

St. John's College Discrimination and Harassment Policy

As an institution of higher education, St. John's College (the College) is committed to providing programs, activities, and an educational environment that is free from harassment and discrimination. In a small and intimate community such as ours, such misconduct is even more destructive of trust and amity than it would be in a larger setting. As a leader in liberal arts education, the College highly values the environment that results when students, faculty, and staff from different backgrounds come together to discuss the ideas and ideals that are the cornerstone of a St. John's education.

This is further clarified in the Statement of the St. John's College Program, 2020, which reads:

The aim of the education offered by St. John's College is the liberation of the human intellect. This is an education for all, regardless of a person's race, sex, national or ethnic origin, age, religion, disability, marital status, sexual orientation, or gender identity and expression. By reading great books and struggling together with the fundamental questions that they raise, students and their teachers learn from their differences and discover more deeply their shared humanity. In this and other ways, a diversity of background and experience enriches our community of learning.

Statement of the St. John's College Program, 2020, p. 3

I. Policy Statement

St. John's College is committed to providing a safe and non-discriminatory educational and working environment for all members of the College community. To that end, the College seeks to provide community members with an environment that is free from discrimination and harassment based on age, ancestry or national origin, color, disability, gender identity, genetic information, marital status, military/veteran status, race, religion, sex, sexual orientation, or other legally protected characteristic. Allegations of sex and/or gender based harassment are handled under the Title IX Sexual Harassment Policy or the College Sexual Misconduct Policy while allegations of sex and/or gender based disparate treatment or impact discrimination fall under this Policy.

II. Applicability and Scope

Who ("Covered Individuals") - This Policy applies generally to:

- All members of the College community including all students, faculty, staff, recognized groups, and Board members; and provided that
- At the time the complaint is filed, the Respondent is participating in or attempting to participate in the education program or activity of the College.
- Where the Respondent is no longer participating in or attempting to participate in the education program or activity of the College, the Policy Coordinator may nevertheless determine that the Resolution Process under this Policy be applied when such action is consistent with the interests of the College in eliminating discrimination and harassment.

Where - This Policy applies to:

- Conduct that occurs on-campus or on other College property; or
- Conduct that occurs in connection with College programs or activities, whether on or off-campus, including academic, educational, extracurricular, athletic and other programs and activities; or
- Conduct that impedes equal access to any College educational program or activity or adversely impacts the education or employment of a member of the College community, regardless of where the conduct occurred.

What – This Policy applies to:

- All programs and activities of the College, as well as its educational policies, student-life policies, admission policies, employment policies, and any decisions arising in relation to such policies.
- All employment decisions, including those affecting hiring, promotion, demotion or transfer; training; recruitment; advertisement of vacancies; layoff and termination; and compensation and benefits.
- All decisions related to the College's relationship with students, including admission, housing, educational accommodation, evaluation, promotion, and student discipline.

This Policy applies regardless of an individual's age, ancestry or national origin, color, disability, gender identity, genetic information, marital status, military/veteran status, race, religion, sex, sexual orientation, or other legally protected characteristic.

Conduct that is considered inappropriate or unacceptable within the College community may nevertheless not amount to harassment or discrimination under this Policy. However, when appropriate the Policy Coordinator will report such conduct to the relevant internal department or authority to determine and implement appropriate responsive action.

Fundamental to the College's purpose is the free and open exchange of ideas. It is not, therefore, the College's purpose in promulgating this Policy to inhibit academic freedom or the free communication of ideas by members of the academic community. As a community dedicated to exploring the persisting human questions and committed to submitting individual opinions to the questioning of others, it is vital that all members of the community engaging in such activities do so in ways that are intelligently and critically appreciative of their common heritage and conscious of their social and moral obligation.

Members of the community are encouraged to raise questions regarding this Policy, and any questions concerning this Policy, discrimination, harassment, retaliation, or intimidation should be referred to Policy Coordinator identified herein.

III. Policy Definitions

- i. ***Anonymous Complaints:*** Complaints of discrimination, harassment and/or retaliation/intimidation filed with the College may be submitted anonymously, meaning that the Complainant may file the complaint or report without identifying themselves.

Anonymous reporters are encouraged to speak with the Policy Coordinator so as to understand the potential limitations for an investigation being conducted based on an anonymous report.

- ii. **Complainant:** The term “Complainant” refers to the alleged victim of discrimination, harassment and/or retaliation/intimidation, whether reported by the alleged victim or a third party.
- iii. **Confidential Resources:** “Confidential Resources” are those who are not required to convey a report under this Policy.
- iv. **Day:** When referenced within this Policy, “day” refers to a day on which classes are held. Timelines for the Resolution Process, when extending into the summer or other break periods, will be communicated to the parties as the process proceeds.
- v. **Discrimination:** The term “discrimination” means treating a community member or group less favorably than a similarly situated community member or group because they are a member of a “protected class” as defined herein. These same protections also apply to persons who are treated less favorably because of their affiliation or association with a “protected class” as defined herein.
- vi. **Harassment:** For purposes of this Policy, “harassment” is defined as any type of behavior which is based on an individual’s membership in a “protected class(es)” that is:
 - a) unwelcome and
 - (b) creates a “hostile environment.”

