



ST JOHN'S  
College

ANNAPOLIS • SANTA FE

# 2021

## ANNUAL SECURITY AND FIRE SAFETY REPORT

Annapolis, Maryland



DATA FOR  
JANUARY 1 — DECEMBER 31, 2020



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## Message from the Director of Public Safety

Welcome to the 2021 annual security report, covering college policies and statistics for calendar year 2020, the year of Covid-19. This report covers much of the period where we isolated ourselves and fled the campus, with little campus life throughout the pandemic year. You will see the drop in incidents reflected in the statistics. The report complies with the federal *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, and is specific to the Annapolis campus of St. John's College only.

The Office of Public Safety is committed to providing a safe learning and working environment for every member of our community. Your safety and well-being is our highest priority and our primary concern, so our dedicated staff has here 24 hours to serve the polity, even during the pandemic. Our task is captured in the words "*in quo servitis*," meaning "in your service." To that end, we do our utmost to protect what is the most contrarian college in America.

To reinforce this, our Mission Statement is: **We protect the campus, Serve the Campus Community, and Preserve the Good Order of the College.**

Cooperation and communication are at the core of the St. John's approach to safety and are key to the success of our mission. We remind you that our college is only able to function if everyone is involved in security of our campus. We need you to do your part so our whole community can continue with the mission of the college.

All members of our community are asked to make considered and responsible choices, discourage careless behavior wherever prudent, and to promptly report any suspicious activity. So wash your hands, keep your distance, wear a mask, and if you see something, say something. We are all in this together.

Working together for a safe campus,



Robert P. Mueck

Director of Public Safety

**Mission First, People Always, One Team**



## The Office of Public Safety



The Officer of Public Safety is committed to providing a safe and secure learning environment. Our staff serve the college community with courtesy, pride, dependability and sensitivity. The office is committed to building collaborative partnerships for the benefit of the entire polity.

The Office of Public Safety, located in Pinkney Hall, operates 24 hours a day, seven days a week, year round. There is always an officer on duty who will respond to calls for assistance. Our officers do not carry firearms, and additional patrol personnel are assigned to work during times of increased activity on campus.

The Office of Public Safety can only be effective in maintaining safety and security on campus if it has the cooperation and assistance of all members of the campus community. It is in your interest to be aware of security problems and to aid us in crime prevention. By practicing basic safety and security precautions, each of us will help make St. John's College a safer place to live and to learn. We encourage you to join us in our efforts to provide a safe and sound environment for all. It is therefore imperative to immediately report all criminal offenses to the St. John's Office of Public Safety, the assistant dean, or the director of student services.

## Emergency Calls for Help

### On Campus – SJCA Public Safety



Crimes committed on campus or property of the Annapolis campus should be reported immediately to St John's College Public Safety. For police or emergency medical (EMS) assistance on campus, contact the Public Safety Office.

Main number	443-336-2348
Campus extension	x2000

The law enforcement agency with primary jurisdiction on the college is the Annapolis Police Department.

### Off Campus – Annapolis Police



Crimes committed off campus should be reported immediately to the local police jurisdiction. The Annapolis City Police Department is the primary law enforcement agency in the City of Annapolis. In the event you need police or EMS assistance off campus, contact the Annapolis City Police as follows:

Emergency	9-1-1
Non-Emergency	410-268-4141
Administrative Offices	410-268-9000 M-F, 8am to 4pm, except holidays



## Campus Police Authority and Jurisdiction

St. John's College Public Safety officers are not sworn law enforcement, but are certified Special Police Officers and are authorized police powers under Public Safety Article Title 3-Subtitle 3, Special Police Officers. Officers who hold positions of Public Safety Officer II (PSO II) and higher are appointed as SPOs by the Governor of the State of Maryland. Each Special Police Officer is empowered to protect and preserve the peace and to arrest individuals who trespass or commit offenses on campus. Officers the authority of a police officer on property that is controlled (owned, leased, rented or operated) by St. John's College, Annapolis.

## Annual Security and Fire Safety Report



This Annual Security and Fire Safety report (ASR) is prepared to fulfill the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act (Clery Act). The St. John's College Office of Public Safety is responsible for preparing and distributing the report. The Director of Public Safety works with the Assistant Dean's office, Title IX Coordinator, the Personnel office, other offices as appropriate, and with outside agencies to gather and report information required by the Clery Act. Requests for crime statistics are made annually to the Annapolis Police, Maryland Capitol Police, and Maryland Department of Natural Resources Police. This data is then compiled and categorized in the table contained in this report, in compliance with the Clery Act. The ASR includes

statistics for the previous three years concerning crimes that occurred on campus, in certain off campus buildings or property owned or controlled by St. John's College and on public property within, or immediately adjacent to and accessible from, the campus. The report also contains summaries of St. John's safety and security policies as well as fire safety policies, practices, and statistics. The report contains summaries of the college's policies, and prevention and awareness programs related to sexual misconduct, harassment, and alcohol and drugs.

The college reports crimes that occur on "any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes. St. John's College is located at 60 College Ave, Annapolis, MD, 21401. The college is bounded by St. John's Street, College Avenue, King George Street, and College Creek.

The annual security report can be found at the [sjc.edu](http://sjc.edu) website, under "Crime Awareness and Clery Act," located at [sjc.edu/student-life/annapolis/public-safety/crime-awareness-clery-act](http://sjc.edu/student-life/annapolis/public-safety/crime-awareness-clery-act).

Notification of its posting and residing on the website is provided to all members of the community and to prospective students on request. Hard copies are available in the Public Safety, Assistant Dean's, and Personnel offices and to anyone upon request.

## **Campus Security Policies and Procedures**

### **Reporting Emergencies, Crimes and Policy Violations**

All members of the campus community are strongly encouraged to promptly and accurately report any suspicious behavior or activity, crime, acts of violence against themselves or another, or any circumstance that requires attention. Reports may be made to the Public Safety staff or to any available Campus Security Authority (CSA), defined below. You may also report crimes to the Annapolis Police Department. Anyone living off campus should contact the appropriate law enforcement agency (Annapolis Police if you live in the city).

St. John's Public Safety will respond to emergency situations on campus and will coordinate with local resources as needed. Incident reports are forwarded routinely to the Assistant Dean's Office for review and referral for potential disciplinary actions. In the event that sexual misconduct is reported, Public Safety refers the matter to the Title IX Coordinator and may call in law enforcement when appropriate.

There are a limited number of security cameras on the college, however, these cameras may not be monitored 24 hours, as officers are also expected to be on patrol.

Emergencies can be reported to the Public Safety office by phone and through the LiveSafe app via text or telephone. Both anonymous and non-anonymous reports can be made. The dormitories are all equipped with telephones and there are courtesy phones on campus. The officers are on campus and available 24/7; the director of Public Safety, the assistant dean, and the mental health counselors are also on call 24/7 and can be contacted by calling Public Safety.

### **Cooperation with Other Agencies**

The college has memorandums of understanding (MOUs) with the Maryland Capitol Police for emergency evacuations and the Annapolis Police for general assistance for crimes and sexual assault investigations.

The Office of Public Safety regularly works with our allied agencies in mutual cooperation for the safety of the public. Relations with Annapolis Police and the Maryland Capitol Police are excellent, as we are all seeking the same goal; the safety of St. John's College and the community around us.

## Confidential Reporting of Crimes and Policy Violations

Voluntary, confidential and anonymous reports of crimes for inclusion in the college's annual disclosure of crime statistics may be made to public safety. All criminal reports will be investigated. For certain crimes, such as sexual misconduct, the college may be required to investigate the crime even if confidentiality is requested, in keeping with the requirements of Title IX. Anonymous reports may be made by phone or using the LiveSafe app. Violations of the law or campus policies may be referred to law enforcement agencies or to the college's assistant dean as appropriate.

## Campus Security Authorities

Campus officials that have a significant responsibility for student and campus activities are considered to be *Campus Security Authorities* (CSA's) as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. The following list is comprised of those who are typically CSA's at St. John's College for purposes of Clery:

### Professional Staff:

- Assistant Dean, Nathan Dugan; 410-626-2512; [nathan.dugan@sjc.edu](mailto:nathan.dugan@sjc.edu)
- Executive Director for Campus Wellness, Danielle Lico; 410-626-2530; [danielle.lico@sjc.edu](mailto:danielle.lico@sjc.edu)
- Dean, Joseph Macfarland, 410-626-2511; [joseph.macfarland@sjc.edu](mailto:joseph.macfarland@sjc.edu)
- Associate Dean for the Graduate Program, Emily Langston, 410-626-2542; [emily.langston@sjc.edu](mailto:emily.langston@sjc.edu)
- Director of Student Services, Taylor Waters; 410-626-2512; [taylor.waters@sjc.edu](mailto:taylor.waters@sjc.edu)
- Director of Public Safety, Robert Mueck, 410-295-6931; [robert.mueck@sjc.edu](mailto:robert.mueck@sjc.edu)
- Public Safety officers, 443-336-2348; [security@sjc.edu](mailto:security@sjc.edu)
- Director of Athletics, Christopher Krueger, 410-626-2558; [chris.krueger@sjc.edu](mailto:chris.krueger@sjc.edu)
- Director of Personnel, Lynn Hobbs, 410-626-2504, [lynn.hobbs@sjc.edu](mailto:lynn.hobbs@sjc.edu)

### Other staff:

- Any coach or assistant coach for a student team or group
- Any mentor to a student group recognized by the college
- Community Facilitators; dispatched through Public Safety; 443-336-2348
- Resident Assistants; accessible through the Assistant Dean's office 410-616-2512 or in person

## Professional Counselors

Professional counselors, when acting as such, are not considered to be campus security authorities and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy they are encouraged, if and when they deem it appropriate, to inform the people who are being counseled of the procedures for voluntarily reporting crimes for inclusion in the annual crime statistics. Professional counselors are defined as officials who provide mental health counseling to members of the SJC community. This definition applies both to employees and to those who are not employees, but are under contract to provide counseling at the college.



## Daily Crime Logs

Daily crime logs, in hard copy, are available and open to the public for review at the Office of Public Safety located in Pinkney Hall.

## Coordination with Local Law Enforcement

It is the policy of St. John's College Office of Public Safety to provide an environment conducive to its educational mission; thus any conduct that is prohibited by state, federal, or local law is subject to discipline under the provisions of St. John's College policies, as appropriate. The college monitors and reports when appropriate, to area law enforcement agencies any illegal conduct of students, faculty, or staff on college premises or off-campus locations. In addition, college officials may refer any evidence of illegal activities to the proper local, state, or federal authorities for review and potential prosecution.

The Director of Public Safety also requests crime statistics from the Annapolis Police Department for those properties within the Clery geography. The college has a close working relationship with the Annapolis Police and Fire Departments, and has a Memorandum of Understanding (MOU) with the Annapolis Police for investigations of sex crimes. The college also has MOUs with the Maryland Capital Police and Anne Arundel Community College in regard to mutual aid in case of emergencies.

## Creating a Safe Campus - A Community Effort:

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### Crime Prevention Education and Awareness



The crime preventions strategies of the college are rooted in the idea that good communication and collaboration among members of the polity are key to preventing crime. The Public Safety staff is available to members of the community and dedicated to the mission of protecting the students and the wider community. The college adopted the LiveSafe app to allow students an additional method to communicate with Public Safety and off-campus emergency responders.

The Annapolis City Police Department also has an app that can be downloaded from the app store. It allows you to receive timely information and alerts from the Annapolis Police Department in regard to incidents occurring in the City.

Students are educated by Public Safety at freshman orientation and through resident assistants, senior residents, and the Assistant Dean's office. Public Safety also works closely with senior residents and resident assistants on crime prevention and response throughout the year and is available to them 24/7. This information is also available in non-residential settings and available to any member of the community.

## Campus Escorts

Campus escorts are provided 24/7 by calling the Office of Public Safety or through the LiveSafe app. These escorts are confined to the premises of St. John's College in Annapolis. The LiveSafe app also has a "safe walk" feature that allows students to walk each other home virtually.

## Building Safety

Most campus buildings and facilities are generally accessible to members of the campus community, guests, and visitors during normal business hours, Monday through Friday, excluding holidays. Certain facilities may also be open for designated hours on evenings and weekends. Exterior doors on campus buildings are locked and secured each evening by public safety personnel. Residence hall exterior doors are locked 24 hours, and may be entered with the use of a valid SJC ID card. Dorm rooms are accessible by key only. Community members should not let people into dorms, and can contact Public Safety if someone does not belong here. Only authorized guests are permitted in dorms, and students should register their guests at the Switch Board.

