



**MONTGOMERY COLLEGE  
BOARD OF TRUSTEES**

**RECORD OF RESOLUTIONS  
February 25, 2013**

<b><u>Board Resolution#</u></b>		<b><u>Pages</u></b>
13-02-017	Personnel Actions Confirmation	2-5
13-02-018	Approval of Memorandum Agreement with Service Employees International Union, Local 500, Change to Win	6-7
13-02-019	Acceptance of the Middle States Periodic Review and Compliance Reports	8-9
13-02-020	Revision to Policy 31002–Hate/Violence Activity	10-13
13-02-021	Revision to Policy 31006–Equal Employment Opportunity and Non-Discrimination	14
13-02-022	Revision to Policy 31007–Affirmative Action	15
13-02-023	Revision to Policy 31008–Sexual Harassment	16-17
13-02-024	Revision to Policy 31106–Consensual Relationships	18-19
13-02-025	Revision to Policy 32106–Employment of Individuals with Disabilities	20
13-02-026	Revision to Policy 41002–Equal Education Opportunity and Non-Discrimination	21
13-02-027	New Policy 77002–Prohibition of Weapons on Campus	22-24

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Agenda Item Number: 7  
February 25, 2013

**PERSONNEL ACTIONS CONFIRMATION REPORT**

BACKGROUND

The Board of Trustees by state law has the authority and the responsibility for appointments to the College. Each month the Board receives a summary of personnel actions from the Office of Human Resources, Development, and Engagement on new hires and employees who have separated from the College.

RECOMMENDATION

It is recommended that the Board adopt the attached report.

BACKUP INFORMATION

Board Resolution  
Personnel Actions Confirmation Report  
Policy 34001, Changes in Employee Status

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSON

Ms. Espinosa

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Number: 13-02-017  
Adopted on: 2/25/2013

Agenda Item Number: 7  
February 25, 2013

**Subject: Personnel Actions Confirmation**

WHEREAS, by state law the Board of Trustees has the authority and responsibility for appointments to the College; and

WHEREAS, the attached summary indicates related personnel actions taken by the College during the period from and including December 1, 2012, to and including December 31, 2012; and

WHEREAS, the president of the College recommends that the Board adopt the following resolution; now therefore be it

Resolved, That the Board of Trustees accepts the attached report and confirms the actions of the president.

Attachment

MONTGOMERY COLLEGE  
SUMMARY OF PERSONNEL ACTIONS  
From and Including December 1, 2012, to and Including December 31, 2012

**STAFF**

**STAFF EMPLOYMENTS**

Effective Date	Name	Position Title	Grade	Location
12/03/2012	Carter, Derek A	Interim Athletic Director	L	College Wide Athletics
12/03/2012	Cusic, Christopher T	Media Resources Manager	J	OIT Central Administration
12/03/2012	Jones, Jonathan F	Grants Specialist	J	Grants & Business Development
12/03/2012	Pfau, Jillian	Assistive Technology Coord	J	CW Dean Stu Success-RV Stu Services

**STAFF SEPARATIONS**

12/31/2012	Anderson, Samuel B <sup>1</sup>	Building Services Supervisor	H	Facilities Office - Central Admin
12/31/2012	Bassey, Sherralyn S <sup>1</sup>	Registration Coordinator	H	WDCE Central Administration
12/31/2012	Bean, Barbara M <sup>1</sup>	Technical Support Coordinator	I	OIT Central Administration
12/31/2012	Bliss, Shirley J <sup>1</sup>	Job Opportunity & Dev Spec	J	CW Dean Stu Access-GT Stu Services
12/31/2012	Bowman, Gordon G <sup>1</sup>	Media Technology Specialist	H	OIT Central Administration
12/31/2012	Carroll, Jeanette <sup>1</sup>	Safety & Security Officer	E	Facilities Security - GT
12/31/2012	Carvallo, Lisa M <sup>1</sup>	Career Pathway Prog Mgr	K	Office Sr VP for Academic Affairs
12/31/2012	Chaney, Sharon E <sup>1</sup>	Administration Associate Dir	N	Office of Aux Support Serv
12/31/2012	Chapson, Helen B <sup>1</sup>	Executive Associate II	J	Office Sr VP of Admin & Fiscal Serv
12/31/2012	Chery, Lionel J <sup>1</sup>	Building Services Worker Lead	D	Facilities Office - Central Admin
12/31/2012	Deshetler, Thomas J <sup>1</sup>	Safety & Security Shift Supv	H	Facilities Security - RV
12/31/2012	Gladhill, Richard E <sup>1</sup>	Building Maint Mechanic Superv	I	Facilities Operations - RV
12/31/2012	Hall, Randall V <sup>1</sup>	IT Fac & Infrastr Planning Mgr	M	OIT Engineering Services
12/31/2012	Hutchinson, Judith S <sup>1</sup>	Instructional Assistant	G	CW Dean-Student Engag-TPSS Stu Svcs
12/31/2012	Johnson, Patricia A <sup>1</sup>	Mail Clerk Lead	D	Facilities Office - Central Admin