Harassment when directed at an individual, or group of individuals, because of their membership in a “protected class(es)” or affiliation or association with a “protected class(es)” may include, but is not limited to:

- Conduct, whether verbal, physical, written, graphic, or electronic that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or group;
- Epithets, slurs, and/or negative stereotyping, jokes, or nicknames;
- Written, printed, or graphic material that contains offensive, denigrating, and/or demeaning comments, and/or pictures; and
- The display of offensive, denigrating, and/or demeaning objects, e-mails, text messages, social media posts, and/or images.

A “hostile environment” results from unwelcome and discriminatory conduct that is so severe, pervasive, or persistent that it unreasonably interferes with, alters, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services or opportunities from the College’s education or employment programs and/or activities. A hostile environment can be the result of acts committed by any individual or individuals.

- viii. **Intimidation:** “Intimidation” is any act to deter an individual from making a report of an alleged violation of this Policy or participating in the Resolution Process under this Policy

by imposing fear through threats of physical or emotional harm to anyone.

- ix. **Investigators:** Neutral and impartial fact-finders who gather evidence during the investigation, make determinations about findings, and recommend sanctions. The Policy Coordinator may supervise and advise the investigators when conducting investigations. Investigators need not be employees of the College.
- x. **Policy Coordinator:** The “Policy Coordinator” is the person designated by the College as being responsible for implementing this Policy. The Executive Director, Campus Wellness or designee, will serve in this role in most cases unless doing so poses a conflict of interest.
- xi. **Preponderance of the Evidence:** The “preponderance of the evidence” means it is more likely than not that a policy violation occurred, or did not occur, based on the evidentiary record. This is the evidentiary standard used when making determinations under this Policy.
- xii. **Protected Class:** A “protected class” is a group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic. The College, consistent with applicable law, prohibits discrimination on the basis of the following characteristics (as defined in applicable federal law, Maryland law, and/or New Mexico law):
 - a. Age: “Age” means the number of years a person has been alive.
 - b. Ancestry or national origin: “Ancestry or national origin” means people from a particular country or part of the world, including ethnicity and accent, or because they appear to be of a certain ethnic background (even if they are not).
 - c. Color: “Color” means pigmentation, complexion, or skin shade or tone, including the lightness, darkness, or other color characteristic of the person.
 - d. Disability: “Disability” means a physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness; a mental impairment or deficiency; a record of having a physical or mental impairment; or being regarded as having a physical or mental impairment. “Disability” includes any degree of paralysis, amputation, or lack of physical coordination; blindness or visual impairment; deafness or hearing impairment; muteness or speech impediment; and physical reliance on a service animal, wheelchair, or other remedial appliance or device.
 - e. Gender Identity: “Gender identity” means the deeply felt, inherent sense of a person regarding the person’s gender, including gender-related identity, appearance, expression, or behavior, regardless of the person's assigned sex at birth, and regardless of whether the person identifies according to the male/female gender binary. “Gender identity” may be demonstrated by consistent and uniform

assertion of the person's gender identity; or any other evidence that the gender identity is sincerely held as part of the person's core identity.

- f. Genetic Information: “Genetic information” includes information about a person's genetic tests and the genetic tests of a person’s family members, as well as information about the manifestation of a disease or disorder in the person’s family members (*i.e.* family medical history).
 - g. Marital Status: “Marital status” means being single, married, widowed, or divorced regardless of the sex of the other person.
 - h. Military/veteran status: “Military/veteran status” refers to a person’s prior service, current service, or intent to join the uniformed United States’ military services.
 - i. Race: “Race” includes discrimination on the basis of the physical or cultural characteristics associated with a certain race, such as skin color, facial features, hair texture, and hairstyles, including afro hairstyles, and protective hairstyles.
 - j. Religion: “Religion” includes all aspects of religious observances, practice, and belief.
 - k. Sex: “Sex” includes sex assigned at birth (male, female, or intersex), gender identity, pregnancy status, and sexual orientation.
 - l. Sexual Orientation: “Sexual orientation” means a person’s attraction to those of the same sex or different sex, and includes the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality or other sexual attraction.
- xiii. **Recognized Organization:** Any student organization, club, intermural sports team, or other group of students organized in a formal and/or identifiable way. Organizations may be held accountable under this Policy through the same Resolution Process outlined.
- xiv. **Resolution Process:** The process and procedures used by the College to address a complaint of discrimination and harassment. The “Resolution Process” is explained below.
- xv. **Respondent:** The term “Respondent” refers to the person alleged to have committed discrimination or harassment in violation of this Policy. A Respondent may be a “Recognized Organization” as defined herein.
- xvi. **Responsible Employee:** “Responsible Employee” is a designation given to College employees who have a duty to refer instances of discrimination or harassment to the Policy Coordinator. This duty applies in instances where a “Responsible Employee” learns of acts or behaviors that may violate this Policy, or is asked about the College process for filing a complaint of discrimination or harassment as defined herein. All employees of the college are designated as “Responsible Employees” under this Policy with the exception

