

# SEXUAL MISCONDUCT AND HARASSMENT POLICIES

## I. SEXUAL MISCONDUCT POLICY

St. John's College does not tolerate sexual misconduct.

For purposes of this policy, the term "sexual misconduct" includes sexual assault, dating violence, domestic violence, stalking, and sexual coercion.

"Sexual assault" is conduct of a sexual nature resulting in physical contact with the victim without the victim's consent (*i.e.*, an action committed either by force, by intimidation, or by knowingly making use of the victim's physical or mental helplessness). Effective consent is informed, freely and actively given speech or action that indicates willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by someone who is incapacitated, by alcohol or other drugs or for some other reason. Incapacitation is by its nature a state in which the person is not in control of normal functioning, and as such cannot communicate unwillingness or understand the nature of the conduct being engaged in. Silence and/or lack of resistance on the part of the victim does not constitute consent. Effective consent is not indefinite; it can be withdrawn at any time.

"Dating violence" means an act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

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

"Domestic violence" refers to felony or misdemeanor crimes of violence committed by a current or former spouse of the victim (or a person similarly situated to a spouse of the victim), by a person who shares a child with the victim, or by a person who is or formerly has cohabitated with the victim as a spouse.

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

"Sexual coercion" is unreasonable or oppressive speech or action used to pressure someone to engage in unwanted sexual activity (*e.g.*, using inappropriate pressure, threats of a non-violent nature (for example, to release sensitive or private information), or manipulation). Sexual coercion can be differentiated from seduction by a repetition of the coercive activity in the face of resistance, the degree of pressure applied, or the initiator's knowledge that the pressure is unwanted. While sexual coercion does not constitute sexual assault or involve sexual violence, such behavior violates the college's standard of respect for the person of another and is considered sexual misconduct that will be investigated and addressed through this policy.

If a member of the college community has been, or may have been, a victim of sexual misconduct (the "reporting party"), a complaint of sexual misconduct may be made to a variety of employees of the

college, including but not limited to: the Title IX coordinator, the assistant dean, the dean, the treasurer, a senior resident, a college nurse or therapist, a public safety officer, or (in the case of employees) personnel or human resources or the employee's supervisor. The person to whom the first complaint is made is expected to consider the physical and emotional needs of the reporting party, the need to preserve evidence for future investigation of the allegation, and issues related to confidentiality. In cases of acute short-term need, the first effort should be to bring the reporting party under the care of qualified professionals for medical purposes and/or crisis counseling. If any acute short-term needs have been satisfactorily addressed, the college official first approached should assist the reporting party in bringing the matter to the attention of the Title IX coordinator, in order to initiate the procedures described below.

#### Reports for Investigation:

The procedures set forth in this policy are initiated when a report of sexual misconduct is delivered to the Title IX coordinator (by the reporting party, an official of the college, or another party). Accordingly, reporting parties interested in pursuing an investigation under this policy are encouraged to meet with the Title IX coordinator if they believe that a violation of this policy has occurred. (Of course, in cases of safety emergencies, the college encourages immediately notifying public safety and/or the Annapolis or Santa Fe Police Departments, respectively).

#### Confidential Reports:

The college understands that reporting parties may wish to make reports of sexual misconduct confidentially, without pursuing an investigation or pursuing an investigation in a more limited way due to confidentiality concerns. The college respects such wishes, and makes every effort to apply this policy in accordance with a reporting party's request for confidentiality. Reporting parties should be aware that many members of the college community, including senior residents, resident assistants, and faculty/staff members, have an obligation to share reports of sexual misconduct with the Title IX coordinator, regardless of a request for confidentiality by the reporting party. However, when such reports reach the Title IX coordinator, the reporting parties' requests for confidentiality are considered in applying this policy. Reporting parties should also be aware that therapists, counselors, physicians, nurse practitioners, and psychiatrists are not obligated to report to the Title IX coordinator information shared in the course of a treatment relationship unless the reporting party consents to such disclosure.