## Personal Safety & Services

- **Stay alert:** Use common sense and do not place yourself in a location or situation where you might become a victim of crime.
- **Personal Whistle Safety Program:** The Public Safety office has personal safety whistles available. These whistles signal your need for help, may frighten away someone who means you harm, or alert those nearby to call the police or a public safety officer. You can obtain a whistle from the Office of Public Safety.
- **Report criminal activities or emergency situations:** For police, fire or medical emergencies, you should contact Public Safety (ext. 2000 or 443-336-2348), or call 911 if off campus. You may also use any of the emergency phones throughout the campus. The campus community is encouraged to report all crimes and safety-related incidents to Public Safety as quickly as possible.
- **If you become aware of a crime, observe a suspicious person or situation or are a victim yourself promptly report it to the Office of Public Safety.** Timely reports increase the likelihood that critical evidence will be obtained, stolen property will be recovered and the offender will be successfully prosecuted. This is especially important in cases involving sex offenses. The college will assist any student who wishes to report a crime to the Annapolis Police, or to contact college counselors or area victim support services.
- **Avoid walking alone at night.** Make arrangements to walk in groups. If you must travel alone at night, stay on well-lit paths and sidewalks. You may also call Public Safety and

request an escort by calling ext. 2000 or 443-336-2348

- **Keep your room door locked at all times.** The vast majority of thefts occur from unlocked rooms when the occupant is gone only briefly.
- **Do not prop open exterior doors and close any doors you find propped open.** Propped doors greatly increase chances that you or someone else in your dorm may be victimized. Do not open doors to someone you do not know.
- **DO NOT lend your key or key card to anyone.** This endangers you and others in your dormitory and is cause for disciplinary action. Report a lost or stolen key to the Office of Public Safety.
- **Report obscene, annoying or harassing phone calls or e-mail messages immediately.** Please save the offending messages, if possible.
- **Report all security-related maintenance problems.** Locks, doors, windows, exterior lights in need of replacement, shrubbery in need of trimming or other unsafe conditions should be reported immediately to the Building and Grounds office. You can contact the college switchboard (ext. 0) to request a work order. Students can also notify their RAs, and faculty and staff members can obtain a logon to the web based INSITE portal to enter work order notices.
- **Identify your valuables.** Students may use an engraver, available through Public Safety, to mark and identify valuable personal articles as a precaution of theft.
- **Park your car in well-lit area and keep it locked.** Lock all valuables in your trunk.
- **Register your bicycle with the Office of Public Safety.** They will issue a registration sticker to affix to your bicycle to deter theft and aid in recovery if it is stolen. Public Safety strongly recommends a U-style lock.
- **Be aware of crimes at or around St. John's College.** Additional information on campus crime is available from the Office of Public Safety. Bulletins are issued through the Assistant Dean's office when the circumstances warrant informing the community of important crime related information.



Crime prevention programs are offered to new students at orientation, but may be requested by any member of the college community from the office of public safety. There are no regularly scheduled programs, and presentations will be scheduled at the convenience of the parties involved.

The list of services offered by the Office of Public Safety includes:

- ✓ Vehicle Jump Starts
- ✓ Vehicle Lockouts
- ✓ Room/Building Lockouts
- ✓ Bicycle Registration

- ✓ Personal Whistle Safety Program
- ✓ Escorts
- ✓ Property Engraving
- ✓ Presentations

## Ride Sharing



Services such as Uber and Lyft have introduced features to their apps that make it safer for you to ride. Uber has a “Ride Safer” campaign, in which riders are reminded to review the information on your app and make sure it matches the information of your driver. Your app will show the license plate of the drivers’ vehicle, the vehicle’s make and model, and the

name and photo of the driver. These should match before you enter a stranger’s vehicle. You can also verify that the driver knows your name, as they will have it on their app when they arrive to pick you up. The driver may also ask your name to verify he is picking up the right person.

To safely exchange names, you can ask, “Who are you here to pick up?” The driver may also ask you to confirm their name (“Who’s your driver?”) for their own peace of mind. If the information doesn’t match up, do not get into the car. Go to a safe place and wait for the right car to arrive, or cancel the ride and report it. In an emergency or if you feel threatened, dial 911 to summon police. If you are on campus, call Public Safety for a faster response.

## AEDs & Stop the Bleed



Automatic External Defibrillators (AEDs) are located in eight buildings on the college. They are in Mellon Hall, Greenfield Library, BBC, Pinkney Hall, Iglehart Gym, Health Center, Boathouse, and the Public Safety sub-station. The college participates in the Maryland Public Access AED Program, which is part of the National AED Registry. AEDs can be found in boxes that are marked AED in the listed buildings. AEDs in Pinkney Hall and the sub-station are not marked, as they are accessible and stored in public safety office space.

In addition to the AEDs, the college participates in the Stop the Bleed program. In each AED box is located a Bleeding Control Kit, consisting of hemostatic gauzes, pressure bandages, and tourniquets for use in emergencies.

## Crime Awareness and Campus Security Act Crime Definitions



**Clery Act Crime definitions:** Definitions used by the United States Office of Education come from the FBI's Uniform Crime Reports (UCRs). These are used to report the crimes identified via the Clery Act.

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

**Criminal Homicide - Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Criminal Homicide – Manslaughter by Negligence:** The killing of another person through gross negligence.

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

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

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

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle (defined as any self-propelled vehicle on land). This includes cases where persons do not have lawful access even though the vehicles are later abandoned, to include joyriding.

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included.

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



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

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

Hate/Bias Crimes: Any criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. All such crimes should be reported to Office of Public Safety. The Clery Act includes the following categories in this area: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

Hate crimes include any of the following offenses that are motivated by bias: Murder and non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction of property/vandalism.

## **Sex Offenses Definitions**

Rape: Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

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

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

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

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

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

under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: “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.

### **Drug, Liquor & Weapons Violations Definitions**

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

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone's); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

### **Geography (Location) Definitions**

On-Campus: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes, such as a food or retail vendor.

St. John's College is located at 60 College Ave, Annapolis, MD, 21401. The college is bounded by St. John's Street, College Avenue, King George Street, and College Creek.

Non-Campus Building or Property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. No such buildings are owned by

the college. The address at 214 Prince George Street is non-campus property given that the college has taken over the operation of the building and grounds.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus residential facilities: Dormitories or other campus resident facilities for students on campus is a subset of the "On-Campus" category. St. John's owns no other campus residential facilities.

## **Sexual Misconduct/Harassment Policies, Procedures, and Prevention and Sex Offenses**

### **Sexual Misconduct and Harassment Education and Training**

As an institution of higher education, St. John's College is committed to providing programs, activities, and an educational environment that is free from sex-based discrimination.

The education, training and preventions initiatives are designed to further the College's goal of equity and inclusion and identifies resources that are available to students, faculty, staff, and others affiliated with the College. These initiatives define the conduct that is prohibited under applicable college policy and outlines the process by which the college will respond to reports. St. John's College strives to be a community in which all members readily and safely report acts of sexual misconduct; it is our goal to remove all barriers to reporting.

All incoming new undergraduate students are required to complete mandatory training related to prohibited behavior. This training includes the following specific topics: sexual assault (including rape, fondling, incest, and statutory rape); sexual harassment; dating violence; domestic violence; sexual coercion; sexual exploitation; and stalking. The topics of consent, incapacitation, retaliation, and intimidation are also covered along with specific college policies and reporting options. Primary prevention and awareness training is designed to prevent sexual misconduct before it occurs and to stress the importance of bystander intervention in preventing sexual misconduct.

Ongoing prevention and awareness is accomplished through email and written communication and in person through student forums led by the Title IX Coordinator. The college policies and procedures are promulgated in person and are distributed to all members of the college community via email, through social awareness campaigns and are available in hard-copy in select offices on-campus. All policies are also posted on the college website.

Resident assistants receive training on how to respond to reports of sexual misconduct, how to support survivors and those who are impacted by an assault beyond the survivor like roommates and friends, and how to make a report as a Campus Security Authority.

College staff and faculty members who have specific responsibilities under applicable college sexual misconduct policies receive additional training through in person education, online courses, and/or attendance of workshops and conferences.

## Sexual Misconduct Policy and Procedures



Title IX is a federal law that prohibits all forms of sex discrimination, including sexual misconduct and harassment, in federally funded education programs. Title IX provides “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

On May 6, 2020, the U.S. Department of Education released its Final Rule under Title IX of the Education Amendments of 1972, which made new requirements of all institutions of higher education. Like all educational institutions that receive federal funding, St. John’s College was required to amend its current policies to implement these new regulations. One policy, the Title IX Sexual Harassment policy, addresses sexual misconduct that falls within the U.S. Department of Education’s Title IX regulations; this policy is limited in its jurisdiction. A second policy, the College Sexual Misconduct policy, addresses sexual misconduct that does not fall within the scope of the U.S. Department of Education’s Title IX regulations.

The text of the policies that went into effect on August 14, 2020 are included in Appendix I in their entirety. They may also be found on the college’s website at <https://www.sjc.edu/title-ix/policies>. Older policies are included in Appendix II and III.

## Off Campus Support

Sexual Assault Crisis Center Hotline: 410-222-7273

Annapolis Police Department: 410-268-9000

Sexual Assault/Spouse Abuse Resource Center of Annapolis: 410-836-8430



### Other Off-Campus Resources:

The Annapolis Police Department offers various programs to residents of the city, which includes members of St. John’s College. For these programs, you can inquire at [police@annapolis.gov](mailto:police@annapolis.gov). These include:

**Home security surveys:** In about two hours, officers will conduct a free security survey of your home and give tips on how to make your home a safer place.

**Watch Your Car Program:** The Watch Your Car Program helps prevent vehicle theft. A small sticker is placed on your rear window, which alerts officers that your vehicle is not normally driven between the hours of 1 a.m. and 5 a.m.

**Victims' Assistance & Resources:** Crime victims can contact Annapolis police for more information.

**Hispanic Liaison:** Contact the Spanish speaking liaison, Joe Hudson, for help. Si Ud. necesita ayuda, pongase en contacto [Sr. Joe Hudson](#).

## 2-1-1 Maryland



2-1-1 Maryland is a statewide resource available by telephone and internet, and provides 24/7 guidance in accessing health, crisis, and social services. It coordinates the activities of the four partner call centers, provides oversight and works to secure funding and other resources to support 2-1-1 services in Maryland. Services cover issues such as health care, children and families, mental health and substance use, veterans and military, food, housing and homeless, utility assistance, employment, legal and tax advice, and seniors and people with disabilities.

To access this service, call 2-1-1 via your cell phone, or go to <https://211md.org/>. If your phone does not connect to 2-1-1, you may call 1-800-492-0618.

## Sex Offender Registry



Signed into law in 2013, the Violence Against Women Reauthorization Act (VAWA) expanded and amended the Clery Act and other regulations. In 2014, the U.S. Department of Education issued guidance documents and regulations to comply with the statutory provisions as written. St. John's College complies with the requirements under VAWA, and all amendments and regulations issued by the U.S. Department of Education. The Clery Handbook was updated in 2016.

The Campus Sex Crimes Prevention Act amends the Family Educational Rights and Privacy Act to clarify that nothing in that act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. It further requires the U.S. Department of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted. The sex offender registry for Maryland provides information on registered sex offenders enrolled or employed at all Maryland institutions of higher education. This information may be accessed via the internet at [www.dpscs.state.md.us/sorSearch](http://www.dpscs.state.md.us/sorSearch) or on the public safety page on the St. John's College website at [sjc.edu/student-life/annapolis/public-safety/crime-awareness-clery-act/sex-offender-registry](http://sjc.edu/student-life/annapolis/public-safety/crime-awareness-clery-act/sex-offender-registry).

Convicted sex offenders are required to register at the college's Public Safety Office prior to registering for any course or program at St. John's College. Disclosure of information provided to the public safety office will be provided to the assistant dean and the



director of student services accordingly. Additional campus notifications will be initiated as deemed necessary. Failure to register with the college's public safety office will result in disciplinary action including expulsion.

## **Drug and Alcohol Policies and Resources**

The Drug-Free School and Communities Act Amendments of 1989 (amends the Higher Education Act) requires institutions receiving federal financial assistance to establish drug and alcohol abuse prevention programs for students and employees. Information on drug and alcohol policies and abuse programs are contained in the student handbook and the employee handbook.

**Alcohol and Other Drugs** Each student is required to become familiar with the college's policy on drugs and alcohol, stated in Appendix IV of the Student Handbook). This campus-wide policy must be taken very seriously; penalties are severe, including expulsion. The paragraphs below set forth the college rules concerning the legal use of alcohol, and outline the disciplinary approach to illegal use of alcohol and other drugs.

**Alcohol Use** The college observes state and municipal laws respecting alcoholic beverages. These prohibit the purchase or consumption of alcoholic beverages by any person who is less than 21 years of age, as well as the furnishing or sale of alcoholic beverages to anyone less than 21 or to any intoxicated person. College penalties for violating these laws start at 5 hours of community labor.

Students who consume alcoholic beverages under any circumstances are expected to do so moderately and are responsible for their actions. Drunkenness, offensive conduct, engaging in "drinking games," or other violations of college rules may subject the offender to disciplinary action including fines, suspension, and expulsion.