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<sup>1</sup> Retirement

12/31/2012	Kane, Gloria N <sup>1</sup>	Gift Coordinator	I	Office of Advancement/Comm Engage
12/31/2012	Lehman, Richard B <sup>1</sup>	Safety & Security Officer	E	Facilities Security - GT
12/31/2012	Logan, Jann E <sup>1</sup>	Community Use Scheduler	F	Facilities Operations - RV
12/31/2012	Lozano, Carlos A <sup>1</sup>	Grounds Maintenance Worker	C	Facilities Office - Central Admin
12/31/2012	Malhotra, Teresa J <sup>1</sup>	Admission & Registration Asst	F	Admission & Enroll Mgt Office
12/31/2012	Marchese, Margaret M <sup>1</sup>	Administrative Aide II	G	Institutional Research & Analysis
12/31/2012	Martin, Sheila A <sup>1</sup>	Safety & Security Officer	E	Facilities Security - GT
12/31/2012	Nordlie, Christina S <sup>1</sup>	Administrative Aide III	H	Facilities Operations - RV
12/31/2012	Preston, Cheryl A <sup>1</sup>	Administrative Aide I	F	Facilities Security - RV
12/31/2012	Pryor, Mary J <sup>1</sup>	Office Associate	E	Facilities Security - GT
12/31/2012	Rico, Alicia <sup>1</sup>	Building Services Worker	B	Facilities Office - Central Admin
12/31/2012	Rico, Vicente <sup>1</sup>	Building Services Worker Lead	D	Facilities Office - Central Admin
12/31/2012	Tavakoli, Mansur <sup>1</sup>	Aca Grants & Articul Prog Spec	J	Office Sr VP for Academic Affairs
12/31/2012	Verfuerth, Gloria J <sup>1</sup>	Environmental Safety Data Ast	H	Facilities Office - Central Admin
12/31/2012	White, Anne E <sup>1</sup>	Foundation Board Rel Coord	K	Office of Advancement/Comm Engage

#### STAFF EMPLOYMENTS: Ethnicity and Gender

	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian</u>	<u>American Indian</u>	<u>TOTAL</u>
Female	1	0	0	0	0	1
Male	1	2	0	0	0	3
<b>TOTAL</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>

#### STAFF SEPARATIONS: Ethnicity and Gender

	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Asian</u>	<u>American Indian</u>	<u>TOTAL</u>
Female	13	4	2	1	0	20
Male	5	2	2	1	0	10
<b>TOTAL</b>	<b>18</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>30</b>

### FACULTY

**FACULTY EMPLOYMENTS: None**

**FACULTY SEPARATIONS: None**

<sup>1</sup> Retirement

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Agenda Item Number: 8  
February 25, 2013

**APPROVAL OF MEMORANDUM OF AGREEMENT—COLLECTIVE BARGAINING  
AGREEMENT BETWEEN MONTGOMERY COLLEGE AND SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 500, CHANGE TO WIN**

BACKGROUND

Representatives of the Board of Trustees and the Service Employees International Union, Local 500, Change to Win (SEIU) reached an agreement as a result of re-opener negotiations. These negotiations resulted in amendments to the part-time faculty collective bargaining agreement, which include: general wage adjustments in the academic year 2013–2014 equal to five and three quarters percent (5.75%) of salary for part-time faculty ranked as Lecturers and six percent (6%) of salary for those ranked as Adjunct I and Adjunct II. The parties agreed to begin successor agreement negotiations on or about July 1, 2013, and to form a joint committee to explore the creation of regular part-time faculty position. Amendments to the agreement also include adjustment to the initial salary placement practice and the addition of flexible spending accounts.