#### Anonymous Reports:

Anonymous reports of violations of this policy may be made to public safety via the LiveSafe app. It should be noted that the college's ability to investigate or act upon anonymous reports may be limited.

#### **Complaint Procedures:**

The "preponderance of the evidence" standard (*i.e.*, whether it is more likely than not the misconduct occurred) shall be applied at each stage of the following procedures.

1. Any allegation of sexual misconduct involving a member of the college community or occurring on college property should be reported to the Title IX coordinator, whether or not the alleged assailant (the "responding party") is also a member of the college community. The college's primary concern is safety. Any potential violation of unrelated conduct rules, such as illegal use of alcohol or drugs, on the part of the reporting party or witnesses that comes to light in conjunction with a good faith report of sexual misconduct will not be subject to disciplinary action.

2. Because sexual misconduct may constitute a serious criminal offense, the Title IX coordinator will inform the reporting party of the possibility of bringing criminal charges. If the reporting party decides to proceed with a criminal charge, officials of the college will cooperate with the police investigation. At the request of the reporting party, college officials will also assist the reporting party in bringing the allegation to the proper law enforcement authorities.

3. The Title IX coordinator will also inform the reporting party of the importance of preserving evidence in case criminal charges are to be brought or for the sake of the college's investigation. Campus specific information on the nearest community resources equipped with sexual assault evidence collection kits is described below. At the request of the reporting party, the college will provide or arrange for safe transport for the victim to the nearest resource equipped with sexual assault evidence collection kits.

4. The Title IX coordinator will make sure that the reporting party has been fully informed of the variety of support services available, both on campus and in the community. Campus specific information on support services is described below. Additionally, at the request of the reporting party, the Title IX coordinator will schedule a voluntary meeting for the reporting party to meet with a therapist or counselor. The Title IX coordinator will provide the reporting party with a written statement of the reporting party's rights and options, with respect to the complaint process and with respect to available support services/changes to campus living.

5. Whether or not criminal charges are to be brought, and without waiting for the conclusion of any criminal investigation, the college will take immediate and appropriate steps to protect the reporting party and to investigate complaints of violations of this policy in accordance with the procedures set forth below. If the reporting party requests confidentiality or that the complaint not be pursued, the Title IX coordinator will discuss the scope of the reporting party's request for confidentiality to determine whether the matter may be referred for investigation consistent with the reporting party's request. The Title IX coordinator will inform the reporting party that such a request may limit the college's ability to respond to the complaint. Even if the college receives a request for confidentiality from the reporting party, the college will take any available steps to limit the effects of the responding party's conduct and to prevent its recurrence consistent with the confidentiality request. Under certain circumstances, the college may need to conduct an investigation even where a request for confidentiality has been made in order to ensure the safety of all members of the college community. Circumstances where the college is unable to comply with a reporting party's wish for confidentiality will be rare and only when the safety of the community is implicated.

6. The Title IX coordinator will refer the matter to the investigators in the following cases: if the reporting party makes a report and requests that it be investigated; if the reporting party makes a confidential report but provides consent that the college investigate it to the best of its ability consistent with the request for continuing confidentiality; or if the Title IX coordinator has determined that, because of safety concerns, the report should be investigated despite the reporting party's request that an investigation not be conducted. The assistant dean and either the director of public safety, the director of library sciences (in Annapolis), or other designated investigator, shall serve as dual investigators. The investigators shall receive appropriate training annually on issues related to sexual assault, domestic violence, dating violence, stalking, sexual coercion, Title IX, and how to conduct an investigation that protects the safety of victims and promotes accountability. Investigations typically conclude within thirty days of the time when the college becomes aware of the complaint (except that the college may need to delay temporarily the fact-finding portion of its investigation at the direction of the police).