**Drug Use** The college recognizes that drug abuse may be a sign of a serious health problem; please read the second paragraph below ("Help for Students with Alcohol or Drug Dependency"). The college follows the laws of the state regarding the use of drugs, and it is at risk as an institution if it fails to do so. Moreover, the college believes that use of illegal drugs and misuse of any drug are incompatible with both the purposes of the college program and the honest and responsible community we try to foster. The faculty regards enrollment as a commitment on the part of all students that they will not use illegal drugs or misuse any drug. The college will take disciplinary steps up to and including expulsion upon learning that a student has engaged in either activity. Involvement by a student in the distribution of illegal drugs will result in immediate expulsion.

**Help for Students with Alcohol or Drug Dependency** It is important to emphasize that the college makes a distinction between discovering improper or illegal drug or alcohol use on the part of one of its students, and hearing from a student that he or she has a problem and wants help for it. The college stands ready to provide various kinds of support to students who recognize a pattern of dependency in themselves and who are attempting to alter their

behavior. We urge students in this situation to seek help from the assistant dean, the Graduate Institute Director, the Director of Student Services, one of the college nurses or counselors, or from one of the community abuse support groups listed in Appendix IV of the Annapolis Student Handbook. The current Handbook may be found at the [sjc.edu](http://sjc.edu) website in the “Current Students” section, found at [sjc.edu/current-students/undergraduate-annapolis](http://sjc.edu/current-students/undergraduate-annapolis).

The Assistant Dean can advise students and direct them to counseling and treatment and will try under some circumstances to work with students who are motivated and able to continue at the college while pursuing treatment. This is more likely to be possible when a student comes forward voluntarily to seek advice. At the discretion of the Assistant Dean, Dean, or President, a student’s continued enrollment at the college may be contingent on the student’s entering and successfully pursuing a drug abuse counseling or treatment program.

**Alcohol at Student Events** (See also Parties.) Under no circumstance is alcohol to be provided to or consumed by persons less than 21 years of age. Party hosts are responsible for following an age identification system approved in advance by the Director of Student Services. Party hosts must make every reasonable effort to see that alcohol is not served to intoxicated people. “Drinking games” are not permitted at parties or elsewhere.

All student social events at which alcohol is to be served must be approved of by the Director of Student Services by 2 p.m. four business days before the requested party date. For example, the St. John’s College Event Contract must be completed before 2 p.m. on Tuesday for a Saturday-night party. No more than one party where alcohol is served is permitted each weekend.

The Director of Student Services must also approve in advance the total amount and kind of alcohol to be served, the bartenders, and the method of service. The service of alcohol may begin when the Senior Resident on-call arrives at the party. All alcohol must be served by an approved bartender. No one may bring any additional alcohol into the party. The party hosts are responsible for upholding this rule, and for seeking the support of a Senior Resident or Public Safety Officer if they need help doing so.

Beer and wine are the only alcoholic beverages that will be approved for service at student parties unless the Director of Student Services grants a specific exception.

Whenever alcohol is served, food and appealing non-alcoholic beverages must also be served. If there is no charge for alcoholic beverages, there can be no charge for food or non-alcoholic beverages. The distribution of alcohol must end at least 30 minutes before the end of the party.

All events at which alcohol is to be served must be held indoors unless the Director of Student Services gives special permission. Alcohol is not to be at athletic events. An exception to this is made for the annual croquet match with the Naval Academy.

Alcoholic beverages are prohibited in all classrooms, in FSK Auditorium, in the dining hall and in the gym. Special exceptions may be made for these prohibitions only with the explicit permission of the Director of Student Services. Under no circumstances is alcohol to be sold to raise money for student organizations or functions. Alcohol may be sold at cost, but for this, a liquor license is required. Obtaining a liquor license from the City of Annapolis can take several weeks. Students who file an incomplete license or who are granted a liquor license but do not pick it up at the City Clerk's Office may be fined by the city. Students who wish to apply for a liquor license must consult with the Director of Student Services before approaching the city.

## Health Services



The Annapolis campus has the benefit of a fully operational health center that operates during regular business hours at the Harrison Health Center. Certified Nurse Practitioners provide medical services, and certified mental health professionals provide counseling and psychiatry services. Students should check the college website for hours, as they may be modified or closed during college holidays. For specific questions, please contact the Health Center at 410-626-2553.

There are numerous medical services available off campus, to include:

- ◆ Anne Arundel Medical Center, 2001 Medical Parkway, Annapolis. Tel. 443-481-1000
- ◆ Patient First Primary and Urgent Care, 2051 West Street, Annapolis. Tel. 443-603-0758
- ◆ West Street Medical, 79 West Street, Annapolis. Tel 410-268-3627

## Ethics & Fraud Hotline



The college strives to create an environment free from fraud, conflicts of interest, and other ethical shortcomings. We realize, however, that when these activities occur, a need exists to report such violations without fear of retribution. For that reason, we have engaged Lighthouse Services to provide an anonymous ethics and compliance hotline for all employees of the college.

Employees are encouraged to use the hotline service in cases where they desire anonymity. Please follow the standard college policies and practices for all reports or issues not requiring anonymity.

Reports may cover but are not limited to the following topics:

Bribery and Kickbacks	Internal Control Issues
Conduct Violations	Misuse of Company Property
Conflict of Interest	Theft
Ethical violations	Theft and Embezzlement
Falsification of Contract, Reports or Records	Vandalism and Sabotage
Fraud	Violation of College Policy
Improper Conduct	Violation of the Law

Please note that the information provided may be the basis of an internal and/or external investigation into the issue reported and Lighthouse will protect anonymity to the extent possible by law. However, your identity may become known during the course of the investigation because of the information you have provided. Lighthouse submits reports to a company designee for investigation according to our college policies.

Lighthouse Services' toll free number and other methods of reporting are available 24 hours a day, 7 days a week for use by employees and staff.

- **Telephone:** English speaking: (844) 490-0002, Spanish speaking: (800)216-1288
- **Website:** [www.lighthouse-services.com/SJC](http://www.lighthouse-services.com/SJC)
- **E-mail:** [reports@lighthouse-services.com](mailto:reports@lighthouse-services.com) (must include company name with report)
- **Fax:** (215) 689-3885 (must include company name with report)

## Missing Student Procedures



St. John's College complies with Section 485(j) of the Higher Education Opportunity Act regarding missing student notification. *Anyone wishing to report a missing student should contact the St. John's College Office of Public Safety. You may also contact the Assistant Dean, Monday-Friday during regular business hours.*

Any time that staff in an on-campus housing facility receive information that a resident has been out of contact and unreachable by phone, email, etc., they will take steps to respond to the information, to include attempting to contact the missing student and notifying the Office of Public Safety and the Office of the Assistant Dean.

## Contact Information

Students who reside in an on-campus student housing facility have the right to confidentially register the name and contact information of one or more individuals who they would like to have contacted if the college determines that they have been missing and their whereabouts are unknown. This information is kept on file by the Office of the Registrar. Such contact information is accessible only to authorized campus officials and will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. Students may elect any person of their choosing for emergency notification.

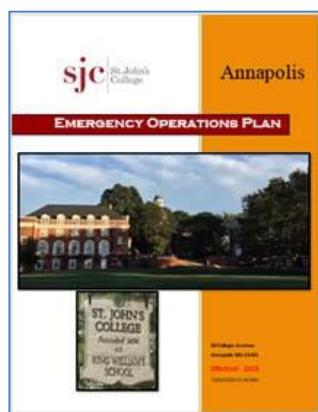
The college will notify a missing student's designated contact person(s) within 24 hours of the determination that a student is considered missing. In addition, for those under the age of 18 (who are not emancipated individuals), federal law also requires the college to notify a custodial parent or guardian within 24 hours if it is determined that the student has been missing from the

campus and their whereabouts unknown for a period of 24 hours or more. St. John's Public Safety will also notify law enforcement agencies, as appropriate, within 24 hours of the determination.

On first being suspicious that a student is missing, staff should contact any of the following:

1. Community Facilitator
2. Assistant Dean at Ext. 2512
3. Office of Public Safety at Ext. 2000

## Emergency Operations Plan



In July of 2018, the Annapolis campus of St. John's College adopted a new Emergency Operations Plan. This plan is an all-hazards, whole community, Emergency Operations Plan (EOP), in keeping with the National Incident Management System and National Response Framework. The EOP identifies the College's emergency planning, organization, and response policies and procedures. The plan also addresses the integration and coordination with other governmental levels when required. It includes evacuation and communication plans and information about protocols and procedures for particular types of emergency situations.

A condensed version of the EOP procedures is located in booklet form (Emergency Response Guidelines) in all classrooms and offices, along with red and green cards for indicating a dangerous or "all okay" situation. Emergency action procedures are also available via the college's LiveSafe app and website.

Public Safety officers are trained in the National Incident Management System. Training and exercises are conducted periodically for public safety officers, campus leadership, and other members of the campus community as deemed necessary.

## Campus Notification Procedures and Timely Warnings



A campus alert will be sent to notify the campus community upon confirmation of emergencies or dangerous situations involving an immediate threat to the health or safety of campus community. An "immediate" threat as used here means an imminent or impending threat to the health and safety of those on campus at that time of the incident. The college will utilize the Johnnie Alert system to communicate with the community. The Johnnie Alert system includes:

- ✓ Omnilert (formerly known as e2campus, this is the primary means of notification)
- ✓ Alertus, and
- ✓ Email





St. John's College, will, without delay and taking into account the safety of the college community, determine the content of the notification and initiate the notification system, unless issuing the notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The intent of a timely warning regarding a criminal incident or other emergency that may endanger personal safety, is to enable people to protect themselves. A warning will be issued as soon as the pertinent information is available. Key persons of the college leadership may issue alerts to the college community, to include:

- ◆ The assistant dean,
- ◆ The treasurer (or designee)
- ◆ The director of public safety
- ◆ The associate director of public safety, and
- ◆ The director of information technology

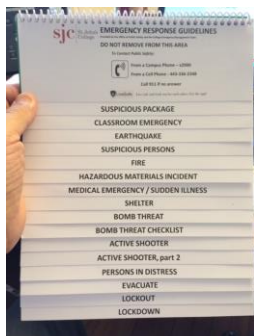
Alerts are issued as soon as possible after verification by public safety that an emergency or dangerous situation exists. Alerts will notify the college community of serious crimes and other situations that may present a danger to students, faculty, and staff of the college. These alerts may be reports of on-campus incidents reported to the office of public safety. Additionally, incidents in proximity to campus and made known to St. John's College will be distributed to the campus community. Campus safety alerts are disseminated college-wide by email, Omnilert, campus mail, or flyers. The college will then follow up with additional information as it becomes available. In cases of sexual misconduct in which a timely warning is necessary, the victim's name will not be disclosed in the timely warning.

## ALERTUS



In 2021, the Annapolis campus adopted the ALERTUS notification system, which will be installed in McDowell Hall sometime this fall (2021). This system will allow the college another venue for emergency communications that integrates with the use of the Omnilert emergency text alert system. When emergency communications are issued, computers that are logged in through the college IT network will receive an emergency alert system message, like that pictured. The computer screen will freeze and the alert message will be displayed with information specific to the emergency. The computer will return to normal within ten minutes of the alert being issued. Additionally, emergency ALERTUS beacon boxes in McDowell Hall will announce and alert the emergency messaging, so students and faculty in class will still receive an emergency alert when cell phones are silenced or turned off.

## Emergency Response Guidelines



The College has created Emergency Response Guidelines as a quick reference guide in the event of a true emergency. These guides are located in every classroom and office on the college so they are available as a guide in case of emergency. The information contained in this guide is also contained in the LiveSafe app, specific to the Annapolis campus of St. John's College.

The guides should not be removed from the rooms in which they are located. If you want an additional copy of the guide, it may be obtained from the Office of Public Safety upon request.

## Testing Emergency Response and Evacuation Procedures

All buildings on campus are assigned a building coordinator, who are trained annually or as needed to ensure they know evacuation routes and exits and how to account for the other occupants of the building. Students receive information about evacuation procedures from their RA's, who are equipped with the summary emergency response guidelines.

## Standard Response Protocol



The Annapolis campus has adopted the Standard Response Protocol from the "i love u guys" foundation. It can be found at <http://iloveugays.org/>. This protocol may apply in situations involving a mass casualty incident or other emergency.

The Standard Response Protocol (SRP) consists of four actions, which are included in the Emergency Response Guidelines in all classrooms and offices on the college.



### **LOCKOUT: Secure the Perimeter.**

Lockout is called when there is a threat or hazard outside of a campus building. Whether it's due to violence or criminal activity in the immediate neighborhood, or a dangerous animal in the vicinity, Lockout uses the security of the physical facility to act as protection.

### **ACTIONS**

The Lockout Protocol demands bringing you into a building and locking or monitoring all outside access points. Where possible, educational activities will continue uninterrupted. Classes that were being held outside will move into a building and, if possible, continue class inside. There may be occasions where students and staff expect to be able to leave the building - end of classes, job commitment, etc. Depending on the condition, this may have to be discouraged. Students, faculty, and staff may be inconvenienced by these directives, but your cooperation is important to ensure their safety.



### **LOCKDOWN: Locks, Lights, Out of Sight!**

Lockdown is called when there is a threat or hazard inside a building. From domestic violence incidents, to intruders, to an active shooter, Lockdown uses room security to protect students and staff from an immediate threat.