RECOMMENDATION

It is recommended that the Board of Trustees adopt the attached resolution approving the collective bargaining agreement; authorize the Board Chair to execute the memorandum of agreement; and delegate to the president the authority and responsibility to implement and administer the agreement.

BACKUP INFORMATION

Resolution  
Tentative Agreement dated February 20, 2013 (Board Members only)

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSONS

Ms. Espinosa  
Ms. Smith

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Number: 13-02-018  
Adopted on: 2/25/2013

Agenda Item Number: 8  
February 25, 2013

**Subject: Approval of Memorandum of Agreement—Collective Bargaining Agreement between Montgomery College and Service Employees International Union, Local 500, Change to Win**

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WHEREAS, the Service Employees International Union, Local 500, Change to Win, (SEIU) is the exclusive representative authorized to negotiate on behalf of certain part-time faculty members at Montgomery College; and

WHEREAS, a tentative agreement with amendments to the collective bargaining agreement has been negotiated by teams representing the Board of Trustees and the SEIU Local 500; and

WHEREAS, on February 20, 2013, the members of SEIU Local 500 ratified the tentative agreement; and

WHEREAS, the negotiating team representing the Board recommends approval of the tentative agreement by the Board; and

WHEREAS, the president recommends that the Board take the following action; now therefore be it

Resolved, That the Board of Trustees adopts and approves the amendments to the collective bargaining agreement set forth in the attached tentative agreement; and be it further

Resolved, That the Board of Trustees authorizes the Board Chair to execute the tentative agreement between the Board of Trustees of Montgomery College and Service Employees International Union, Local 500, Change to Win; and be it further

Resolved, That the Board of Trustees delegates to the president the responsibility and authority to implement and administer the collective bargaining agreement; and be it further

Resolved, That the Board of Trustees recommend the joint committee developing a framework of ensuring student success through the development of permanent part-time faculty and also examine the use of accountability metrics to substantiate the linkage between permanent part-time faculty and student success.

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Agenda Item Number: 9  
February 25, 2013

**ACCEPTANCE OF THE  
2013 PERIODIC REVIEW AND COMPLIANCE REPORTS TO THE  
MIDDLE STATES COMMISSION ON HIGHER EDUCATION**

BACKGROUND

Montgomery College is a candidate for periodic review re-accreditation by the Middle States Commission on Higher Education (MSCHE) in 2013. As part of that process, the College is required to submit a Periodic Review Report and a Compliance Report to the Commission by June 2013.

The report co-chairs and the Periodic Review Coordinating Committee have worked two years in preparing the report. The final report is based on the Comprehensive Report Self-Study Model and provides comprehensive information to meet both internal and external assessment needs based on MSCHE standards in *Characteristics of Excellence*.

The Periodic Review Report contains information related to activities and changes since the 2008 Self-Study, which was prepared for reaccreditation at that time. In addition, the report has an analysis of enrollment and finance projections, as well as detailed information about processes that link institutional effectiveness and student learning, as well as institutional planning and budgeting.

In addition to the Periodic Review Report, the Commission also requests an additional report on the verification of compliance with four accreditation-relevant federal regulations, namely:

- student identify verification in distance and correspondence education;
- transfer of credit;
- Title IV cohort default rate; and
- assignment of credit hours.

RECOMMENDATION

It is recommended that the Board of Trustees accept the College's 2013 Periodic Review Report and Compliance Report to be submitted to the Middle States Commission on Higher Education.

BACKUP INFORMATION

Montgomery College 2013 Periodic Review Report (Trustees Only)  
Montgomery College 2013 Compliance Report (Trustees Only)

SENIOR RESPONSIBLE ADMINISTRATOR

Dr. Cain

RESOURCE PERSONS

Dr. Benjamin  
Dr. Fechter  
Ms. Wessman

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Number: 13-02-019  
Adopted on: 2/25/2013

Agenda Item Number: 9  
February 25, 2013

**Subject: Acceptance of the 2013 Periodic Review and Compliance Reports to the Middle States Commission on Higher Education**

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WHEREAS, Montgomery College is a candidate for periodic review re-accreditation by the Middle States Commission on Higher Education in 2013; and

WHEREAS, as part of that process, the College is required to submit a Periodic Review Report and a Compliance Report to the Commission by June 2013; and

WHEREAS, the drafts of the Middle States Commission on Higher Education 2013 Periodic Review Report and a Compliance Report have been reviewed by the Periodic Review Report Coordinating Committee, the College community, senior College leaders, and the president; and

WHEREAS, the president of the College recommends that the following action be taken; now therefore be it

Resolved, That the Board of Trustees accepts the Middle States Commission on Higher Education 2013 Periodic Review Report and Compliance Report with the understanding that the president of the College will submit it to the Middle States Commission on Higher Education as presented, or with minor editorial changes, if needed.