7. The investigators will review the complaint and, if appropriate, speak with the reporting party to determine whether a sufficient basis exists to institute an investigation under this policy. A sufficient

basis exists where the reporting party's allegations, if true, could represent a violation of the policy applicable at the time the alleged conduct occurred. If the investigators determine that, even if it should be true, the reporting party's complaint would not represent a violation of this policy, the investigators will notify the reporting party in writing of their decision that an insufficient basis exists to institute an investigation. The reporting party may then appeal this decision to the dean in writing within ten days of being notified of the investigator's decision not to institute an investigation. The dean may accept the investigators decision or remand the matter to the investigators with the direction that they institute an investigation consistent with the following terms of this policy. The dean's decision, which is ordinarily made within thirty days of the appeal, is final, and no further appeal is permitted.

8. If the investigators determine that a sufficient basis exists to initiate an investigation, the investigators will inform and seek to obtain consent from the reporting party before beginning the investigation. If the reporting party requests confidentiality with respect to any portion of the investigation, the investigators will take all reasonable steps to investigate and respond to the complaint consistent with the reporting party's request. The investigators will inform the reporting party that such a request may limit the college's ability to respond to the complaint. Under certain circumstances, the investigators may determine that certain aspects of the reporting party's request for confidentiality may not be complied with in order to ensure the safety of all members of the college community. Circumstances where the college is unable to comply with a reporting party's wish for confidentiality will be rare and only when the safety of the community is implicated.

9. Once an investigation is instituted, the investigators will notify the responding party in writing of the complaint against them. Depending on the nature and severity of the complaint, the college reserves the right to suspend the responding party and otherwise restrict their access to campus during the course of the investigation. The investigators will notify the reporting party and the responding party that each is permitted, if they wish, to have a support advisor of their choice present at any meeting or other proceeding under this policy. Meetings/proceedings will be scheduled not less than forty-eight hours in advance. If a party intends to have an advisor present at a meeting/proceeding, the party must notify the investigators at least twenty-four 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 in the meeting/proceeding, speak on behalf of the person being advised, or communicate with anyone other than the person being advised. Advisors who fail to comply with these rules will be asked to leave and will not be permitted to attend future meetings/proceedings.

10. The investigation shall be conducted in a fair and impartial manner by the investigators. Both the reporting party and the responding party will be permitted to supply documentary evidence and request that the investigators interview witnesses possessing relevant information. Any documentary evidence that may be used in determining the outcome of the investigation shall be supplied to both the reporting party and responding party. While neither party is entitled to be present for witness interviews, each party will be provided with written summaries of any witness interviews, including interviews of the other party (except that summaries of discussions with the parties unrelated to the facts at issue in the complaint shall not be provided to the other party). Either party may request in writing follow-up questions to be posed to any witnesses or the other party. These questions will ordinarily be asked of the witnesses or other party unless they are irrelevant, redundant of questions previously asked, appear designed to abuse or intimidate the witness or other party, or otherwise inappropriate. Parties and witnesses are expected to maintain confidentiality regarding the proceedings under this policy, provided that the parties may speak to confidantes, parents, counselors, and law enforcement authorities regarding the matter. To protect the integrity of the investigation process, parties may not speak with witnesses about the matter until the completion of all proceedings (including appeals) under this policy. Any documentary evidence, witness summaries, or other documents supplied to the parties must be kept strictly confidential.

11. Both during and after the investigation, college officials will make every reasonable effort to make conditions on campus tolerable for all parties concerned (for instance, changing academic or living situations, enforcing no-contact orders\*\*, changing employment or Resident Assistant assignments, etc.). Requests for changes in campus conditions should be addressed to the Title IX coordinator (requests made to the investigators will be referred to the Title IX coordinator). Consistent with Title IX, the college will take steps to prevent retaliation, and will take strong responsive action if retaliation occurs. Any retaliation, reprisal, or intimidation directed toward the reporting party or a witness as a result of the filing or investigation of a complaint is strictly prohibited and should be reported immediately to the investigators.

\*\*No-contact orders may be enforced between parties during and after an investigation, even where no violation of this policy is found to have occurred. Mutual no-contact orders are non-punitive, do not reflect that the individuals subject to the order have done or will do anything wrong, and are simply designed to ensure all members of the community's sense of security and well-being.