#### **ACTIONS**

The Lockdown Protocol demands locking or barricading individual room doors or other access points, moving room occupants out of line of sight of the corridor windows and having everyone maintain silence. No indication of occupancy should be revealed until first responders open the door. There is no call to action to lock the building outside access points. Rather, the protocol advises to leave the perimeter as is so no one is exposed to unnecessary risk and first responder's entry into the buildings is not inhibited.

#### **RESPONSIBILITY**

Instructors or other staff member are responsible for implementing Lockdown. They should lock or barricade all access points and facilitate moving occupants out of sight. Take a silent or whispered roll to quietly take account of students and staff.

Do not open the door until a first responder unlocks it. A Lockdown may persist for several hours and during an incident, silence is essential.



**EVACUATE:** The Evacuate Protocol demands you move in an orderly fashion. In a tactical response, students and staff should be prepared to follow specific instructions given by first responders. First responders may ask you to place your hands on your heads or use different evacuation methods, i.e. run, crawl, cover mouth and nose, etc.



**SHELTER:** Shelter is called when the need for personal protection is necessary. This may include spontaneous events such as tornados, earthquakes or HAZMAT incidents.

#### **ISSUES**

The need on sheltering may vary, for instance:

1. Shelter for a tornado may mean to drop, cover and hold
2. Shelter for a Bomb may mean to drop, cover and hold
3. Shelter for a Hazmat incident may mean to seal a room

#### **ACTIONS**

The type of sheltering will change depending on the threat. Sheltering for an active shooter may require you to barricade yourself in a room, whereas sheltering for a tornado means moving to an interior hallway or room without windows.

## St. John's College Crime Statistics



**ST JOHN'S**  
College

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) mandates the manner and format in which statistics are to be collected and published. Statistics come from the college, the Annapolis Police, Maryland Capitol Police, and Department of Natural Resources Police.

Statistics <sup>1</sup>	On Campus			Public Property			Residence Halls <sup>2</sup> (Subset of On-Campus)		
Crime Reports	Year			Year			Year		
Category	2020	2019	2018	2020	2019	2018	2020	2019	2018
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape <sup>3</sup>	0	1	4	0	0	0	0	1	3
Fondling	2	7	4	0	0	0	2	5	3
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery <sup>4</sup>	1	0	0	0	0	0	0	0	0
Aggravated Assault <sup>5</sup>	0	1	0	0	0	0	0	1	0
Burglary	0	0	3	0	0	0	0	0	0
Motor Vehicle Theft <sup>6</sup>	0	1	0	0	0	0	0	0	0
Arson <sup>7</sup>	0	1	0	0	0	0	0	1	0
Hate Crimes <sup>8</sup>	2	0	0	0	0	0	0	0	0
Violence Against Women Act (VAWA)									
	2020	2019	2018	2020	2019	2018	2020	2019	2018
Dating Violence	0	0	1	0	0	0	0	0	1
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	3	1	0	0	0	0	3	1
Arrests									
	2020	2019	2018	2020	2019	2018	2020	2019	2018
Weapons Possession	0	0	0	0	0	0	0	0	0
Drug-Related Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Campus Disciplinary Referrals									
	2020	2019	2018	2020	2019	2018	2020	2019	2018
Weapons Possession	0	1	0	0	0	0	0	1	0
Drug-Related Violations	10	5	17	0	0	0	5	5	16
Liquor Law Violations	1	26	27	0	0	0	1	14	24

### Footnotes for the St. John's College campus crime stats

1. The statistics reflect a 2020 campus population of approximately 495 students and 190 employees before the college shut down due to the Covid-19 pandemic in March.
2. The Residence Hall statistics are duplicative. They are included in the on-campus statistics and reflect that portion of the campus statistics that occurred within student housing on campus.
3. Not all incidents reported in this category were reported to public safety or police, but to other offices on campus. Consequently, not all incidents were criminally investigated, but were administratively investigated by the college when reported.
4. In 2020 there occurred a strong armed robbery on the back campus. No weapons were involved, and none of the persons belonged to the campus community. Annapolis Police handled the incident.
5. In 2019 there occurred an aggravated assault with a knife in a residence hall. No one was injured in the incident.
6. Motor Vehicle thefts, as defined by the Clery Act, includes all motor vehicles and other conveyances such as golf carts, mopeds, motor scooters, and gators. A car was stolen from the gravel lot in 2019 and recovered later by Annapolis Police.
7. In 2019, an unknown person used a lighter of some kind to burn a portion of a ceiling in a common room in Campbell Hall.
8. In 2020 there were two incidents of hate: one where an unknown person wrote sexist messages on the outside of the gym (vandalism), and another incident involving verbal intimidation on the field near Spector Hall based on sexual orientation.

Additional Caveats	In 2020, the college took over 214 Prince George Street, Annapolis, MD, as additional housing due to the Covid-19 pandemic. This property meets the Clery definition of <i>Non-Campus Property</i> . There were no crimes or incidents at that location in 2020.
	There were no reported crimes or incidents that were determined to be unfounded during any of the three years covered in this report.





## Annual Fire Safety Report



The Higher Education Opportunity Act, as enacted on August 14, 2008, requires colleges with on campus housing facilities to publish an Annual Fire Safety Report that provides statistics about fire related incidents and outlines the fire safety policies and practices. The information provided in this section of the Annual Security Report satisfies the requirements of the Clery Act.

Fire safety requires community wide effort and multiple strategies for preventing fire. Through design and engineering controls, safe working practices, and appropriate student and employee behaviors, the college community can minimize fire hazards. Public Safety takes an active role in assisting with the fire safety and inspection programs mandated by the State of Maryland. These mandates include performing fire equipment inspections of all college owned property, and actively monitoring conditions to prevent any potentially dangerous conditions that could lead to a fire.

The college has many fire safety devices and practices in place, outlined more fully below. Some simple guidelines to follow to keep the campus safe are as follow: Fire extinguishers, pull stations, alarm bells, smoke and heat detectors, alarm panels are in place for everyone's safety. Use of these systems for other than fire emergencies; or abuse of these systems; or the intentional causing of a false fire alarm may result in a fine and possible dismissal from college housing. (Tampering includes: moving, modifying, obstructing or in any way altering life safety equipment.) False fire alarms and willful damaging of any life safety equipment is not only an inconvenience to fellow students but constitutes a real danger.

All buildings on campus must be immediately evacuated whenever a fire or general alarm sounds in the building. Intentional evading or refusal to evacuate may result in a notice of violation. In residence halls, the Office of Public Safety will go from room to room to ensure that evacuation of the residence hall is completed.

### Fire Response:

- 1) Pull a fire alarm.
- 2) EVACUATE via the nearest emergency exit.
- 3) Use a fire extinguisher if you are properly trained.
- 4) Call Public Safety or call 911.
- 5) DO NOT take an elevator.

**ALARM** - Activate the closest fire alarm pull station. Most pull stations are located within a few feet of a stairwell or building exit. **Contact Public Safety.**

**EVACUATE** - Evacuate the building to a safe distance (at least 200 feet). Allow ample room for emergency personnel and equipment to access the building. Report to your designated gathering area as directed by your building emergency coordinator. Fire extinguishers are located throughout SJCA facilities but should be used by persons who have been trained in their proper use.

**To exit buildings:**

- 1) Crawl low if there is smoke.
- 2) Use a wet cloth, if possible, to cover your nose and mouth.
- 3) Use the back of your hand to feel the upper, lower, and middle parts of closed doors.
- 4) If the door is not hot, brace yourself against it and open slowly.
- 5) If the door is hot, do not open it. Look for another way out.

**RESCUE** - IF it is SAFE to do so, rescue anyone who is in imminent danger of the fire or smoke. Do not use the elevators. Be aware of persons who may need assistance.

**CONTAIN** - Close all windows and doors, even if you are not in the affected area. Shut off all fuel sources, such as piped gas.

**ENTRY/REENTRY**- Do not return to the affected area until directed to do so by public safety personnel.

*Call Public Safety at the main number (443-336-2348) to notify them of the fire or fire alarm. Public Safety Officers will ensure that the Annapolis Fire Department responds to the proper building on the campus.*

**SJCA Building emergency coordinators, staff and faculty may provide direction regarding evacuation to students and visitors to their areas.**

## **Fire Log**

Fires are documented by the Office of Public Safety. Information on fires is available to be viewed upon request in the public safety office in Pinkney Hall.

## **Fire Safety Equipment and Protocols**

What follows is a description of some of the protocols we follow and equipment we use to assure that the campus is safe.

**Portable Fire Extinguishers:** Trained students are encouraged to use fire extinguishers when warranted for fire safety. If students are uncertain how to properly use the fire extinguisher,

they may request training from the Office of Public Safety. Students are encouraged to report suspected problems with extinguishers to the Office of Public Safety immediately. If students have cause to discharge the extinguisher for fire control, they must immediately report the fire and use of the extinguisher to the Office of Public Safety. If a fire extinguisher is discharged for any reason other than to control a fire, or tampered with in any way to cause the extinguisher to be inoperable or unavailable for emergency use, the person responsible or occupant(s) of the floor will be charged for the cost of replacement and/or recharging.

The provisions of this policy apply to the selection, distribution, inspection, maintenance and testing of portable extinguishing equipment. The requirements given herein are minimums. Portable extinguishers are intended as a first line of defense to cope with fires of limited size. They are needed even when a facility is equipped with automatic sprinklers, standpipe and hose, or other fixed protection equipment. Fire extinguisher training is provided by contacting the Office of Public Safety at ext. 2000.

**Definitions:** The basic types of fires are Classes A, B, C, and D as defined in the following:

- **Class A** Ordinary combustible materials, such as wood, cloth paper, rubber, and many plastics.
- **Class B** Flammable and combustible liquids.
- **Class C** Energized electrical equipment.
- **Class D** Combustible metals, such as magnesium, titanium, zirconium, sodium and potassium.

**Selection of extinguishers:** The character of the fires anticipated determines the selection of extinguishers for a given situation.

**Distribution of extinguishers:** Fire extinguishers shall be provided for the protection of the building and for the occupancy hazard contained therein: Required building protection shall be provided by fire extinguishers suitable for Class A fires. Protection against occupancy hazard shall be provided by fire extinguishers suitable for such Class A, B, C, or D fire potentials as may be present.

**Mounting locations:** Extinguishers shall be conspicuously located where they will be readily accessible in the event of fire. They shall be located along normal paths of travel, including exits from an area. Fire protection and fire detection equipment shall not be obstructed.

**Maintenance:** Buildings and Grounds will recharge extinguishers needing to be recharged due to use or pressure leakage.

**Inspections:** Extinguishers are to be visually inspected monthly by Buildings and Grounds personnel.

**Extinguishers loss due to damage or theft:** It is the responsibility of the using Office to institute security measures to prevent losses due to theft. Buildings and Grounds will replace missing extinguishers.

#### **Audible/Visual Fire Alarms**

These devices must not be obstructed in any fashion (like by staged/hanging objects). Evacuate whenever the alarm system is initiated.

#### **Fire Alarm Pull Stations/Panels**

These devices must not be obstructed in any fashion (like by staged/hanging objects). Use the pull station if you see or suspect that there is a fire or fire condition, or in any other circumstance where emergency responders (security) is needed, and other means of communication are unavailable.

#### **Exit/Egress Signage**

It is critically important (especially to those not familiar with a building) for exit/egress signage to be visible, unobstructed, and not tampered with, as they direct evacuating personnel to a means of egress.

#### **Fire Doors**

Fire doors are normally on self-closing devices, and they may or may not have magnetic hold opening devices that keep the doors open during non-emergency conditions. Never prop or obstruct a fire door, thereby impairing its ability to close during a fire.

#### **Electrical Power Connection Equipment**

The use of extension cords and multiple outlet plug adapters is prohibited. Such use may result in overloading the plug and cause an electrical fire. Use of these items may lead to a fine and removal of the cord and/or plug. Power strips with overload circuit protectors may be used.

#### **Portable Electrical Devices**

The following devices are prohibited:

- Small air conditioning units (unless specifically installed by Facilities or issued by the Assistant Dean's Office);
- Heating devices with exposed elements (including hot plates).

#### **Open Fires**

Open fires are **not** permitted in any residence hall or campus building, except in fireplaces when authorized by Public Safety or college administration. The intentional setting of any fire, which is not authorized or designed for a recognized and accepted purpose and practiced with proper safety precautions in effect, may result in fines issued by the Annapolis Fire Marshal, disciplinary action through the college, and/or issuance of a criminal citation by the Office of Public Safety.

The burning of candles, incense, or other instruments with open flames are not allowed in residence halls or dorm rooms. Smoking is also not allowed inside any buildings on the college.

The college has one area designated for exterior fires: the mid-campus field near the Planetarium. No other locations are authorized for fires of any kind.

Requests for exterior fires must be made via a work order for B&G to provide wood for fires, and a Burn Permit must be obtained by the sponsoring group from the Annapolis Fire Marshal. Public Safety officers must be present when the fire is lit. Public Safety officers can provide fire starter briquettes or logs to assist in safely initiating a fire.