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Agenda Item Number: 10 A-G  
February 25, 2013

**REVISION OF COLLEGE EQUITY AND DIVERSITY POLICIES**

**BACKGROUND**

Montgomery College is committed to equal employment and educational opportunity that assures access, equity, and diversity while maintaining an educational and employment environment free from discrimination, harassment, and violence. In accordance with applicable county, state, and federal laws and regulations, the College does not discriminate against any student, employee, or applicant for employment who is a qualified individual with a disability or on the basis of age, color, citizenship status, covered veteran status, disability, gender, gender identity, genetic information, national origin, marital status, race, religion, or sexual orientation.

As part of this commitment, all College policies related to hate/violence, equal opportunity, affirmative action, sexual harassment, consensual relationships, and employment of individuals with disabilities have been reviewed by the Office of Equity and Diversity, the various participatory governance groups, collective bargaining units, the President's Executive Council, and the Office of the President to ensure the stated policy language is clear, concise, up-to-date, reflects the intent of the Board of Trustees, and is in compliance with all applicable county, state, and federal laws and regulations. In addition, to ensure the College's commitment to non-discrimination and providing a safe working and educational environment, language regarding the provision of any and all mandatory educational and employment requirements has been added to all policies.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve the changes in Montgomery College Policy 31002–Hate/Violence Activity; 31006–Equal Employment Opportunity and Non-Discrimination Policy; 31007–Affirmative Action; 31008–Sexual Harassment; 31106–Consensual Relationships; 32106–Employment of Individuals with Disabilities; and 41002–Equal Education Opportunity and Non-Discrimination Policy, as attached.

**BACKUP INFORMATION**

Board Resolution

Revised Montgomery College Policies

- 31002–Hate/Violence Activity
- 31006–EEO and Non-Discrimination
- 31007–Affirmative Action
- 31008–Sexual Harassment
- 31106–Consensual Relationships
- 32106–Employment of Individuals with Disabilities
- 41002–Equal Education Opportunity and Non-Discrimination Policy

SENIOR RESPONSIBLE ADMINISTRATOR

Dr. Cain

RESOURCE PERSON

Dr. Scott

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Numbers: 13-02-020 through 13-02-026  
Adopted on: 2/25/2013

Agenda Item Number: 10 A-G  
February 25, 2013

**Subject: Revision of College Equity and Diversity Policies**

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WHEREAS, the Board of Trustees and Montgomery College are committed to equal employment and educational opportunity that assures access, equity, and diversity while maintaining an educational and employment environment free from discrimination, harassment, and violence; and

WHEREAS, Montgomery College's policy is to foster equal opportunity for all without regard to age, color, citizenship status, covered veteran status, disability, gender, gender identity, genetic information, national origin, marital status, race, religion, or sexual orientation and strictly in accord with their individual merits as human beings and in accordance with all applicable county, state, and federal laws and regulations; and

WHEREAS, leadership and guidance in developing educational programs to promote awareness of College policies is critical to maintaining environments that are free from discrimination, harassment, or violence; and

WHEREAS, upon review of College policies 31002–Hate/Violence Activity, 31006–Equal Employment Opportunity and Non-Discrimination Policy, 31007–Affirmative Action, 31008–Sexual Harassment, 31106–Consensual Relationships, 32106–Employment of Individuals with Disabilities, and 41002–Equal Education Opportunity and Non-Discrimination Policy, it is recommended that the language be updated to reflect the current definitions, understanding, and application of the principles included in the above named policies; and

WHEREAS, the president of the College recommends the following action; now therefore be it

Resolved, That effective February 25, 2013, Montgomery College Policy 31002–Hate/Violence Activity, 31006–Equal Employment Opportunity and Non-Discrimination Policy, 31007–Affirmative Action, 31008–Sexual Harassment, 31106–Consensual Relationships, 32106–Employment of Individuals with Disabilities, and 41002–Equal Education Opportunity and Non-Discrimination Policy, be revised as presented.