12. At the conclusion of their investigation, the investigators shall present all of the information obtained in their investigation, including the statements of the parties and any witness statements or documentary evidence, to the Sexual Misconduct Review Panel, which is convened by the Title IX coordinator and is responsible for determining whether a violation of this policy occurred and the appropriate sanction. The investigators shall not supply a proposed outcome, rationale, or sanction to the panel. A copy of all materials supplied to the Sexual Misconduct Review Panel shall be available for either party to review by contacting the Title IX coordinator's office.

13. Each Sexual Misconduct Review Panel convened shall include three members and shall be composed of faculty and/or staff members of the college who shall receive appropriate training annually on issues related to sexual assault, domestic violence, dating violence, stalking, sexual coercion, Title IX, and how to conduct the panel process in a way that protects the safety of victims and promotes accountability. Campus specific information regarding the current members of the Sexual Misconduct Review Panel for each campus, and alternate members who are eligible to serve on the panel in the event of scheduling conflicts, a conflict of interest, or any other reason which prevents a member of the panel from serving, is provided below. If, due to scheduling conflicts, conflicts of interest, or any other reason insufficient members of the panel or alternate members are available for a review panel, the Title IX coordinator may select additional college employees to serve on the panel, provided such employees receive appropriate training before serving on a review panel.

14. The Title IX coordinator will inform each party that they may provide a written statement to the panel within five days of the date the panel is convened. Each party's statement will be provided to the other party. The panel may, in its sole discretion, request that both parties appear before the panel to respond to any questions the panel may have. If the panel requests that the parties appear before the panel to respond to questions, each party will have the opportunity to hear the other party's statements to the panel, but may request to address the panel outside the presence of the other party. The parties shall address the panel and may not address one another.

15. The panel's review is based on the information compiled by the investigators and the statements of the reporting and responding parties. Other than the parties, no other witnesses may be called to appear before the panel. New or additional evidence will not be accepted or considered by the panel unless it was unavailable during the investigation or the panel determines in its sole discretion that additional information is necessary for the panel's consideration of the matter. If additional information is accepted or considered by the panel, any such information will be shared with both parties.

16. The deliberations of the panel are private and closed to the parties and public. The panel shall determine whether a violation of this policy occurred and, if so, the appropriate sanction. Members of the college community who are determined to have violated this policy may be subject to sanctions depending on the nature and severity of the offense and the individual's disciplinary record, regardless of whether the sexual misconduct is the subject of a criminal investigation or results in a criminal conviction. Sanctions include: formal reprimand (to be included in the permanent record of the student or employee); expulsion from the dormitories (if the person is a student residing on campus); suspension or expulsion from the college in the case of students; suspension with or without pay or termination of employment, in the case of employee; disciplinary probation; separation orders or prohibitions from entering certain parts of campus or attending certain campus events; and mandatory education on issues related to sexual misconduct, including prevention and awareness, victims' rights, and appropriate behaviors, etc. In addition, if either party (or their surrogates) is found to have engaged in retaliation, they may be subject to sanctions by the Assistant Dean, depending on the nature and severity of the offense and the individual's disciplinary record. Both the reporting party and the responding party shall be notified in writing of the outcome of the investigation and the rationale of the panel in reaching the outcome. The parties shall also be notified in writing of any sanction imposed on the responding party as a result of a violation of this policy. The panel process ordinarily concludes within thirty days of the date the panel is convened.

17. If either party is dissatisfied with the panel's decision, they may file a written appeal to the dean within ten days of being notified of the panel's decision. The appeal will be shared with the non-appealing party who may, but need not, provide a written response within ten days of receiving a copy of the appeal. The appeal is based on the record considered by the panel. New or additional evidence will not be accepted for consideration by the dean unless it was unavailable during the investigation and panel proceedings. In the event new or additional information is accepted by the dean for consideration, the information will be shared with both parties and each will be given an opportunity to address the new information. The dean may accept, reject, or modify the review panel's decision with respect to the finding and/or sanction or remand the matter for further investigation or consideration by the panel. Both parties will be notified in writing of the outcome of the appeal and the rationale of the dean in reaching the outcome. The dean's decision is final, and no further appeal is permitted. The appeal process ordinarily concludes within thirty days of the date the non-appealing party provides a written response to the appeal (or indicates that no response will be provided).