**Training:** If you are interesting in fire prevention training, contact the Office of Public Safety. We can provide training ourselves, or request training from the Annapolis Fire Department on your behalf.

### **Fireplace Policy**

Fireplaces may only be used from October 15 to April 15 of the year. Fireplaces are not to be used any other time, as it will impact the HVAC system of the building.

Fireplace usage must be approved in advance. Requests for wood must be made to B&G via a work order, and only the wood provided shall be used. Public Safety must be notified to be present when the fire is started. Officers can provide starter briquettes or fire logs and ensure that fires remain safe. Someone at the location must assume responsibility for fires, as officers will not remain on scene. Fires cannot be left unattended. Paper or accelerants shall not be used in fireplaces.

### **Fire Safety Measures for Campus Housing in 2020**

Residence Hall	Fire Alarm Monitoring	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number of Evacuation (fire) drills in 2018
Paca-Carroll	X		X	X	X	x	2
Humphreys	X		X	X	X	x	2
Pinkney	X		X	X	X	x	2
Chase-Stone	X		X	X	X	x	2
Randall *	X		X	X	X	x	2
Campbell	X		X	X	X	x	2
Gilliam	X		X	X	X	x	2
Spector	X		X	X	X	x	2

\*The college installed a full sprinkler system in Randall Hall in the summer of 2020.

*Fire drills are scheduled by Public Safety and the Office of the Fire Marshal of the Annapolis City Fire Department, and are conducted once each semester. Additionally, the City Fire Marshal conducts annual fire safety inspections of buildings on campus to ensure all life safety systems are operable. These fire inspections are conducted in spring after graduation, and any fire code violations are resolved to ensure the safety of occupants of college residential facilities.*



## **St. John's College Fire Statistics**

For purposes of the Annual Fire Report, fire statistics apply only to residence halls.

<b>2020 Fire Statistics for On-Campus Student Housing Facilities</b>						
<b>Location</b>	<b>Occurred</b>	<b>Reported</b>	<b>Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
Gilliam Hall	1/29/2020 6:09 pm	1/29/2020 6:11 pm	Unintentional, Cooking	0	0	0
Campbell Hall	2/2/2020 11:08 am	2/2/2020 11:10 am	Unintentional, Cooking	0	0	0
Chase-Stone House	3/3/2020 8:2 pm	3/3/2020 8:28 pm	Unintentional, Cooking	0	0	0
Randall Hall	3/11/2020 11:00 pm	3/11/2020 11:02 pm	Unintentional, Cooking	0	0	0
Gilliam Hall	5/5/2020 9:43 pm	5/5/2020 9:45 pm	Unintentional, Cooking	0	0	0
<b>2019 Fire Statistics for On-Campus Student Housing Facilities</b>						
<b>Location</b>	<b>Occurred</b>	<b>Reported</b>	<b>Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
Humphreys Hall	3/7/19 7:30 pm	3/7/19 7:30 pm	Unintentional, Cooking	0	0	0
Humphreys Hall	3/12/19 5:56 pm	3/12/19 5:57 pm	Unintentional, Cooking	0	0	0
Paca-Carroll House	5/7/19 4:00 pm	5/7/19 4:00 pm	Unintentional, Open Flame <sup>1</sup>	0	0	\$100,000
Pinkney Hall	9/30/19 8:35 pm	9/30/19 8:35 pm	Unintentional, Open Flame	0	0	0
Pinkney Hall	10/6/19 7:29 pm	10/6/19 7:28	Unintentional, Open Flame	0	0	0
Campbell Hall	11/20/19 Unknown	11/20/19 12:10 am	Intentional Fire, Arson <sup>2</sup>	0	0	\$0-99
<sup>1</sup> Fire in Paca-Carroll House, which caused substantial damage. No injuries resulted from this incident. <sup>2</sup> Intentional burning onto a ceiling of a common room in a residence hall, while occupied. No suspects identified.						
<b>2018 Fire Statistics for On-Campus Student Housing Facilities</b>						
<b>Location</b>	<b>Occurred</b>	<b>Reported</b>	<b>Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
Spector Hall	11/14/18	11/14/18	Unintentional, Cooking	0	0	0
<b><i>There was only one fire in a residence hall in 2018 that meets the definition to be included in the 2018 stats.</i></b>						

End of Annual Security and Fire Safety Report





## APPENDIX 1

**This is the current Sexual Misconduct Policy of the college, effective August 14, 2020.**

### **St. John's College Title IX Sexual 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 sex-based discrimination. 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.

The Title IX Sexual Harassment Policy is designed to further the College's goal of equity and inclusion and identifies resources that are available to students, faculty, and staff; defines the conduct that is prohibited under this Policy; and outlines the process by which the College will respond to reports of Title IX Sexual Harassment as defined herein. St. John's College strives to be a community in which all members readily and safely report acts of sexual misconduct; it is our goal to remove all barriers to reporting.

#### **I. Title IX Sexual Harassment Policy Statement**

This Policy prohibits Sexual Harassment, including Sexual Assault, Sexual Harassment, Domestic Violence, Dating Violence, and Stalking. It further prohibits Retaliation and Intimidation, as defined in Section V, below.

As a recipient of Federal funds, St. John's College is required to comply with Title IX of the Education Amendments of 1972, relating to sexual harassment (including sexual violence, stalking, and domestic and dating violence), the Violence Against Women Reauthorization Act of 2013 (VAWA), and any applicable state laws. The College is committed not only to compliance with these mandates but to promoting a community that is in line with the values these civil rights laws envision.

#### **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 of filing a formal complaint, a complainant is participating in or attempting to participate in the education program or activity at the College.

**Where** - This policy applies to:

- Conduct that occurs within the United States; and
- Conduct that occurs within an education program or activity including College sponsored or supported events, buildings owned or controlled by student groups recognized by the College, or in locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the Title IX Sexual Harassment occurs.

**What** - This policy applies to all forms of Title IX Sexual Harassment, as defined below. Allegations of sexual misconduct that do not fall under this policy because they do not constitute prohibited conduct as defined herein, may constitute violations of the College Sexual Misconduct Policy.

**When** - Reports of Title IX Sexual Harassment may be made to the College at any time. The College encourages those who experience or witness the alleged act of Title IX Sexual Harassment to report it immediately in order to maximize the College's ability to respond and conduct a thorough investigation. Prompt reporting allows evidence to be preserved, witnesses to be interviewed, and any disciplinary/resolution process to move forward most effectively. The ability to investigate a report and take action against a Respondent becomes more limited as time goes on. Disciplinary action can generally only be taken against a Respondent as long as that person is enrolled, employed, or otherwise affiliated with the College. This does not preclude the College from taking administrative actions against Respondents who are unaffiliated with the College. Administrative actions may include, but are not limited to, barring an individual from College property or attending College-affiliated events.

The College also has a Sexual Misconduct Policy and a Non-Discrimination and Anti-Harassment Policy. These policies address protected-class based discrimination and sexual misconduct that does not constitute Title IX Sexual Harassment as defined in Section III of this Policy, and other forms of discrimination which are prohibited by the College, but are not violations of this Policy. If particular conduct would be prohibited by both this Policy and by the Sexual Misconduct Policy or the Non-Discrimination and Anti-Harassment Policy, this Policy controls.

The Title IX Coordinators on each campus are charged with the responsibility of coordinating the College's efforts to comply with its obligations under Title IX, including addressing complaints of Title IX Sexual Harassment, coordinating investigations, overseeing sanctioning, and providing appropriate interim measures for the community.

Inquiries about this Policy should be made to:

- In Santa Fe:

Christine Guevara, Executive Director, Campus Health and Wellness. Weigle Hall Room 117, Christine.Guevara@sjc.edu, 505-984-6128.

- In Annapolis:

Danielle Lico, Executive Director, Campus Wellness. Mellon Hall 119, Danielle.Lico@sjc.edu, 410-626-2530

### **III. Definitions**

- A. Complainant** is an individual(s) who has standing to file a Formal Complaint under this policy. This generally refers to an individual who directly experienced a violation(s) of this policy.
- B. Confidential resources/persons** are those who are not required to convey a report of misconduct or harassment to a Title IX Coordinator. *Completely* confidential persons to whom reports can be made are the mental health counselors. Such reports will not be shared without the reporter's explicit permission, except in extreme circumstances. *Mostly* confidential reporting persons include physicians, nurse practitioners, and other counselors. Mostly confidential reporting persons will keep reports as confidential as possible, but must share de-identified information with a Title IX Coordinator.
- C. Consent** is informed, freely and actively given speech or action that indicates willingness to participate in mutually agreed upon specific sexual contact. Consent must be given from the

beginning to the end of each instance of sexual activity and for each type of sexual contact. Consent cannot be given by someone who is incapacitated, by alcohol or other drugs or for some other reason (for example, age or disability). Silence and/or lack of resistance on the part of the Complainant does not imply consent. A previous relationship or prior consent does not imply consent to future sexual acts. Consent is not indefinite; it can be withdrawn at any time. Consent is not given if it results from the use of threat of physical force, deception, lying, intimidation, coercion, or any other factor that would eliminate an individual's ability to choose whether or not to have sexual contact.

**D. 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 person who is subject to such behavior. The existence of such a relationship shall be determined based on all of the following: the Complainant's statement, 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:

1. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. Dating Violence does not include acts covered under the definition of Domestic Violence.

**E. 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. Domestic Violence also includes:

1. An offense that meets the definition of abuse as defined by the laws of the State of Maryland (Md. Code Ann., Fam. Law § 4-501, *et seq.*), as applicable.
2. An offense that meets the definition of assault or battery as defined by the laws of the State of New Mexico (N.M. Stat. Ann. § 30-3-12, *et seq.*) as applicable.

**F. Formal Complaint** refers to a written complaint (electronic submission via email meets this definition) alleging Title IX Sexual Harassment against a respondent that is submitted by the Complainant to a Title IX Coordinator or Deputy Title IX Coordinator, that articulates the following details:

1. A stated desire to move forward with an investigation into the incident as outlined in this policy;
2. Date(s) or approximate date(s) of the alleged incident(s);
3. Time(s) or approximate time(s) of the alleged incident(s);
4. Name(s) of the Respondent(s) involved in the alleged incident(s); and
5. Details of the alleged incident(s) sufficient to permit the Respondent(s) to prepare for an initial interview.

Formal complaint may also refer to a document signed by the Title IX Coordinator alleging Title IX Sexual Harassment. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

- G. Incapacitation** is the inability, temporarily or permanently, to give consent because the individual is asleep, unconscious, losing or regaining consciousness, or is otherwise unable to make informed rational judgments and decisions.

Incapacitation may result from the use of alcohol and/or drugs (both legal and illegal) and is a state beyond drunkenness or intoxication. The impact of alcohol and drugs varies from person to person; however, warning signs that a person is incapacitated or approaching incapacitation may include acting confused or incoherent, slurred speech, vomiting, inability to perform personal tasks such as undressing, inexplicable sudden changes in emotion, and/or difficulty walking. Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's decision-making ability, awareness of consequences, ability to make informed judgments, or capacity to appreciate the nature and the quality of the act.

When an investigator or panel is assessing incapacitation, they will look at the issue from the perspective of a Respondent and determine whether a Respondent should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

- H. Supportive Measures** are designed to restore or protect the educational and living environment for the Complainant and the Respondent, or to deter sexual harassment, pending the outcome of the procedures under this policy, without unreasonably burdening the other party. In all complaints of Sexual Misconduct 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; or any other remedy which can be tailored to the involved individuals.

- I. Intimidation** is any act to deter an individual from making a report of an alleged violation of this Policy or participating in an investigation or related proceeding under this Policy by imposing fear through threats of physical or emotional harm to anyone.
- J. Managing Coordinator** is the person who is assigned to manage the administrative aspects of a complaint. While the Managing Coordinator will usually be a Deputy Title IX Coordinator, the College reserves the right to appoint others, including persons external to the College, to serve in this capacity.
- K. Recognized Organization** is any student organization, club, intermural sports team, or other group of students organized in a formal and/or identifiable way.
- L. Reporting Party** is an individual(s) making a report that this Policy has been violated. The Reporting Party and the Complainant may or may not be the same individual(s). The report of an engaged bystander can provide critical direction for the investigation of misconduct, even when the misconduct was not directed at the Reporting Party.