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Chapter: Personnel

Modification No. 005

Subject: **Hate/Violence Activity**

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- 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, 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.

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

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Chapter: Personnel

Modification No. 008

Subject: **Equal Employment Opportunity and Non-Discrimination Policy**

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- I. Montgomery College is committed to equal employment opportunity that assures access, equity, and diversity. Further, the College is committed to providing an environment in which all persons are provided the opportunity for employment, participation in academic programs, and/or other college activities free from discrimination, harassment prohibited by federal regulations and state law, and sexual assault.
- II. It is the policy of the Board of Trustees to take positive steps to identify and change College policies, practices, procedures, and other institutional barriers that may prohibit or adversely affect access, equity, and diversity.
- III. In accordance with applicable law, the College does not discriminate against any student, employee, or applicant for employment who is a qualified individual with a disability or on the basis of age, color, citizenship status, covered veteran status, disability, gender, gender identity, 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.
- IV. 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 Equal Employment Opportunity and Non-Discrimination 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 and directed to establish procedures and programs to implement this policy.

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Board Approval: September 21, 1987; December 18, 1989; April 15, 1991; July 15, 1991; September 21, 1999, November 18, 2002, December 13, 2010; February 25, 2013.

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Chapter: Personnel

Modification No. 005

Subject: **Affirmative Action**

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- I. Montgomery College is committed to undertaking conscious, deliberate action designed to assure equal opportunity for all employees and to make additional efforts to recruit, employ, and promote minorities and women at all levels and in all segments of the workforce where they are underrepresented. Toward this end, the President will develop and implement an affirmative action program and an affirmative action plan.
- II. It is the policy of the Board of Trustees to take positive steps to identify and change College policies and other institutional barriers that may prohibit equal employment of employees or adversely affect access, equity, and diversity.
- III. The College is committed to diligently implementing equal employment opportunity and affirmative action practices of hiring employees from underrepresented groups, as designated by federal regulation, and strongly encourages and supports continued efforts in these areas.
- IV. Education is a key element of this policy. The College will provide education and information, as appropriate, for employees to enhance understanding and increase awareness of the College's Affirmative Action 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 and 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 its recurrence and addressing its effects.
- IV. The President is authorized to establish procedures to implement this policy.

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Board Approval: September 21, 1987; December 18, 1989; April 15, 1991; November 13, 1995; February 25, 2013.

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Chapter: Personnel

Modification No. 006

Subject: Sexual Harassment

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- I. It is the policy of Montgomery College to establish and maintain a community in which everyone who works or participates in college programs and activities can do so in an atmosphere free from all forms of harassment, including sexual harassment, and from an offensive, hostile, or intimidating environment. When made aware, the College will take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.
- II. This policy applies to all members of the Montgomery College community and prohibits sexual harassment by employees, students, or other individuals on the College's premises.
- III. Sexual harassment will not be tolerated. The College will consider a violation of this policy to be a significant act of misconduct that will result in discipline, possibly including discharge from employment or expulsion from the institution.
- IV. Just as the College will consider violations of this policy an act of misconduct, the filing of frivolous or malicious allegations of sexual harassment may subject individuals to disciplinary action up to and including discharge or expulsion from the institution. The failure to substantiate a sexual harassment allegation does not automatically constitute malicious intent, frivolity, or a false claim.
- V. The College will take steps to prevent and promptly correct sexually harassing behavior. Employees, students, and individuals present on the College's premises are expected to take advantage of these preventive and corrective opportunities and to otherwise avoid possible harm.
- VI. Sexual harassment is defined as follows:  
  
Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature whereby:
  - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status;
  - B. Submission to, or rejection of, such conduct by an individual is used as the basis of an employment decision or academic decision affecting that person; or
  - C. Such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive working or learning environment.
- VII. Individuals who believe that they have witnessed sexual harassment or who believe they have been sexually harassed should immediately contact the College's Chief Equity and Diversity Officer, who is also the College's Title IX Coordinator.
- VIII. A criminal investigation does not preclude the College's ability to conduct its own sexual harassment investigation. The College will not impede or compromise a criminal