18. The foregoing procedures shall constitute the college's grievance procedures with respect to matters involving allegations of sexual misconduct and the Discrimination and Harassment Policy set forth in Appendix B shall not be used.

### **Campus Specific Information:**

#### Title IX Coordinators and Sexual Misconduct Investigators

Annapolis:

Title IX Coordinator – Taylor Waters, Director of Student Services

Sexual Misconduct Investigators – Nathan Dugan, Assistant Dean; Robert Mueck, Director of Public Safety; Catherine Dixon, Director of Library Services

Santa Fe:

Title IX Coordinator – Matt Johnston, Director of Residential Life

Sexual Misconduct Investigators – Michael Golluber, Assistant Dean, and the Director of Public Safety

## Sexual Misconduct Review Panels

Annapolis Members: Ben Baum, Director of Admissions; Catherine Dixon, Director of Library Services; Emily Langston, Associate Dean of the Graduate Program; Susan Jenkins, Director of Web Initiatives and Social Media; Greg Shook, Associate Director of Communications; Chris Krueger, Athletics and Recreation Coordinator

Annapolis Alternate Members: director of personnel, former assistant deans and deans, provided each remains employed by the college

Santa Fe Members: Aaron Young, Director of Human Resources; Andrea D'Amato, Bookstore Manager; Jennifer Sprague, Library Director

Santa Fe Alternate Members: associate dean of the graduate programs, former assistant deans and deans, provided each remains employed by the college

## On-Campus and Community Resources:

Annapolis:

These include the Harrison Health Center (x2553 or 410-626-2553) and the Counseling Services (x2552 or 410-626-2552), and the community services listed in the front of the Handbook, including the Anne Arundel County sexual assault hot line (410-222- 7273) and the Anne Arundel Medical Center (443-481-1000).

The nearest community resources equipped with the Maryland State Police sexual assault evidence collection kits is Anne Arundel Medical Center (Emergency Room), 2001 Medical Parkway, Annapolis, MD.

Santa Fe:

These include the Student Health Office (ext. 6418 or 505-984-6418) on campus, and the following community services: the Solace Crisis Treatment Center (505-986-9111) and Christus St. Vincent Regional Medical Center (505-913-3361).

The nearest community resources equipped with sexual assault evidence collection kits are the Solace Crisis Treatment Center (505-986-9111) and Christus St. Vincent Regional Medical Center (505-913-3361).

## II. DISCRIMINATION AND HARASSMENT POLICY

The college is deeply concerned about discrimination and harassment. 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. St. John's will not tolerate discrimination or harassment of, or by, any member of the college community, and will provide resources and programs to educate the college community about these issues. This policy is itself an instance of that educational effort and is designed to ensure the prompt and equitable resolution of student and employee complaints of discrimination and harassment.<sup>1</sup>

### A. Statement of Policy

The college supports and will comply with the provisions of applicable Federal, State, and local laws (including Title VII, Title IX, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) that prohibit discrimination against and harassment of any member of the college community (student, faculty, or staff) on the basis of race, color, sex, religion, national origin, age, disability or handicap, sexual orientation, gender identity, genetic information, marital status, protected activity (*i.e.*, opposition to prohibited discrimination or participation in the complaint process), or any other classification protected by law.

### B. Definitions

1. Discrimination: For the purposes of this policy, “discrimination” means to treat a person (or category of persons) less favorably in admissions, educational programs, or employment, or to otherwise fail to comply with the college’s policies or procedures, on the basis of the person’s race, color, sex, religion, national origin, age, disability or handicap, sexual orientation, gender identity, genetic information, marital status, protected activity (*i.e.*, opposition to prohibited discrimination or participation in the complaint process), or any other classification protected by law.