of those designed as “Confidential Resources” and those who work in front-line positions within Dining Services and Buildings and Grounds. Student employees, with the exception of Resident Advisors, are not designated as Responsible Employees.

- xvii. ***Retaliation:*** Any act or attempted act to seek retribution against anyone who has reported an alleged violation of this Policy or against anyone who has participated in an investigation or related proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, and discrimination.
- xviii. ***Supportive Measures:*** The term “supportive measures” are measures designated to stop and prevent the recurrence of discrimination or harassment and protect the educational and living environment for the Complainant and the Respondent pending the outcome of the Resolution Process under this Policy. In all complaints, whether the Complainant moves forward with the Resolution Process or asks that the complaint remain confidential, the College may implement reasonable supportive measures.

The range of supportive measures includes, but is not limited to, the imposition of a no-contact order instructing the parties to not contact one another; change in work schedule or job assignment; restrictions in access to the College facilities; change in housing; change in class/teaching schedule; restrictions on co-curricular activities; or any other remedy which can be tailored to the involved individuals.

IV. Prohibited Conduct

The College prohibits discrimination, harassment, and/or disparate treatment based on any protected characteristic, which includes age, ancestry or national origin, color, disability, gender identity, genetic information, marital status, military/veteran status, race, religion, sex, sexual orientation, or other legally protected characteristic.

The College also prohibits any form of retaliation and/or intimidation, or attempts thereof against a person who makes a complaint or report of discrimination or harassment, participates in any way in the investigation or resolution of such a complaint or report, or exercises their rights or responsibilities under this Policy or the law.

Sexual misconduct, which means “Title IX Sexual Harassment” (and includes Title IX sex and gender based harassment) and/or “Other Sexual Misconduct” (which includes non-Title IX sex and gender-based harassment), will be addressed under the Title IX Sexual Harassment Policy or the College Sexual Misconduct Policy (together the “Title IX/Sexual Misconduct Policies”). For complaints involving *both* allegations under the Title IX/Sexual Misconduct Policies and this Policy, the Executive Director, Campus Wellness will determine the appropriate procedures to be applied to the allegations.

In cases where both the Complainant and the Respondent are students, the Policy Coordinator, with concurrence of the Assistant Dean or Associate Dean, as appropriate, may decide the conduct is better addressed through the Civility Policy in Annapolis/Community Standards in Santa Fe.

Should the alleged conduct be part of a larger conduct incident (for example, use of derogatory language during a physical altercation), the totality of the conduct will be addressed through the appropriate policy on each campus (the Civility Policy in Annapolis/Community Standards in Santa Fe).

Any person with a concern or complaint about a violation of this Policy is urged to contact the Dean, Associate Dean, Assistant Dean, Director of Human Resources, or the Policy Coordinator. Each member of the community is responsible for fostering mutual respect, for being familiar with this Policy, and for refraining from conduct that violates this Policy. Members of the community are prohibited from filing complaints or reports of discrimination, harassment and/or retaliation/intimidation that the person knows to be false.

V. Reporting Options

Any member of the College community who believes that they have witnessed, experienced, or are aware of conduct that constitutes a violation of this Policy is encouraged to talk to someone about what happened. For any individual subject to or witness to discrimination or harassment of any type, the first step is always the same: get to a safe place as soon as possible. If emergency assistance is required, call Public Safety or Local Emergency Services.

If any individual has been subject to or witnessed any type of discrimination or harassment, the following options are available. Individuals may pursue some or all of these options simultaneously:

- All members of the campus community can report the incident to or file a complaint with the College by contacting the Policy Coordinator.
 - Staff may additionally speak with their supervisor and/or Human Resources.
 - Tutors and students may additionally speak with the Dean.
 - Students in Annapolis may additionally speak with the Assistant Dean or Associate Dean.
 - Students in Santa Fe may additionally speak with the Director of Student Life or the Associate Dean.
- An after-hours resource can be accessed by calling Public Safety.