- M. Respondent** is an individual(s) or recognized organization(s) accused of violating this Policy.
- N. Retaliation** is 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.
- O. Sexual Assault** is actual or attempted physical sexual contact with another person without that person's consent. Sexual Assault specifically includes:
1. An offense that meets the definition of rape, fondling, incest, or statutory rape as defined by the FBI's Uniform Crime Reporting Program.
    - Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    - Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity.
    - Incest: Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - Statutory Rape: Non forcible sexual intercourse with a person who is under the statutory age of consent.
  2. An offense that meets the definition of rape or sexual offenses, as defined by the laws of the State of Maryland (Md. Code Ann., Crim. Law § 3-303, *et seq.*), as applicable.
  3. An offense that meets the definition of rape, aggravated rape, or criminal sexual contact as defined by the laws of the State of New Mexico (N.M. Stat. Ann. § 30-9-11, *et seq.*), as applicable.
- P. Quid Pro Quo Sexual Harassment** – An employee of the institution conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.
- Q. Sexual Harassment** – Unwelcome conduct on the basis of a person's sex (including on the basis of their gender, gender identity and expression, or sexual orientation) as deemed by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.
- R. 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. Such conduct may include, but is not limited to, acts in which one directly or indirectly follows, monitors, observes, surveils, threatens, or communicates to or about a person in a way prohibited or interferes with a person's property. A course of conduct consists of two or more acts. Stalking may be conducted through any method, device or means.

Stalking includes activity otherwise defined by the laws of the State of Maryland (Md. Code Ann., Crim. Law § 3-801, *et seq.*) and the State of New Mexico (N.M. Stat. Ann. § 30-3A-3, *et seq.*), as applicable.

- S. **Title IX Sexual Harassment** includes sexual assault, sexual harassment, quid pro quo sexual harassment, dating violence, domestic violence, and stalking as defined herein.
- T. **The Title IX Coordinator** is the senior College administrator who oversees the College's compliance with Title IX. The Title IX Coordinator is responsible for administrative response to reports and Formal Complaints of Title IX Sexual Harassment and other conduct prohibited under this Policy. The Title IX Coordinator is available to discuss the Policy, coordinate Supportive Measures, explain College policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities. Any member of the College community may contact the Title IX Coordinator with questions.
- U. **Investigators** are neutral and impartial fact-finders who gather evidence during the investigation. The investigators are responsible for completing an investigation report at the conclusion of the investigation. The Title IX Deputy Coordinators may supervise and advise the Title IX investigators when conducting investigations and update the Title IX Coordinator as necessary to ensure compliance with Title IX. Investigators need not be employees of the College.
- V. **Hearing Officer(s)** are responsible for conducting the hearing in an orderly manner, controlling the conduct of all participants and attendees of the hearing, and rendering a written determination regarding responsibility of the Respondent's alleged conduct charges in an impartial, neutral, and objective manner. Hearing Officer(s) need not be employees of the College.

#### IV. **Prohibited Conduct**

Any conduct that is defined as Title IX Sexual Harassment, Retaliation or Intimidation under this policy is considered prohibited conduct. Respondents who are alleged to have violated this policy will be charged with one or more of the following types of Title IX Sexual Harassment:

- A. Sexual Assault:
  - i. Rape
  - ii. Fondling
  - iii. Incest
  - iv. Statutory Rape
- B. Quid Pro Quo Sexual Harassment
- C. Sexual Harassment
- D. Dating Violence
- E. Domestic Violence
- F. Stalking
- G. Retaliation
- H. Intimidation



## **V. Retaliation and Intimidation**

The College prohibits Retaliation against or Intimidation of those who make or are the subject of a complaint or third-party report of Title IX Sexual Harassment or who participate in the investigation or disciplinary/resolution process. However, if an investigation results in a finding that the Reporting Party or Complainant knowingly accused another falsely of an act of Title IX Sexual Harassment, the Reporting Party will be subject to appropriate sanctions, which may include termination of employment or, in the case of students, dismissal from the College.

Consistent with Title IX, the College will take steps to prevent Retaliation and Intimidation, and will take strong responsive action if Retaliation or Intimidation occurs. Any Retaliation, Intimidation, or reprisal directed toward any party or witness as a result of their role in the investigation process is strictly prohibited, is itself a violation of this Policy, and should be reported immediately to a Title IX Coordinator or Deputy Title IX Coordinator.

## **VI. 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 somebody about what happened.

For any individual subject to or witness to Title IX Sexual Misconduct 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 by dialing 911.

- In Santa Fe: Dial “0” from a campus phone or call 505-984-6000
- In Annapolis: Dial “x2000” from a campus phone or call 443-336-2348

If you have been affected by a violation of this Policy, and wish to seek emergency medical treatment, the following medical centers are equipped with evidence collection kits and staff specially trained to conduct forensic examinations:

- In Santa Fe: Christus St. Vincent Regional Medical Ctr, 455 St. Michaels Drive, Santa Fe, NM, 505-913-3361
- In Annapolis: Anne Arundel Medical Center, 2001 Medical Parkway, Annapolis, MD 443-481-1000

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

- Seek confidential support and counseling from staff in the Counseling Center (Annapolis) or Therapy Services (Santa Fe). An after-hours confidential resource can be accessed by calling Public Safety.
- Report the incident to or file a complaint with the College through a Title IX Coordinator or Deputy Title IX Coordinator listed in this policy. Reports can also be made to Public Safety.

- Notify law enforcement authorities and file a criminal complaint. Public Safety and/or a Title IX Coordinator or Deputy Title IX Coordinator are available to assist in this process.

## **A. Confidential Resources/Persons**

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. Confidential resources are available to support emotional and physical needs only.

The following resources are considered confidential for students:

- Annapolis Campus
  - Harrison Health Center, including Counseling Services, at x2553 from a campus phone or 410-626-2553
  - Anne Arundel County sexual assault hot line at 410-222-7273
  - Anne Arundel Medical Center at 443-481-1000
- Santa Fe Campus
  - Student Health Office at x6418 from a campus phone or 505-984-6418
  - Therapy Services at x6419 from a campus phone or 505-984-6419
  - Solace Crisis Treatment Center at 505-986-9111
  - Christus St. Vincent Regional Medical Center at 505-913-3361

The following resources are considered confidential for employees:

- Annapolis Campus
  - Employee Assistance Program offered by Business Health Services at 800-327-2251
  - Anne Arundel County sexual assault hot line at 410-222-7273
  - Anne Arundel Medical Center at 443-481-1000
- Santa Fe Campus
  - Employee Assistance Program offered by The Solutions Group at 505-254-3555
  - Solace Crisis Treatment Center at 505-986-9111
  - Christus St. Vincent Regional Medical Center at 505-913-3361

*NOTE:* While the above confidential resources may maintain an individual's confidentiality vis -à-vis the College, they may have reporting or other obligations under state law, such as mandatory reporting to the state in the case of abuse of minors; threat of imminent harm to self or others; or the requirement to testify if subpoenaed in a criminal case. At the beginning of any conversation, individuals may want to consider asking resources to describe their level of confidentiality.

## **B. Reporting to the College**

Title IX Coordinators and Deputy Title IX Coordinators have been trained to receive and respond to alleged violations of this policy and Reporting Parties are encouraged to seek out these resources when making reports.

### Annapolis Campus

- Title IX Coordinator: o Danielle Lico, Executive Director Campus Wellness  
[Danielle.Lico@sjc.edu](mailto:Danielle.Lico@sjc.edu)  
410-626-2530
- Deputy Title IX Coordinators
  - o Lynn Hobbs, Director of Personnel  
[Lynn.Hobbs@sjc.edu](mailto:Lynn.Hobbs@sjc.edu)  
410-626-2504
  - o Taylor Waters, Director of Student Services  
[Taylor.Waters@sjc.edu](mailto:Taylor.Waters@sjc.edu)  
410-626-2512

### Santa Fe Campus

- Title IX Coordinator
  - o Christine Guevara, Executive Director of Campus Health and Wellness  
[Christine.Guevara@sjc.edu](mailto:Christine.Guevara@sjc.edu)  
505-984-6128
- Deputy Title IX Coordinators
  - o Cesar Cervantes, Director of Student Life  
[cesar.cervantes@sjc.edu](mailto:cesar.cervantes@sjc.edu)  
505-982-6052
  - o Aaron Young, Director of Human Resources  
[Aaron.Young@sjc.edu](mailto:Aaron.Young@sjc.edu)  
505-984-6140

Reporting Parties are encouraged to make reports of alleged violations of the Title IX Sexual Harassment Policy to the Title IX Coordinator or a Deputy Title IX Coordinator. Given the size and intimate nature of the College environment, all employees of the College, (including staff, administrators, faculty, and Resident Advisors) - with a few limited exceptions - are required to promptly report allegations of violations of this policy that they observe or learn about to a campus Title IX Coordinator or Deputy Title IX Coordinator. Employees who knew about but did not report allegations of violations of this policy may be subject to disciplinary action.

Note, however, that employees are not required to report information about violations of this policy learned through public awareness events such as “Take Back the Night” or other forums at which individuals disclose experiences with sexual violence or other violations of this policy.

The Title IX Coordinator and, through delegation of authority the Deputy Title IX Coordinators, are the only people with the authority to implement corrective measures on behalf of the College. These are the only people to whom formal complaints can be made.

### *Confidentiality*

The College understands that Reporting Parties 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 Title IX Coordinator will weigh the request against the College’s obligation to provide a safe, non-discriminatory environment for all students, employees, and others, including the Reporting Party.

In weighing a request for confidentiality or a request that no additional actions be taken by the College, the Title IX 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 physical violence or the use of a weapon; 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 a Title IX Coordinator or Deputy Title IX Coordinator on the appropriate campus.

Anonymous reports of violations of this Policy may be made to Public Safety on the Annapolis Campus via the LiveSafe app. Anonymous reports made through LiveSafe are received by a Title IX Coordinator or Deputy Title IX Coordinator.

It should be noted that the College's ability to investigate or act upon anonymous reports may be limited.

#### *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, including any alleged Title IX Sexual Harassment, Dating Violence, Domestic Violence, or Stalking, as required by state and federal law. 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.

Certain members of the College community are considered mandatory reporters under state law and, as such, are required to notify local authorities about suspected abuse of minors, including sexual abuse.

## **C. Reporting to Law Enforcement**

The College encourages (but does not require) Complainants to pursue criminal action for incidents of Title IX Sexual Harassment that may also be crimes under applicable law. The Title IX Coordinator or Deputy Title IX Coordinator will inform the Complainant of the possibility of bringing criminal charges. 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

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 (Complainant, Reporting Party, Respondent, and/or witnesses) 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.

In criminal cases, the preservation of evidence is critical and should be done properly and promptly (as soon as possible, but typically within 5 days). In cases of rape or other forms of sexual assault, it is important not to shower, change clothes, or even brush one's hair, as physical evidence may be lost. In cases of violence or physical abuse, it is important to document injuries, including by taking photographs.

## **VII. 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 under the College civility policy. 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.

## **VIII. Amnesty**

The College encourages reporting and recognizes that a Reporting Party, 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 violation of the policy, either as a Reporting Party, 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 Sexual Misconduct 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 for the purpose of facilitating sexual assault or harm to others.

## **IX. Complaint Process and Investigation**

The purpose of this policy and the activities of the Title IX Coordinator and Deputy Title IX Coordinators is to stop, remediate the effects of, and prevent the recurrence of Title IX Sexual Harassment, 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 during all phases of the Complaint Process and Investigation.

- I. Complaint Intake** – Following receipt of notice of a violation or of a complaint, the Title IX Coordinator or Deputy Title IX Coordinator will contact the Reporting Party and Complainant, if not the Reporting Party, and provide information regarding rights, options, and how to get immediate confidential help.

An initial determination is made by a Title IX Coordinator or Deputy Title IX 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 proceed to full investigation.

A Title IX Coordinator or Deputy Title IX Coordinator will meet with the Complainant for an initial intake meeting. At this meeting, the Coordinator will provide the Complainant with an understanding of the Title IX Sexual Harassment reporting and investigation process, the resources available, and answer any questions. The intake meeting may also involve a discussion of any accommodations/interim measures that may be appropriate. The Complainant will be notified about their right to have an advisor of their choice present at this meeting.

- II. Filing a Formal Complaint** – Pursuant to regulations issued by the Department of Education, in order for the College to move forward, the Complainant is required to file a Formal Complaint with the Title IX Coordinator or a Deputy Title IX Coordinator. The Formal Complaint is required to include, at minimum, the following information: • A stated desire to move forward with an investigation into the incident as outlined in this policy;

- Date(s) or approximate date(s) of the alleged incident(s);
- Time(s) or approximate time(s) of the alleged incident(s);
- Name(s) of the Respondent(s) involved in the alleged incident(s); and
- Details of the alleged incident(s) sufficient to permit the Respondent(s) to prepare for an initial interview.

Formal Complaints may be initiated by the Title IX Coordinator in instances where there is information presented to the College that identify the same Respondent has engaged in serial offenses or if the information presented constitutes an ongoing risk to the College community, such as where the incident involved violence or the use of a weapon. The Title IX Coordinator is required by federal law to initiate a Formal Complaint in these instances without regard to the wishes of the complaining party(ies).



**III. Decline to File a Formal Complaint or Requests Confidentiality** – If the Complainant does not wish to pursue a Formal Complaint 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 interim 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.

