
Chapter: Student Affairs

Modification No. 002

Subject: **Student Concerns About Athletic Programs and Activities**

- I. Montgomery College is committed to providing athletic programs and activities that adhere to a high standard of ethical and legal conduct, and ensure the health and safety of all student athletes.
- II. It is the policy of the College to encourage students to report any concerns of suspected wrongdoing or abuse in the administration or conduct of College athletic programs and activities so that prompt corrective action can be taken by the College.
- III. No student who in good faith reports a concern or suspected concern of wrongdoing or abuse regarding athletic programs and activities shall thereby suffer harassment, retaliation or adverse employment and/or academic or educational consequence. An individual who retaliates against a student who has made a report in good faith under this policy is subject to disciplinary action in accordance with College policies and/or the student code of conduct, up to and including dismissal from the College.
 - I. This policy does not protect an individual who files a report or provides information that the individual knows to be false, or provides information with reckless disregard for its truth or falsity.
 - II. Student concerns regarding athletic programs and activities will be kept confidential except to the extent that limited disclosure may be necessary for the purpose of conducting a full and fair investigation, providing opportunity for response, taking remedial action, and responding to a government inquiry or legal action.
 - III. The president is authorized to establish procedures necessary to implement this policy.

Board Approval: June 17, 2019; September 23, 2019

Chapter: Fiscal and Administrative Affairs

Modification No. 001

Subject: **Student Concerns About Athletic Programs and Activities**

I. Definitions

- A. Concern: Unethical, illegal, unhealthy, unsafe, inappropriate, or fraudulent activity in violation of College policies or procedures, or applicable laws or regulations.
- B. Good Faith: Acting in good faith means the reporter has a reasonable basis in fact for reporting or providing the information. Reports will be provided with careful regard for the truth, with full disclosure of relevant information, and not with malicious intent or with frivolous information.
- C. Protected Disclosure: Communication about student concerns of wrongdoing or abuse in the administration or conduct of College athletic programs and activities based on good faith.
- D. Reporter: Any person who makes a protected disclosure. This definition honors federal, state, and local regulations for whistleblower policies.
- E. Retaliation: Any adverse action against a student because the individual has made a protected disclosure as a reporter or has participated in an investigation, proceeding, or hearing involving a protected disclosure. Such adverse action can affect or threaten to affect the educational rights or other interests of an individual and can take educational, work, or social form.

II. Reporting Process for Students

- A. Students may report concerns about athletic programs and activities through any of the following means:
 - 1. The Office of Public Safety on any of the campus locations
 - 2. Coaches, athletic advisors, or a member of the athletic department
 - 3. The Title IX Coordinator in the Office of Compliance, Risk, and Ethics at (240) 567-5412 or via email at AthleticConcerns@montgomerycollege.edu
 - 4. The College's confidential online reporting line: www.montgomerycollege.edu/ethicspoint.com or toll-free confidential reporting line: 1-844-572-2198.

Reports and any subsequent investigations will be kept confidential to the extent possible under law and consistent with the need to conduct an adequate investigation and take corrective action.

- B. Students may also seek direction about how to pursue concerns with the Student Ombuds¹. The ombuds functions independently, confidentially, informally, and neutrally and is not affiliated with any compliance function of the College. Therefore, consulting with the ombuds is not the same as making an official

¹ Ombuds services for students will be available in Spring 2020.

report to the College as outlined in Section A above. Refer to Policy and Procedure 39001—College Ombuds for guidance.

III. College Employee Responsibilities

- A. As soon as a report is made to one of the individuals listed in Section II, A, 1 and 2 above, or to any college employee, that individual must communicate the report to the Office of Compliance, Risk, and Ethics, regardless of which method of reporting was used or to whom the initial report was made. For employees who receive a protected disclosure from a reporter, failure to forward reports to the Chief Compliance, Risk, and Ethics Officer within one (1) business day of receiving the report may result in disciplinary action.
- B. Employees who receive a protected disclosure are not responsible for investigating the activity or for determining fault or corrective measure; appropriate investigators are charged with these responsibilities.

IV. College Response to Reported Concerns

- A. Initial receipt of the report will be acknowledged by the Office of Compliance, Risk, and Ethics within three (3) business days. Reports received via the confidential reporting line will be acknowledged through the reporting line.
- B. The reporter will be invited to meet with the Office of Compliance, Risk, and Ethics when made aware of a concern. The purpose of the meeting will be for the investigator to:
 - 1. Assess any immediate threats to student, participant, spectator, staff, or institutional safety; and
 - 2. Gather information to aid in determining if the concern is a possible violation of this or other College policy; and

If the Reporter chooses not to meet with the Office of Compliance, Risk, and Ethics, the College will investigate the matter to the extent possible.

- C. When an investigation is initiated, internal investigation protocols will be followed, and the investigating entity shall make every effort to issue a disposition within sixty (60) days of receipt of the report. This timeline may be shortened depending on the nature of the allegation and the amount of facts that have to be collected. However, extenuating circumstances may require the extension of this projected timeline.
- D. Nothing in these procedures preclude students or the College from making a report to external agencies when necessary.
- E. At the conclusion of the investigation, a follow-up with the reporter will be made to the extent possible and permitted by law for closure of the concern.

V. Protection Against Retaliation

Any student who makes a good faith report or protected disclosure of a concern will be protected in accordance with College Policy 39003-Protection Against Retaliation.

VI. Reports to the President

Annually, or upon request, the Chief Compliance, Risk, and Ethics Officer will prepare a summary report including the number of students who shared athletic programs and activities concerns under the policy, in order for the President, or designee, to submit this information to the Maryland Higher Education Commission as described by law or regulation.

VII. Education

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 policy. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to ensure that athletic programs and activities adhere to a high standard of ethical and legal conduct, and protect the health and safety of all students, participants spectators, staff, and the institution. Some goals to be achieved through education are: (a) identifying the avenues available for reporting concerns of suspected wrongdoing or abuse in the administration or conduct of College athletic programs and activities; (b) promoting awareness of the reporting process; and (c) communicating the College's commitment to protect anyone who makes a report in good faith from retaliation. Any mandatory education requirements will be announced and posted on the College's website.

Administrative Approval: September 24, 2019