Persons who feel as though they have experienced conduct that constitutes a violation of this Policy can also decide to directly address this conduct with the other party. While this is not a requirement under this Policy, it may be the most straightforward path to resolving minor conflicts or misunderstandings.

Confidential Resources

A report to a confidential resource listed below is not considered a report to the College and will not result in an investigation or any remedial or disciplinary action. The following resources are considered confidential resources:

- For Students: The Health Center/Therapists

- For Employees: The Employee Assistance Program

NOTE: The confidentiality of even confidential resources is subject to certain exceptions, such as reporting or other obligations under state law in cases of child abuse or imminent threats to safety. At the beginning of any conversation, individuals may want to consider asking resources to describe their level of confidentiality.

Reporting to the College

Complainants are encouraged to make reports of alleged violations of this Policy to the Dean, Associate Dean, Assistant Dean, Human Resources, and/or the Policy Coordinator. Given the size and intimate nature of the College environment, all employees of the College, (including staff, administrators, tutors, and Resident Advisors) - with a few limited exceptions – are designed as “Responsible Employees” under this Policy and, as such, are required to report possible violations of this Policy and to refer any member of the community to the Policy Coordinator when asked how to formally report discrimination or harassment. Employees who fail to make such a referral may be subject to disciplinary action.

The Policy Coordinator is the only person with the authority to implement corrective measures as outlined within this Policy on behalf of the College. No employee is authorized to investigate or resolve reports or complaints of discrimination, harassment and/or retaliation as defined herein.

Confidentiality

The College understands that Complainants may report an incident but request confidentially. The College also understands that some Complainants may not wish to pursue an investigation or that they may wish to pursue an investigation in a more limited way due to confidentiality concerns. In such instances, the Policy Coordinator will weigh the request against the College’s obligation to provide a safe, non-discriminatory environment for all students, employees, and others.

In weighing a request for confidentiality or a request that no additional actions be taken by the College, the Policy Coordinator will consider a number of different factors, including, but not limited to:

- The details of the reported incident;
- The age of the Complainant;
- Whether the incident involved threats; and
- If the report reveals a pattern of behavior at a specific location or by a Respondent.

Consideration of these factors could lead the College to investigate and, if appropriate, pursue action against the Respondent. If none of these factors indicates the need to initiate an immediate investigation, the College will likely respect the request for confidentiality. It is important to note that requests for confidentiality, if honored, may limit the College’s ability to respond to a report in a meaningful way. If the College determines that it cannot maintain a Complainant’s confidentiality, the Complainant will be notified prior to an investigation.

Anonymous Reports

Anonymous reports of violation of the Policy may be made by calling the College's Compliance Hotline administered by Lighthouse Services at 844-490-0002 (or for services in Spanish, 800-216-1288). Reports will be forwarded to the Policy Coordinator. It should be noted that the College's ability to investigate or act upon anonymous reports will be limited.

Persons who wish to learn more about anonymous reporting are reminded that they should not disclose any information about their or another person's specific case when seeking to have their questions answered.

Required Disclosures

As is required under the Clery Act and the 2013 Amendments to the Violence Against Women Act, the College is required to collect non-identifying statistical information about certain crimes. These statistics are shared with Public Safety for inclusion in the Daily Crime Log and in the Annual Security Report. The College is also required to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the College community. These notifications will not contain any identifying information about the Reporting Party and/or Complainant.

Reporting to Law Enforcement or Other Government Agencies

The College encourages (but does not require) Complainants to pursue criminal action for incidents of discrimination and harassment that may also be crimes under applicable law. If the Complainant decides to proceed with a criminal charge, officials of the College will cooperate with the police investigation. At the request of the Complainant, College officials will also assist the Complainant in bringing the allegation to the proper law enforcement authorities.

It is important to emphasize that law enforcement's decision to prosecute or not to prosecute a Respondent is not determinative of whether a violation of this Policy has occurred; similarly, the outcome of any criminal prosecution is not determinative of whether a violation has occurred.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

Regardless of whether a criminal complaint is filed, the College will pursue its own internal processes to address the alleged conduct, and it expects that all those involved will participate in the process. The fact that an individual refuses to participate in the College process does not mean that the disciplinary process will not take place if the College deems it appropriate to move forward with that process. Similarly, a party's withdraw/departure from the College does not necessarily mean that the process will end.

Inquiries or reports concerning discrimination, harassment and/or retaliation or the College's handling of such inquiries or complaints may be referred to the Department of Education's Office for Civil Rights. Employee reports may also be referred to the U.S. Equal Employment Opportunity Commission and/or the Maryland Commission on Civil Rights or New Mexico

Human Rights Bureau.

False Allegations

Anyone who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action. Similarly, a person who is later proven to have intentionally given false information during the course of an investigative or disciplinary process may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation. No complaint will be considered “false” solely because it cannot be corroborated.