**IV. Mandatory and Discretionary Formal Complaint Dismissals** – Under Title IX regulations, colleges are required to distinguish between prohibited conduct that is “under Title IX” and prohibited conduct that is a violation of College policy. Under Title IX, the College must dismiss a Formal Complaint or the part of the allegations in a Formal Complaint, if applicable, where:

- Sexual Harassment is alleged and where:
  - o The conduct alleged does not meet the definition of Title IX Sexual Harassment;
  - o The alleged conduct did not occur in the University’s education program or activity; or,
  - o The alleged conduct did not occur against a person in the United States.

A dismissal under this provision only applies to allegations of Title IX Sexual Harassment. The College may investigate allegations of prohibited conduct under other conduct and disciplinary procedures of the College, including the College’s Sexual Misconduct Policy.

The College may dismiss a Formal Complaint, at its discretion, for any of the following circumstances:

- If the Complainant requests in writing to dismiss a Formal Complaint (e.g. withdraws the Formal Complaint or any allegations therein);
- If the Respondent no longer employed by or enrolled at the College at the time the Formal Complaint is filed; or
- Any specific circumstances that prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein.

If the College dismisses a Formal 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) business days from notification that the complaint will not move forward to an investigation to submit a written appeal to the Title IX Coordinator. If the Title IX Coordinator does not receive an appeal, the matter will be closed. If the Title IX Coordinator receives a timely appeal, the appeal will be shared with the Appeal Officer.

For cases on the Santa Fe Campus, the person reading the appeal (Appeal Officer) will be the Director of Personnel on the Annapolis Campus. For cases on the Annapolis Campus, the Appeal Officer will be the Director of Human Resources on the Santa Fe Campus. 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 Title IX Coordinator. The Appeal Officer will evaluate the appeal based on the Formal Complaint and any additional information submitted by the Complainant during the appeal process. The Appeal Officer may uphold the decision of the Title IX Coordinator or refer the matter for investigation.

- V. Notification of Investigation/Charge Letter** – Once the Title IX Coordinator or Deputy Title IX Coordinator receives the Formal Complaint not subject to dismissal, a Managing Coordinator will be assigned. The Managing Coordinator will send the Respondent a Notification of Investigation/Charge Letter that contains, at minimum, the following information:
- Date(s) or approximate date(s) of the alleged incident(s);
  - Time(s) or approximate time(s) of the alleged incident(s);
  - Name(s) of the Respondent(s) involved in the alleged incident(s);
  - Details of the alleged incident(s) sufficient to permit the Respondent(s) to prepare for an investigation;
  - Alleged conduct violation(s);
  - Range of potential sanctions;
  - A copy of the Formal Complaint; and
  - Names of the investigator(s) assigned to the complaint.

The Managing Coordinator will notify the Respondent of their right to have an advisor of their choosing present with them at this meeting.

The Complainant will also be provided with a copy of the Notification of Investigation/Charge Letter.

- VI. Informal Resolution** – Based upon the information presented by the parties, the Managing Coordinator will review the possibility of an Informal Resolution. An Informal Resolution will only be presented if:
- The Complainant requests an informal mechanism;
  - The Complainant, Respondent, and Title IX Coordinator, on behalf of the College, agree to an Informal Resolution in writing;
  - The alleged misconduct does not involve Sexual Assault;
  - The complaint does not involve allegations that an employee sexually harassed a student.

Should an Informal Resolution be agreeable to both parties, the Title IX Coordinator will facilitate the process, and communicate with the parties. Informal Resolutions of a Formal Complaint will 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 to conclude the Procedures of this Policy, should the Informal Resolution process fail and the parties continue with the Investigation. Either party may end the Informal Resolution process at any time and request an investigation, and the Title IX Coordinator retains discretion to terminate the Informal Resolution process.

Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven years as required by law. However, no recording of the Informal Resolution process will be made and all statements made during the Informal Resolution process and may not be used for or against either party (and the Hearing Officer and Appellate Officer may not consider any such statement made during Informal Resolution) should the complaint move forward to an investigation. Failure to comply with an Informal Resolution agreement may result in disciplinary action or referral for Formal Resolution.

In such cases where a final resolution is agreed upon, and the terms of the agreement are implemented, the matter will be considered resolved and closed. Agreements reached through

Informal Resolution are considered final, and cannot be referred for Formal Resolution. Accepting an informal resolution does not mean that the respondent admits responsibility for a policy violation; nor does it mean that there has been a finding of a policy violation.

## **VII. Investigation –**

### *Investigator*

In cases where the Title IX Coordinator determines that a Complaint appears to allege a policy violation and the Complainant wishes to pursue a formal complaint, or the Title IX Coordinator decides that the College should pursue a Formal Complaint, then the Title IX Coordinator appoints trained, impartial individual(s) to conduct the investigation. In the event that the Title IX Coordinator designates more than one investigator, both investigators will not necessarily attend every interview.

The Title IX Coordinator may appoint an investigator external to the College; any investigator may serve as a single investigator or as a co-investigator.

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 interimly suspend the Respondent and otherwise restrict their access to campus during the course of the investigation where the individualized assessment finds that the Respondent represents an immediate threat to a person's physical health or safety arising from the allegations of sexual harassment. Before issuing an interim suspension, the College will consider the appropriateness of other supportive measures short of interim suspension or removal.

In all cases in which an interim suspension is imposed, the student will be given the opportunity to meet with the Assistant Dean and Title IX Coordinator or their designees prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Assistant Dean and Title IX Coordinator or their designees has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion.

### *Communication and Confidentiality*

The investigator is 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 will also inform the parties of their right to have an advisor of their choice present at any meeting or other proceeding under this Policy.

The investigator is 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 will provide each party with the opportunity to review written summaries of any witness interviews, including interviews of the other party, as described in greater detail below. 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 advisors, confidantes, parents, counselors, 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 and proceedings described in this Policy.

The parties are reminded that, in addition to this Policy's prohibition on Retaliation and Intimidation, the College's civility policy remains 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, 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 Managing Coordinator will notify all parties that each is permitted, if they wish, to have an advisor of their choice present at any meeting or other proceeding under this Policy. Parties may change their advisor at any point during the process. Advisors may be attorneys.

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 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, except that should the case proceed to a hearing, the Advisor for each party will question the other party and any witnesses that are called. Advisors are expected to conduct themselves in a professional manner at all times and respect the decisions made by the Hearing Officer. Advisors who fail to comply with these rules will be asked to leave and will not be permitted to attend future meetings/proceedings. Should this occur, the impacted party will be able to select another person to serve as their advisor.

Should a party not select an advisor, the College will provide an advisor to that party prior to the hearing, if not sooner, based on the wishes of that party.

Parties initiating this Policy on the Annapolis Campus are encouraged to review Section XIV which outlines specific information about attorneys and advocates available within the State of Maryland.

#### *Evidence Collection*

The investigator 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 retains discretion to determine how to conduct the investigation and what information is necessary and relevant. Although formal rules of evidence will not apply, the investigator will not consider character evidence, incidents not directly related to the possible violation unless they tend to show a pattern, past

sexual history (except as provided below), or sexual character of either party, unless such information is determined to be highly relevant by the Title IX Coordinator. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect.

During the investigation, the parties will have an equal opportunity to share information and request that witnesses be interviewed. The parties will **not** be interviewed together or be required to meet. 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 determined, in the investigators' sole discretion, to be irrelevant, redundant of questions previously asked, appear designed to abuse or intimidate the witness or other party, or otherwise inappropriate.

The investigator is a neutral fact-finder, who, during the course of the investigation, may gather information in multiple ways. The investigator 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 may decline to gather information if:

- The request seeks information about the Complainant sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- 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.

#### *Witness Statements and Summary of Evidence*

The investigator will prepare Witness Statements and a draft "Summary of Evidence" that includes all of the evidence to be considered at the conclusion of an investigation, including, but not limited to, any documents and/or materials gathered during the investigation, statements by witnesses, and statements by the parties (including any evidence upon which the investigator does not intend to rely in creating the final investigation report). The Parties will be provided with the opportunity to review all witness statements, including the statement of the other party, and send to the investigator questions to be posed in response. Parties will be given ten (10) days to review and respond to witness statements and the draft Summary of Evidence by providing any comments to the investigator.

Parties may be provided with witness statements throughout the course of the investigation or after all of the witnesses have been interviewed. In cases where the parties are provided with all of the witness statements at once, additional time to review the materials may be provided at the sole discretion of the investigator.

Based on the written responses submitted, the investigator(s) will make any necessary revisions, and finalize the report. The investigator(s) will document the rationale for any changes made as a result of the parties' submissions.

The Managing Coordinator will provide the final investigation report to the parties at least 10 business days before the complaint is to be reviewed by a hearing panel, as described below.

#### **F. Potential Outcomes of Investigation: Post Investigation Dismissal, Non-Hearing Resolution or Referral for a Hearing**

Following an investigation, or possibly during the investigation in the event of a Non Hearing Resolution or withdrawal of the complaint, the Title IX Coordinator will adopt one of the following options:

##### *Post Investigation Dismissal*

If the Title IX Coordinator concludes that a reasonable Title IX Sexual Harassment Hearing Panel ("Hearing Panel") could not find by a preponderance of the evidence that the alleged Prohibited Conduct occurred, the complaint would be dismissed pursuant to this policy and the dismissal can be appealed as outlined in Section IX.D.

##### *Non-Hearing Resolution*

If the Title IX Coordinator concludes that a reasonable Hearing Panel could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred, but there is not a significant dispute among the parties and the Title IX Coordinator about the proper outcome of the matter (including administrative remedies and disciplinary sanctions), the Title IX Coordinator may suggest to the parties a resolution without a hearing. In no case shall the parties be required to engage in discussions together regarding a proposed resolution.

- A non-hearing resolution is not available if a party objects to such a resolution.
- A non-hearing resolution will result in an Outcome Letter.
- The administrative remedies and disciplinary sanctions will have the same force and effect as though they were imposed following a review panel.
- Non-hearing resolutions cannot be appealed.

##### *Referral to a Title IX Sexual Harassment Hearing Panel*

If the Title IX Coordinator concludes that a Sexual Misconduct Hearing Panel could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred and that a non-hearing resolution is either not possible or not appropriate based on the investigation, the matter will be referred to a Hearing Panel for adjudication.

## **X. THE TITLE IX SEXUAL HARASSMENT HEARING PANEL**

The Hearing Panel is responsible for evaluating the information gathered by the investigator, the testimony offered by the parties and witnesses at the hearing, and determining whether a violation of this Policy occurred and the appropriate sanction(s).

### **A. Panel Composition**

Each Hearing Panel includes two members. One panel member will be an employee of the College and the other will be external to the College. The panel member external to the College will serve as the Hearing Officer. All Panel members will receive appropriate training on the Title IX Sexual Harassment Policy and on sexual misconduct. Panel members will be determined by the Managing Coordinator, in conjunction with the Title IX Coordinator.

### **B. Challenging Panel Members**

Either party may challenge a Panel member for an alleged lack of fairness or objectivity (including allegations of bias or conflict of interest). A party challenging a Panel member must submit a written challenge to the Managing Coordinator stating with specificity the reasons for the challenge. The challenge must be submitted within forty-eight (48) hours after a party is notified of the names of the Panel members. The Title IX Coordinator will determine if a Panel Member needs to be replaced.

### **C. Panel Process**

- The Hearing Officer will rule on all procedural matters and on objections regarding exhibits and testimony of participants at the hearing, may question the parties and any witnesses, and is entitled to have the advice and assistance of legal counsel. The other Hearing Panel member will ask questions through the Hearing Officer.
- Each party will have access to all of the evidence from the investigation, including a copy of the completed investigation report
- At the request of either party, the College will arrange for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and the parties to simultaneously see and hear the participants answering questions. Participants may appear at the hearing virtually, and are not required to be physically present at the same physical location of the hearing.
- Each party may make opening and closing statements.
- No person will be required to disclose information protected under a legally recognized privilege. The Hearing Officer must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- Each party may have an advisor of their choice at the hearing. If a party does not have an advisor, the College will provide one. Advisors are not permitted to actively participate in the hearing, except for asking questions of the other party and any other witnesses. In addition, witnesses may have an advisor of their choice at the hearing.
- At least five (5) days prior to the hearing, the parties and their advisors will be notified of the hearing date, time, and location. Please note that hearing may be conducted virtually, in which case parties will be provided with relevant electronic information.



