B. Statistics for hazing incidents that were reported to campus security authorities or local law enforcement will also be published in the Annual Security Report and comply with Clery Act requirements.

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Administrative Approval: May 21, 2025