Amnesty

The College encourages reporting and recognizes that a Complainant or witness who has been drinking or using drugs at the time of the incident may be hesitant to make a report or participate in an investigation because of potential consequences for their own conduct. Students who report alleged violations of the Policy, either as a Complainant or a third-party witness, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident. The College may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. Amnesty for a student who reports discrimination or harassment may extend to other violations of the College’s policies and practices, provided that any such violations did not and do not place the health or safety of any other person at risk. Amnesty will not apply if someone is found to have possessed, used, provided, or administered alcohol or other drugs to facilitate a violation of this Policy. Amnesty ordinarily will not apply to employees.

Records and Documents

Records and documents generated related to a complaint associated with the Policy will be maintained in accordance with applicable policies, procedures, and legal requirements. This includes all reports of discrimination, harassment, retaliation and intimidation and related evidence, documents, records, and information pertaining to the investigation and resolution of the complaints.

VI. Procedures for Resolution and Investigation of Complaints

Supportive Measures

The Policy Coordinator will work with both parties to put supportive measures in place aimed at stopping and preventing the recurrence of discrimination or harassment and protect the educational and living environment for the Complainant and the Respondent pending the outcome of the procedures under this Policy. In all complaints, whether the Complainant files a Formal Complaint or asks that the complaint remain confidential, the College may implement reasonable supportive measures.

The range of supportive measures include, but are not limited to, the imposition of a no-contact order instructing the parties to not contact one another; change in work schedule or job assignment; restrictions in access to the College facilities, including but not limited to the Dining Hall or Residence Halls; change in housing; change in class schedule; restrictions on co-curricular activities; interim suspension/administrative leave; or any other remedy which can be tailored to the involved individuals.

Violations of no contact orders and failures to comply with other interim measures may result in disciplinary action pursuant to the student conduct code or relevant divisional policy for faculty and staff.

Resolution Process

The purpose of this Policy is to stop, remediate the effects of, and prevent the recurrence of discrimination, harassment, retaliation and intimidation as defined within this Policy. All complaints and investigations will be handled in a prompt, thorough and impartial manner. Additionally, Complainants and Respondents are entitled to treatment with dignity, respect, and sensitivity by the College.

- A. Complaint Intake – Following receipt of notice of a violation or of a complaint, the Policy Coordinator will contact the Complainant, and provide information regarding the Policy.

An initial determination is made by the Policy Coordinator as to whether a policy violation may have occurred or whether Informal Resolution might be appropriate. If the complaint does not appear to allege a policy violation, or if Informal Resolution is agreed to by the involved parties and appears appropriate given the nature of the alleged behavior, then the complaint does not generally proceed to full investigation. A full investigation will almost always be pursued if there is evidence of a pattern of misconduct or a perceived or real threat of further harm to the community or any of its members.

The Policy Coordinator will meet with the Complainant for an initial intake meeting. At this meeting, the Policy will be reviewed, including Informal Resolution and the Investigative Process, and any questions will be answered. The intake meeting may also involve a discussion of any supportive measures that may be appropriate. The Complainant may be accompanied by an advisor for this meeting. Advisors cannot be attorneys and cannot participate directly in the meeting.

If the Complainant does not wish to move forward and/or requests the complaint remain confidential, the College's ability to respond may be limited. The College reserves the right to issue a no contact order and take other reasonably necessary measures, including supportive measures, to ensure the safety of the Complainant or others. If the College determines that it cannot maintain a Complainant's confidentiality, the Complainant will be notified prior to an investigation.

The Policy Coordinator may determine that a complaint will not move forward under this Policy. The College may dismiss a complaint, at its discretion, at any time during the

Resolution Process for any of the following circumstances:

- If the Complainant requests in writing to dismiss a previously filed complaint;
- If the Respondent is no longer enrolled or employed by the College at the time the complaint is filed;
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination about the complaint or any allegation therein; or
- The conduct alleged does not meet the definition of any prohibited conduct under this Policy.

If the College dismisses a complaint, the College will provide both parties a written notice of the dismissal and the reason(s) for the dismissal. The Complainant will have ten (10) days from notification that the complaint will not move forward to an investigation to submit a written appeal to the Policy Coordinator. If an appeal is not received, the matter will be closed. If a timely appeal is received, the appeal will be shared with the Appeal Officer.

The Appeal Officer for all complaints under this Policy is the Vice President for Advancement. If a complaint involves a person under the supervision of the Vice President for Advancement, a different Appeal Officer will be appointed. The Complainant will not meet with the Appeal Officer and should not communicate with them directly. The appeals process is conducted in writing through the Policy Coordinator. The Appeal Officer will evaluate the appeal based on the complaint and any additional information submitted by the Complainant during the appeal process. The Appeal Officer may uphold the decision of the Policy Coordinator or refer the matter for investigation.