2. Harassment: For purposes of this policy, “harassment” means verbal or physical conduct that denigrates or shows hostility or aversion toward a person because of the person’s race, color, sex, religion, national origin, age, disability or handicap, sexual orientation, gender identity, genetic information, marital status, protected activity (*i.e.*, opposition to prohibited discrimination or participation in the complaint process), or any other classification protected by law, that: (i) has the purpose or effect of creating an intimidating, hostile or offensive working or learning environment; (ii) has the purpose or effect of unreasonably interfering with a person's job or academic performance; or (iii) otherwise adversely affects a person's employment or educational opportunities.

Harassing conduct includes but is not limited to epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, sex, religion, national origin, age, disability or handicap, sexual orientation, gender identity, genetic information, marital status, protected activity (*i.e.*, opposition to prohibited discrimination or participation in the complaint process), or any other classification protected by law.

3. Sexual Harassment: For purposes of this policy, “sexual harassment” includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that: (i) implies or states that a person's response may affect their employment or education; or (ii) has the purpose

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<sup>1</sup> The policies and procedures set forth in the College’s Sexual Misconduct Policy shall constitute the college’s grievance procedures for investigating and responding to matters involving allegations of sexual misconduct. Accordingly, the procedures set forth in this Discrimination and Harassment Policy shall not be used in such cases.



or effect of unreasonably interfering with a person's job or academic performance; or (iii) creates an intimidating, hostile, or offensive working or learning environment.

### **C. Procedures**

1. Students or faculty members should report discrimination and harassment to the Title IX coordinator, dean, or the assistant dean. Other employees should approach the Title IX coordinator, treasurer, or the director of personnel.
2. Individuals are encouraged to report discrimination and harassment early, before it becomes severe or pervasive or impacts educational or work environments, so that corrective action can be taken.
3. Where appropriate, reports of discrimination or harassment may be resolved through informal intervention prior to initiating an investigation. Informal interventions include, but are not limited to: a college administrator speaking with the person against whom the complaint is made (the “respondent”) to remind them of this policy and that disciplinary action may result for conduct which violates this policy; instituting no-contact orders; changing work, educational, or living situations; and such other informal interventions as the college deems appropriate. The person reporting a complaint of discrimination or harassment under this policy (the “complainant”) may choose not to participate in informal intervention and may ask that the college institute an investigation.
4. All complaints that cannot be resolved through informal intervention will be investigated promptly, thoroughly and impartially. For complaints involving a student as the respondent, the assistant dean will ordinarily serve as investigator. For complaints involving a faculty member as the respondent, the dean will ordinarily serve as investigator. For complaints involving a staff member as the respondent, the director of personnel will ordinarily serve as investigator. If, due to scheduling conflicts, a conflict of interest, or any other reason, the foregoing individuals are unavailable, the Title IX coordinator may select another college employee to serve as investigator, provided that any person selected to serve as investigator shall receive appropriate training on investigating complaints of discrimination and harassment. In the case of complaints involving members of the community from different constituencies (for instance, a complaint by a student against a faculty member or a faculty member against a staff member), the college may determine that it is appropriate to assign more than one investigator.
5. The investigator will inform the respondent of the complaint and both parties will be provided an opportunity to address the allegations in the complaint. Either party may request that the investigator interview witnesses possessing relevant information. The investigator will make a reasonable effort to do so, but reserves the right to decline to interview a witness when the investigator concludes that a witness does not possess relevant information, that the witness’s evidence would be cumulative, or when the witness is unavailable. Parties may, if they wish, be accompanied to meetings with the investigator by a support advisor who is another member of the college community (provided such person is not a witness to the alleged discrimination or harassment). Because the college’s investigation of a complaint under this policy is not a legal process, parties may not select an attorney to serve as their support advisor.
6. The investigator shall use a preponderance of the evidence standard in determining whether a violation of the college’s Discrimination and Harassment Policy occurred (*i.e.*, whether it is more likely than not that the discrimination or harassment occurred).
7. At the conclusion of the investigation, the investigator will make a determination of whether a violation of this policy occurred and how to address any violation found, keeping in mind the college’s

duty to take immediate and appropriate corrective action to address discrimination and harassment. Members of the college who have violated the policy are subject to sanctions depending on the nature and severity of the offense and the individual's disciplinary record. Some possible sanctions include: education/training on issues related to discrimination and harassment; formal reprimand (to be included in the permanent record of the student or employee); expulsion from the dormitories (if the person is a student residing on campus); suspension or expulsion from the college, with or without refund of fees, in the case of students; suspension with or without pay or termination of employment, in the case of employees. The college also reserves the right to provide appropriate sanctions when the investigation reveals violations of other college policies and procedures, such as the college's civility policy.