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- investigation in conducting its own investigation. All reasonable steps will be taken to protect individuals and students in the academic or employment setting depending on the nature of the allegations.
- IX. In investigating allegations of sexual harassment the College uses the preponderance of the evidence standard.
- X. Individuals who complain of sexual harassment are assured appropriate confidentiality and will not be disciplined or otherwise retaliated against for reporting an incident of sexual harassment. A reasonable effort will be made to protect and preserve the confidentiality of all parties during the processing of complaints under this policy. The College will take action necessary to prevent and promptly correct any sexually harassing behavior.
- XI. This policy does not preclude an individual from pursuing a complaint of sexual harassment with an external agency at any time.
- XII. 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 Sexual Harassment policy and procedures. Annual training will be conducted for both sexual harassment training and sexual assault training. 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 sexual harassment. 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.
- XIII. The President is authorized and directed to establish procedures and/or to implement this policy.

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Board Approval: September 21, 1987; December 18, 1989; April 15, 1991; October 19, 1998; July 15, 1999; February 25, 2013.

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Chapter: Personnel

Modification No. 002

Subject: **Consensual Relationships**

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- I. The College's mission is supported by professionalism in student-faculty relationships and in supervisor-supervisee relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Taking note of the respect and trust accorded a faculty member by a student and a supervisor by a supervisee, all College employees recognize that they are presumed to make decisions regarding their relationships with students and supervisees that will not compromise this atmosphere of mutual trust and respect. Employees should be aware of the possibility that an apparent consensual amorous relationship with a student or supervisee may be interpreted or may appear (either now or at a later date) as nonconsensual and, therefore, sexual harassment. Further, an apparent consensual relationship may give to third parties the appearance of unfair bias or favoritism on the part of the faculty member or supervisor towards the student or supervisee.

Accordingly, it is the policy of the Board of Trustees that its employees shall not maintain, engage in or undertake an amorous relationship or permit one to develop with a student who is enrolled in the employee's class or supervisee who is subject to that person's supervision or where an evaluative relationship exists, even when both parties appear to have consented to the relationship. As an example, this policy includes the position that faculty members shall not engage in a romantic social relationship with students who are enrolled in their class; similarly, supervisors are expected to refrain from dating persons they supervise or evaluate, directly or indirectly.

- II. The mere fact that an amorous or romantic relationship exists between two persons either one of which may be an employee of the College or is a student at the College, in and of itself, is not addressed by this policy nor is there any specific or implied prohibition of such relationships. It is only when such relationships occur in the context of the special obligations and power of faculty-student relations (where the student is currently in a class taught by the faculty member) or a supervisor-supervisee relationship that the concerns addressed by this policy apply, including concerns regarding appearance or real conflicts of interest and potential for claims of sexual harassment against the College and others.
- III. The Board of Trustees does recognize that consensual amorous relationships may exist prior to the time a student is assigned to a faculty member, as a member of that person's class or is placed in a situation where the employee must supervise or evaluate the student. It is also recognized that such a relationship may exist between co-employees prior to the time when one of those employees becomes the supervisor of the other. Special provisions shall be made to appropriately accommodate such situations so long as these relationships are timely disclosed by the faculty member or supervisor involved and the purpose of the policy to avoid conflicts of interest and the appearance of conflicts of interest is accomplished.
- IV. 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 Consensual Relationships 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.

- V. The President is authorized to establish procedures to implement this policy with respect to College employees.

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Board Approval: January 26, 2004; February 25, 2013.

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Chapter: Personnel

Modification No. 002

Subject: **Employment of Individuals with Disabilities**

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- I. Montgomery College is committed to diversity and nondiscrimination and supports employment opportunities for qualified individuals with disabilities in accordance with the College's Affirmative Action Plan for Veterans and Individuals with Disabilities, Board policy on Equal Employment Opportunity and Non-Discrimination, and state laws and federal laws and regulations, including the Americans with Disabilities Act of 1990 as amended.
- II. The College will not discriminate against a qualified individual because of a disability with regard to application, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. Benefits provided to qualified individuals with a disability are no different than the benefits provided to other employees. Likewise, this policy does not prohibit the College from holding employees with disabilities to the same standards of conduct and performance as other similarly situated employees without disabilities.
- III. The College, in accordance with applicable law, will provide, upon request, reasonable accommodations for the application process, employment, and continued employment, or reassignment of qualified individuals with disabilities, unless such accommodations would impose undue hardship on the College.
- IV. Education is a key element of this policy. The College will provide education and information, as appropriate, for employees to enhance understanding and increase awareness of the College's Employment of Individuals with Disabilities 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 and 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 its recurrence and addressing its effects.
- V. The President is authorized to establish procedures for processing requests for accommodations from qualified applicants and employees with disabilities in compliance with the applicable provisions of the Americans with Disabilities Act (ADA) as amended, as well as other procedures necessary to implement this policy.