Dismissal of a complaint for failure to meet the definition of prohibited conduct under this Policy or an ultimate finding by the investigators at the conclusion of the Resolution Process that conduct does not rise to the definition of prohibited conduct does not preclude action by the College for violation of any other policy, including the College's Civility policy.

- B. Notification of Complaint—Once a complaint has been filed and it has been determined that it will move forward, the Policy Coordinator will provide notice of the complaint and schedule a meeting with the Respondent. At this meeting, the details of the complaint and the Policy, including Informal Resolution and the Investigative Process will be reviewed, and any questions will be answered. The intake meeting may also involve a discussion of any supportive measures that may be appropriate. Depending on the nature of the complaint, the name of the Complainant, or other details identifying the Complainant, may not be shared with the Respondent at this time. The Respondent may be accompanied by an advisor for this meeting. Advisors cannot be attorneys and cannot participate directly in the meeting.
- C. Informal Resolution – Based upon the information presented by the parties, the Policy Coordinator will review the possibility of an Informal Resolution. An Informal Resolution will only be presented if:
- The Complainant requests an informal mechanism; and

- The Complainant, Respondent, and Policy Coordinator, with concurrence of the Dean, Associate Dean, Assistant Dean, or Director of Human Resources, as appropriate, on behalf of the College, agree to an Informal Resolution in writing.

Should an Informal Resolution be agreeable to both parties, the Policy Coordinator will facilitate the process, and communicate with the parties. The process of Informal Resolution does not involve fact-finding nor an admission of wrong-doing. In conducting the Informal Resolution, the Policy Coordinator will serve as a facilitator in reaching a path forward that is agreeable to both parties and to the College. In some, limited cases, it may be determined that the Policy Coordinator will facilitate a meeting in which both parties participate, but this is not a necessary nor common requirement of an Informal Resolution. The Policy Coordinator will seek concurrence of the Dean, Associate Dean, Assistant Dean, or Director of Human Resources before finalizing any Informal Resolution.

Informal Resolutions of a complaint will ordinarily be concluded within 60 days of notice to the College that both parties wish to proceed with the Informal Resolution process. Such notice that the parties wish to proceed with an Informal Resolution process will “pause” the counting of the timeframe for compliant resolution under this Policy, should the Informal Resolution process fail and the parties continue with the Investigation. Either party or the Policy Coordinator, on behalf of the College, may end the Informal Resolution process at any time and request an investigation.

Any final resolution pursuant to the Informal Resolution process will be documented and signed by all parties, including the Policy Coordinator on behalf of the College. However, no recording of the Informal Resolution process will be made and all statements made during the Informal Resolution process may not be used for or against either party should the complaint move forward to an investigation. Failure to comply with an Informal Resolution agreement may result in disciplinary action or additional action under this Policy.

D. Investigation –

Investigator

In cases that proceed to Investigation, the Policy Coordinator will appoint an investigator or dual investigators. The investigator will be dependent on the status of the Respondent (see below). The Policy Coordinator may appoint an equal co-investigator. An investigator appointed by the Policy Coordinator may be external to the College.

- In cases where the Respondent is an employee, the Director of Human Resources will ordinarily serve as one of the investigators.
- In cases where the Respondent is a tutor, the Dean will ordinarily serve as one of the investigators.
- In cases where the Respondent is a GI student, the Director, Student Services in Annapolis/the Director, Student Life in Santa Fe will ordinarily serve as one of the investigators.

- In cases where the Respondent is an undergraduate student, the Associate Dean will ordinarily serve as one of the investigators.
- Due to conflict, unavailability, or other reason it is not appropriate for an investigator to serve in a particular case, alternative investigators other than those described above may be appointed.

During the investigation, where dual investigators are appointed, both investigators need not be present at all interviews or meetings.

The investigation will be prompt, thorough, and impartial. The College will strive to complete all investigations within 60 business days; should an extension be required, the parties will be notified. Depending on the nature and severity of the complaint, and after an individualized assessment of each case, the College reserves the right to restrict the Respondent's access to campus during the course of the investigation. Nothing in this Policy prevents the College from terminating an employee, expelling a student, or taking other appropriate action in lieu of proceedings under this Policy where the Respondent's conduct violates other policies or standard of the College. Nothing in this Policy alters the at-will nature of an employee's employment.

Communication and Confidentiality

The investigator(s) are responsible for communications with the parties regarding the progress of the investigation. This includes the date, time, and location of each interview the party is required or permitted to attend.

The investigator(s) are responsible for providing the parties with the opportunity to review any documentary evidence that may be used in determining the outcome of the investigation before such a determination is reached. Specifically, the investigator(s) will provide each party with the opportunity to review written summaries of any witness interviews, including interviews of the other party. It is important to note that any character evidence, personally identifiable information, and/or information that is irrelevant to the complaint, including information that is not permitted by law, will be redacted.