8. The complainant and the respondent will be advised of the outcome of the investigation. Investigations are ordinarily concluded within thirty days. For cases of sexual harassment, the college must disclose to the complainant information about any sanction imposed on the respondent when such sanction directly results from the respondent's conduct toward the harassed person. Confidentiality related to the facts at issue in the investigation will be maintained to the extent possible.
9. If dissatisfied with the outcome of the investigation, either the complainant or the respondent may file a written appeal to an appeal panel within ten days of being notified of the outcome of the complaint. Grounds for appeal shall be limited to claims: of procedural error; of the existence of new or additional evidence that was unavailable during the investigation; of disproportionate sanction; or that the finding was unsupported by the evidence. The non-appealing party will be provided a copy of the written appeal and may file a written response within ten days of receiving the appeal. In the event new or additional information is accepted by the appeal panel for consideration, the information will be shared with both parties and each will be given an opportunity to address the new information in writing.
10. The appeal panel shall include three members and shall be composed of faculty and/or staff members of the college who shall receive appropriate training annually on this policy, the appeal process, and issues related to discrimination and harassment. Campus specific information regarding the current members of the appeal panel for each campus, and alternate members who are eligible to serve on the panel in the event of scheduling conflicts, a conflict of interest (including if a member of the panel served as the investigator), or any other reason which prevents a member of the panel from serving, is provided below. If, due to scheduling conflicts, conflicts of interest, or any other reason insufficient members of the panel or alternate members are available for an appeal panel, the Title IX coordinator may select additional college employees to serve on the panel, provided such employees receive appropriate training before serving on an appeal panel.
11. The panel may, in its sole discretion, provide both parties the opportunity to address the panel and to respond to any questions the panel may have. If the panel requests that the parties appear before the panel, each party will have the opportunity to hear the other party's statements to the panel, but may request to address the panel outside the presence of the other party. The parties shall address the panel and may not address one another.
12. The appeal panel's review is based on the written record compiled by the investigator and the statements of the appealing and non-appealing parties. Other than the parties, the appeal panel shall not call witnesses to appear before it or otherwise hold a hearing. The deliberations of the panel are private and closed to the parties and the public. The appeal panel may accept, reject, or modify the investigator's decision with respect to the finding and/or sanction or remand the matter for further investigation or consideration by the investigator. Both parties will be notified in writing of the

outcome of the appeal. The appeal panel's decision is final, and no further appeal is permitted. The appeal process ordinarily concludes within thirty days of the date the non-appealing party provides a written response to the appeal (or indicates that no response will be provided).

13. Consistent with applicable law, the college will take steps to prevent retaliation, and will take strong responsive action if retaliation occurs. Any retaliation, reprisal or intimidation directed toward the respondent or any witness as a result of the filing or investigation of a discrimination complaint is strictly prohibited and should be reported immediately to the investigator or Title IX coordinator.
14. A complainant may file a complaint or charge with an external agency simultaneously to making a complaint under this policy, where permitted by such agency.

**Appeal Panel Members:**

Annapolis Members: Ben Baum, Director of Admissions; Catherine Dixon, Director of Library Services; Emily Langston, Associate Dean of the Graduate Program

Annapolis Alternate Members: assistant dean, director of personnel, former assistant deans and deans, provided each remains employed by the college

Santa Fe Members: Aaron Young, Director of Human Resources; Susan Kaplan, Manager of Philanthropic and Board Relations; Jennifer Sprague, Library Director

Santa Fe Alternate Members: assistant dean, associate dean of the graduate programs, former assistant deans and deans, provided each remains employed by the college