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Board Approval: September 24, 2001; February 25, 2013.

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Chapter: Student Affairs

Modification No. 008

Subject: Equal Education Opportunity and Non-Discrimination Policy

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- I. Montgomery College is committed to equal education opportunity that assures access, equity, and diversity in student admissions, and assures equity in student financial assistance and other student policies. Further, the College is committed to providing an environment in which all persons are provided the opportunity for participation in academic programs, and/or other College activities free from discrimination, any form of harassment as prohibited by federal regulations and state law, and sexual assault.
- II. In accordance with applicable law, the College does not discriminate against any student or applicant for admission based on protected attributes as age, color, citizenship status, covered veteran status, disability, gender, gender identity, 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.
- III. It is the policy of the Board of Trustees to take positive steps to identify and change College policies, practices, procedures, and other institutional barriers that may prohibit or adversely affect access, equity, and diversity.
- IV. 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 Equal Education Opportunity and Non-Discrimination 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.
- V. The President is authorized and directed to establish procedures and programs to implement this policy.

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Board Approval: January 22, 1975; July 26, 1976; April 15, 1991; July 15, 1991; September 21, 1999, November 18, 2002, December 13, 2010; February 25, 2013.

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Agenda Item Number: 10H  
February 25, 2013

**ENACTMENT OF POLICY 77002–PROHIBITION OF WEAPONS ON CAMPUS**

BACKGROUND

Montgomery College is committed to ensuring a safe and secure environment for the College and the community. Accordingly, the use, possession, or storage of any weapons is a matter that requires the attention of College authorities. While the use and possession of weapons is addressed in the Student Code of Conduct (42001CP), it is appropriate that the College has a broad policy on weapons.

The Office of the General Counsel composed a new policy, which defines weapons and enforcement for violations to this policy. The president is authorized to establish procedures to implement this policy. New policies such as this come under the authority of the Board of Trustees for approval.

RECOMMENDATION

It is recommended that the Board of Trustees adopt a new policy on the prohibition of weapons on campus.

BACKUP INFORMATION

Board Resolution  
Policy 77002–Prohibition of Weapons on Campus

RESPONSIBLE SENIOR ADMINISTRATOR

Ms. Jones

RESOURCE PERSON

Mr. Sorrell

**BOARD OF TRUSTEES  
MONTGOMERY COLLEGE**  
Rockville, Maryland

Resolution Number: 13-02-027  
Adopted on: 2/25/2013

Agenda Item Number: 10H  
February 25, 2013

**Subject: Enactment of Policy 77002–Prohibition of Weapons on Campus**

WHEREAS, Montgomery College is committed to ensuring a safe and secure environment for the College and the community; and

WHEREAS, the use, possession, or storage of any weapons, requires the attention of College authorities; and

WHEREAS, while the use and possession of weapons is regulated by federal, state and local jurisdictions, and unlawful use of weapons is addressed in a Student Code of Conduct (42001CP), it is appropriate that the College has a broad policy on weapons; and

WHEREAS, Board of Trustees approval is required for all new College policies; and

WHEREAS, the president of the College recommends the following action; now therefore be it

Resolved, That the Board of Trustees adopts policy 77002–Prohibition of Weapons on Campus, in order to ensure a safe and secure environment for the College community; and be it further

Resolved, That the president is authorized to develop procedures as necessary to implement this policy.

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Chapter: Facilities

Modification No. 001

Subject: **Prohibition of Weapons on Campus**

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- I. In order to achieve the mission, vision and values of Montgomery College, the Board of Trustees considers it is essential to ensure a safe and secure environment for the College community. The Board believes the presence of any firearms, explosives and other weapons on College property poses a serious threat to the safety of students and employees. Accordingly, the use, possession, or storage of any weapons is prohibited on College property and at College sponsored events, except for law enforcement personnel acting in the course of their official duties and others specifically authorized by the President.
- II. The College President is authorized to establish procedures to implement this policy.

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Board Approval: February 25, 2013