Parties and witnesses are expected to maintain confidentiality regarding the proceedings under this Policy, provided that the parties may speak to confidantes, parents, counselors, attorneys, and law enforcement authorities regarding the matter, and may speak to others for the purposes of seeking, obtaining, or presenting evidence, or otherwise preparing for the meetings described in this Policy. With respect to employees of the College, nothing in this paragraph in any way prohibits or is intended to restrict or impede the employee from discussing the terms and conditions of employee's employment with coworkers or otherwise disclosing information as permitted by law.

The parties are reminded that, in addition to this Policy's prohibition on Retaliation and Intimidation, other College policies regarding expectations for behavior remain in effect with respect to the parties' dealings with one another, witnesses, and third parties related to the proceedings under this Policy. Any documentary evidence, witness summaries, or

other documents reviewed by the parties must be kept confidential, and may be used only for the purposes of the proceedings under this Policy. Should either party, or third-parties on their behalf, whether or not the party is aware of the action of the third-party, share, post, or otherwise disclose any of the documentary evidence, witness summaries, or other documents reviewed as part of the complaint, other than as permitted under this Policy, additional disciplinary action may be taken by the College.

Advisor of Choice

The Policy Coordinator will notify all parties that each is permitted, if they wish, to have an advisor present at any meeting or other proceeding under this Policy. Parties may change their advisor at any point during the process. Advisors may not be attorneys. When selecting an advisor, special care should be made to identify any conflicts of interest in advance and to discuss potential conflicts with the Policy Coordinator.

Meetings/proceedings will be scheduled not less than three (3) business days in advance. If a party intends to have an advisor present at a meeting/proceeding, the party must notify the investigator(s) at least twenty-four (24) hours in advance of the meeting/proceeding of the identity of the advisor. Advisors serve in a supportive role, and are not permitted to participate actively in the investigation, or communicate with anyone other than the person being advised. Advisors are expected to conduct themselves in a professional manner at all times and respect the decisions made by the investigator(s). Advisors who fail to comply with these rules will be asked to leave and will not be permitted to attend future meetings. Should this occur, the impacted party will be able to select another person to serve as their advisor.

Evidence Collection

The investigator(s) will interview the parties, as well as all relevant witnesses, gather any relevant evidence (such as texts/emails, social media postings, surveillance video, photos), and consider all relevant evidence. The investigator(s) retains discretion to determine how to conduct the investigation and what information is necessary and relevant, including which witnesses to interview. Although formal rules of evidence will not apply, the investigator(s) will not consider character evidence or incidents not directly related to the possible violation unless they tend to show a pattern, unless such information is determined to be highly relevant by the Policy Coordinator. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect.

The investigator(s) is a neutral fact-finder, who, during the course of the investigation, may gather information in multiple ways. The investigator(s) may collect documents and other information and may also interview witnesses or other people with relevant information beyond those identified by the parties. The interviews are not required to be in-person.

The investigator(s) may decline to gather information if:

- the request seeks information about either party's mental health history, unless that

- party consents;
- the request seeks information that is unreasonably duplicative;
- the request is unlikely to yield relevant evidence;
- the request seeks information that the requesting party could obtain from another source with greater convenience or less burden;
- the request unreasonably invades the privacy interests of a party or witness or seeks information protected by federal or state law; or
- the burden of complying with the request is likely to substantially outweigh the benefit of the information as relevant evidence in the hearing.

Final Investigative Report

Upon finalizing the investigation, the investigators will prepare a Final Investigative Report. The report will include the investigator's findings of fact, analysis of the facts based upon the preponderance of the evidence standard, a determination as to whether the Respondent is responsible for the alleged violation(s) by a preponderance of the evidence, and recommended sanctions associated with this complaint.

The full report will be provided to the Policy Coordinator who will ensure that the recommended sanctions are in-line with other similar cases. If recommended sanctions are not in-line with other similar cases, the Policy Coordinator will confer with the investigator(s). Once the investigator(s) determine final sanctions, with concurrence from the Policy Coordinator, an outcome letter will be generated and shared with the parties; the Final Investigative Report will also be shared with the parties.

Please note that termination from employment may require additional steps and processes. In cases where termination from employment is a recommended sanction, the Policy Coordinator will confer with the appropriate department(s) to determine what next steps, if any, are required.

Where an investigation has identified a concern regarding a College policy, procedure, or other measure which has a broader impact beyond the particular circumstances of the Complainant and the complaint, the Policy Coordinator will be responsible for addressing the concern with the appropriate College official.

E. Appeals

The Complainant and the Respondent have equal rights to an impartial appeal. Appeals shall be limited to the following grounds:

- There was a material deviation from the procedures that affected the outcome of the process;
- There is new and relevant information that was unavailable, with reasonable diligence and effort that could materially affect the outcome;
- The Policy Coordinator or one of both of the investigators had a conflict of interest or bias for or against the parties (generally, or specifically in this matter) that affected the outcome of the matter.

Generally, the original decision, including sanctions, remains in effect throughout the appeal period, although the Policy Coordinator has discretion to stay enforcement of the sanctions.

Both the Complainant and the Respondent will have five (5) days from written notification of an outcome to submit a written appeal to the Policy Coordinator. If the Policy Coordinator receives no timely appeals, both parties will be notified that the original decision stands.

If and when the Policy Coordinator receives a timely appeal, the appeal will be shared with the non-appealing party who may, but need not, provide a written response within five (5) days of receiving a copy of the appeal. This response is a right, but not a requirement. The decision by a party not to respond to the other party's appeal does not indicate agreement with that appeal.

The Appeal Officer for all complaints under this Policy is the Vice President for Advancement. The only exception is if the Respondent is an employee of the College (tutor or staff member) and one of the recommended sanctions includes the termination of the employee. In these cases, the Appeal Office is the President of the Campus. If a complaint involves a person under the supervision of the Vice President for Advancement, a different Appeal Officer will be appointed. The Complainant will not meet with the Appeal Officer and should not communicate with them directly. The appeals process is conducted in writing through the Policy Coordinator. The Appeal Officer will evaluate the appeal based on the appeal and response, documentary evidence collected during the investigation, and Final Investigative Report and any additional information submitted during the appeal process.

Any information or materials that were previously submitted and determined to contain information that is irrelevant to the complaint, including information that is not permitted by law and character evidence, will not be considered by the Appeal Officer.

The Appeal Officer is not expected to conduct a full review of the case. This is not an opportunity for the Appeal Officer to substitute their judgment for that of the investigators. Rather, they may only make changes to the original outcome when at least one of the specified grounds for appeal is met. The changes made should directly pertain to the appeal grounds that were met.

The Appeal Officer may a) determine that no grounds for appeal have been met; thus, the original decision stands; b) determine that grounds for appeal have been met, and choose to remand the matter back to the investigators to address the appealed aspects of the case; or c) determine that grounds for appeal have been met, and make a new finding of fact, finding of responsibility, and/or (as appropriate) sanction(s). The Appeal Officer's decision will be made based on the preponderance of the evidence standard. The Appeal Officer's decision is final, and no further appeal is permitted.

Absent unusual circumstances, the Policy Coordinator will provide the outcome of the appeal in writing to the Complainant and Respondent within fifteen (15) days from the Appeal Officer's receipt of the appeal.

F. Withdrawal from St John's College With Charges Pending

If a student Respondent withdraws from St. John's College while any aspect of this Policy is in progress, and before any findings have been made, the Respondent's academic file will include a letter from the Policy Coordinator reflecting that the student withdrew pending an investigation under this Policy. If a student Respondent withdraws after an investigation found that person responsible for violating the Policy, but before a sanction was implemented, the student's academic file will include a letter from the Policy Coordinator reflecting that the student withdrew pending disciplinary sanctions under this Policy. Should a student decide to withdraw and not participate in the Resolution Process, St. John's College may opt to proceed without the student to a reasonable resolution and the student will not be permitted to return unless all sanctions have been satisfied.

Should an employee Respondent decide to resign or otherwise leave the College and not participate in the Resolution Process, St. John's College may opt to proceed with the investigation without the employee to a reasonable resolution and the employee may not be permitted to reapply for employment or to otherwise participate in the St. John's College community if a policy violation is found or if the investigation is impeded or impossible due to the employee's lack of participation.

Notice of Non-Discrimination

St. John's College does not discriminate on the basis of age, ancestry or national origin, color, disability, gender identity, genetic information, marital status, military/veteran status, race, religion, sex, sexual orientation, or other legally protected characteristic in the administration of any of its educational programs and activities or with respect to admission or employment. The designated compliance officer to ensure compliance with Title IX of the Education Amendments of 1972, as amended, and with Section 504 of the Rehabilitation Act of 1973, as amended, for the Santa Fe Campus is Christine Guevara, Executive Director of Campus Health and Wellness, 1160 Camino Cruz Blanca, Santa Fe, NM, 505-984-6128. The designated compliance officer to ensure compliance with Title IX of the Education Amendments of 1972, as amended, and with Section 504 of the Rehabilitation Act of 1973, as amended, for the Annapolis Campus is Danielle Lico, Executive Director of Campus Wellness, 60 College Ave., Annapolis, MD, 410-626-2530.