- In advance of the hearing, parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide, such that the Hearing Officer can determine their relevance. The Hearing Officer has the discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant, provided the Hearing Officer will explain to the parties the basis for any such relevancy decisions. At the Hearing Officer's discretion, pre-hearing meetings may be scheduled with each of the parties and their advisers to explain the hearing protocol.
- The Hearing Officer may, at the Hearing Officer's discretion, ask questions during the hearing of any party or witness and may be the first person to ask questions of any party or witness. Each party's advisor will have an opportunity to ask relevant questions and follow-up questions of the other party and of any witnesses that participate in the hearing, including questions that challenge credibility. Each advisor has the ability to ask questions directly, orally, and in real time at the hearing. The parties will not be permitted to personally ask questions of the other party or any witnesses that participate in the hearing. The advisors may ask questions under the following procedure:
  - o The advisor will ask a question of the applicable participant.
  - o Before the participant answers a question, the Hearing Officer will rule as to whether the advisor's question is relevant to the alleged charges (questions that are intended to be abusive or harass a party or witness will be considered irrelevant).
  - o If the Hearing Officer rules the advisor's question is not relevant, then the Hearing Officer must explain any decision to exclude a question as not relevant. If the Hearing Officer allows the question as relevant, the participant will answer it.
  - o A Complainant's sexual predisposition or prior sexual behavior is not relevant except where questions and evidence about a Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct charged by the Complainant or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove the Complainant's consent of the alleged conduct.
  - o If a party or witness refuses to submit to any cross-examination questions from a party's advisor during the hearing, the Hearing Panel will not rely on any statement of that party or witness, when reaching a responsibility determination. However, if the Respondent refuses to submit to cross-examination about statements that are the subject of the charges (for instance, in a case of Quid Pro Quo Harassment), those statements are not precluded from admission despite the Respondent's refusal to answer.
  - o The Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions.
  - o The hearing will be recorded in audio or audiovisual format and may be transcribed at the discretion of the College. The recording or transcript, if applicable, will be available for the parties to inspect and review, upon request.

#### **D. Written Determinations**

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 using the preponderance of the evidence standard.

Following the hearing, the Hearing Panel will consider all of the relevant evidence and deliberate regarding responsibility. The Hearing Panel shall make a determination, by a preponderance of the evidence, whether the Respondent has violated the policy. The Hearing Officer shall write a written determination, which will contain:

1. The allegations potentially constituting Title IX sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits (if any), methods used to gather other information, and the hearing);
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of this policy to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions imposed if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the College's education program or activity or working environment will be implemented; and
6. Relevant appeal information for the parties.

Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and an explanation of the determination of appropriate sanctions will be included by the Hearing Officer in the written determination.

The parties and their advisers will simultaneously be provided with the written determination via electronic format.

## **E. Sanctions**

If the Panel determines that a violation has occurred, the Panel shall then determine the appropriate sanction(s). 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, regardless of whether the Title IX Sexual Harassment is the subject of a criminal investigation or results in a criminal conviction.

The goal of sanctions is to (1) end the misconduct; (2) remedy its effects on the reporting party and/or the College community; and (3) take reasonable steps calculated to prevent its recurrence.

Sanctions for Title IX Sexual Harassment may range from mandated education, a formal warning, probation, suspension, expulsion (for students), or corrective action up to and including termination (for employees).

Specific sanctions include, but are not limited to: 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 the refund of fees, in the case of students; suspension with or without pay or termination of employment, in the case of employees; commencement of procedures to terminate appointment by reason of "failure to perform teaching duties in a satisfactory manner" or for "moral turpitude," as provided in Polity Article IV (6) (a) (i) and (ii), in the case of tutors; disciplinary probation; no-contact orders or prohibitions from entering certain parts of campus or attending certain campus events; and mandatory education on issues related to

Title IX Sexual Harassment, including, but not limited to, prevention and awareness, victims' rights, and appropriate behaviors.

Upon a finding that a student is responsible for engaging in Rape as defined in III.O above, the Respondent will ordinarily be suspended for *a minimum of two (2) calendar years*, or a longer period up to and including expulsion, if one or more of the following factors are found by a preponderance of the evidence.

1. Proven history of prior Title IX Sexual Harassment or sexual misconduct by the Respondent;
2. Whether the Respondent has a proven history of violating no contact orders or restraining orders;
3. Whether the prohibited conduct involved the use of physical force, including but not limited to restraining, strangling, hitting, punching, slapping, or kicking;
4. Whether the prohibited conduct involved the use of a weapon;
5. Whether the Respondent facilitated the prohibited conduct through the use of drugs, alcohol, or other intoxicants;
6. Whether the prohibited conduct occurred by knowingly taking advantage of the incapacitation of the Complainant;
7. Whether the prohibited conduct involved multiple victims;
8. Whether the prohibited conduct was committed by multiple individuals acting together;
9. Whether the prohibited conduct included the recording, photographing, transmitting, viewing, or distributing of intimate or sexual images without consent;
10. Whether the Respondent threatened violence against the Reporting Party, Complainant, or others.

Engaging in any other prohibited activity under this policy may result in a sanction greater than this minimum suspension period, even absent any of the factors noted above.

If either party (or their surrogates) is found to have engaged in Retaliation or Intimidation, they may be subject to sanctions beyond those articulated by the Panel by the Assistant Dean, Dean, or Director of Personnel, depending on the nature and severity of the offense and the individual's disciplinary record.

The Hearing Panel will determine sanctions solely for the case being adjudicated under this Policy. Additional or more severe sanctions may be imposed by the Title IX Coordinator, Dean, Assistant Dean, or Director of Personnel/Human Resources for related violations and/or after a review of the disciplinary and/or employee file of the Responding Party.

Both the Complainant and the Respondent 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 Respondent as a result of a violation of this Policy.

The Panel process ordinarily concludes within fifteen (15) days of the date of the hearing.

Interim support measures put in place during the investigation may be continued or implemented as part of sanctions. Even if a Respondent is found *not responsible*, in the

discretion of the Title IX Coordinator, support measures may remain in place depending on the circumstances.

## **XI. 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 Title IX Coordinator, investigator(s), or hearing officer 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.

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

If and when the Title IX 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) business 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.

For cases adjudicated on the Santa Fe Campus, the person reading the appeal (Appeal Officer) will be the Director of Personnel on the Annapolis Campus. For cases adjudicated on the Annapolis Campus, the Appeal Officer will be the Director of Human Resources on the Santa Fe Campus. Parties will not meet with the Appeal Officer and should not communicate with them directly. The appeals process is conducted in writing through the Title IX Coordinator. Therefore, when submitting documents in the appeal process, parties should include any and all information they would like to have considered.

The Appeal Officer will evaluate the appeal based on the record considered by the Panel. Any information or materials that were previously submitted and determined to contain personally identifiable information and/or 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 Panel. 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 Panel to address the appealed aspects of the case; or c) may 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 Officer's decision is final, and no further appeal is permitted. Absent unusual circumstances, the Title IX Coordinator will provide the outcome of the appeal in writing to the Complainant and Respondent within fifteen (15) business days from the Appeal Officer's receipt of the appeal.

## **XII. 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 Title IX Coordinator reflecting that the student withdrew pending an investigation of disciplinary charges. 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 Title IX Coordinator reflecting that the student withdrew pending disciplinary sanctions. Should a student decide to withdraw and not participate in the investigation or Panel, 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 investigation, 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.

## **XIII. Reinstatement of Students After Disciplinary Suspension for Any Sexual Misconduct**

Any reinstatement following a period of suspension for any violation is conditional. Students who wish to return to St. John's College following a term of disciplinary suspension for Title IX Sexual Harassment must demonstrate that they are prepared to return to the College and meet behavioral expectations. ***Reinstatement is not automatic.***

Students who request to be reinstated following disciplinary suspension for Title IX Sexual Harassment must obtain clearance from the Title IX Coordinator and the Assistant Dean on the campus where they were last enrolled. Such requests must be submitted in writing at least eight (8) weeks prior to the beginning of the semester.

Any student who has outstanding sanctions must complete them prior to reinstatement. Students who are being reinstated after suspension for Title IX Sexual Harassment will have the following requirements:

- **Disciplinary probation:** Students who are reinstated after suspension will be placed on disciplinary probation for the remainder of their time at St. John College. Students on disciplinary probation are restricted from certain leadership

positions/opportunities within the College. Students who violate any policies of the College or exhibit behavior prohibited by the College may face more serious disciplinary sanctions, including immediate dismissal from the College with no reimbursement of fees or tuition.

- Academic work: Any academic work completed elsewhere during the term of suspension will not be transferred into St. John's College.
- Proof of good standing: If a student has attended another institution of higher learning during the period of suspension, they will be required to provide (1) proof of good disciplinary standing from each institution attended; (2) a copy of their student conduct record from each institution attended.
- Financial aid/scholarships: Students who are seeking reinstatement from suspension must work with the Financial Aid Office to determine, what, if any, impact their suspension may have on any scholarship or financial aid.
- Complaints of misconduct: Prior to reinstatement, a student must notify the College if they have been the subject of any complaints of misconduct during the period of suspension, whether at an educational institution, through law enforcement, employment, or otherwise. Failure to notify the College of any complaints of misconduct will result in immediate expulsion should such complaints later come to light.
- Re-entry meeting: Students applying for reinstatement must schedule a meeting with the Title IX Coordinator and the Assistant Dean prior to the desired term of re-enrollment to review the student's progress, assess readiness to return, and discuss expectations for re-entry.
- Check In: Depending on the circumstances, the Title IX Coordinator and/or Assistant Dean may require the returning student to check in periodically to assess the student's transition and compliance.

If at the time of reinstatement the Complainant is still an enrolled student, the Title IX Coordinator or Deputy Title IX Coordinator will promptly notify the Complainant (1) if the Respondent requests reinstatement following a period of suspension for Sexual Misconduct; (2) of the reinstatement decision; and (3) when the Respondent is expected to return to campus.

The Title IX Coordinator or Deputy Title IX Coordinator will be available to meet with the Complainant prior to the student's reinstatement to discuss whether support measures are required.

The processes and potential for support measures outlined in this section may differ depending on the wishes of the Complainant concerning receipt of such notifications and the then-current status of the Complainant (i.e., whether or not they remain affiliated with St. John's College) which may affect the ability to implement certain accommodations.

#### **XIV. Documentation**

The College (through the appropriate office) will retain all of the documentation generated as the result of a complaint for seven years, in accordance with state and federal records laws and College policy. All documentation of records are private and confidential to the extent possible under law. Student records are disciplinary records under FERPA. Employee records of the Grievance Process are subject to the Freedom of Information Act (FOIA).

#### **XV. Campus-Specific Considerations: Annapolis**

Within the state of Maryland, student parties in Title IX Sexual Harassment cases are provided with specific rights and access to a licensed attorney, an advocate supervised by an attorney, or a trained advocate to be paid for, at least in part, by the Maryland Higher Education Commission.

Student parties are entitled to have assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate:

- At all meetings, hearings, and interviews associated with the complaint;
- To provide private consultations with the student during hearings, meetings, and interviews, except during question of the student at a hearing; and
- To assist with the student's exercise of any right during the proceedings.

In addition to assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate, the student is entitled to have a personal supporter of the student's choice at any hearing, meeting, or interview during the proceedings. Students are not entitled to have more than two people at any hearing, meeting, or interview.

This resource is available to all current and former students who make or respond to a complaint on which a formal sexual assault investigation is initiated and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint. This resource is not a requirement and students can knowingly and voluntarily choose not to have counsel.

Before the start of any formal proceedings under the policy, student Complainants and Respondents will be notified in writing as to the student's right to the assistance of an attorney or advocate, legal service organizations and referral services available to the student, and the student's right to have a personal supporter at any hearing, meeting, or interview.

For information on how to retain a licensed attorney, an advocate supervised by an attorney, or a trained advocate, students are encouraged to visit the Maryland Higher Education Commission website [www.mhec.state.md.us](http://www.mhec.state.md.us).

#### **XVI. Effective Date**

This Policy will govern any complaints received on or after August 14, 2020.

## **St. John's College Sexual Misconduct 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 sex-based discrimination. 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.

The Sexual Misconduct Policy is designed to further the College's goal of equity and inclusion and identifies resources that are available to students, faculty, staff, and others affiliated with the College; defines the conduct that is prohibited under this Policy; and outlines the process by which the College will respond to reports of sexual misconduct as defined herein. St. John's College strives to be a community in which all members readily and safely report acts of sexual misconduct; it is our goal to remove all barriers to reporting.

In order to address incidents of sexual misconduct that do not fall within the definition of Title IX Sexual Harassment (which is a definition that is set forth in regulations promulgated by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972 and which, among other things, limits the scope of Title IX Sexual Harassment to conduct that occurs within the United States and conduct that occurs within the University's education program or activity), the College has two policies that address sexual misconduct: (1) this policy and (2) the Title IX Sexual Harassment policy. These policies are inter-related and must be read together. There may be a circumstance when the allegations forming the basis of a formal complaint (defined below), if substantiated, would constitute prohibited conduct under both this Sexual Misconduct Policy and the Title IX Sexual Harassment Policy. In that circumstance, the process set forth in the Title IX Sexual Harassment policy will be applied in the investigation and adjudication of all of the allegations. This Sexual Misconduct Policy applies only to certain conduct defined under this policy. Conduct not falling under the scope of this policy may be addressed under other College policies. Specifically, this policy applies to forms of sexual misconduct that do not fall under the scope of the Title IX Sexual Harassment policy. The Sexual Misconduct Policy also applies to complaints alleging certain conduct that would otherwise be prohibited under the Title IX Sexual Harassment policy, but which must be dismissed under the Title IX Sexual Harassment policy because they do not meet the jurisdictional requirements.

### **I. Sexual Misconduct Policy Statement**

This Policy prohibits sexual misconduct, including Sexual Assault, College Sexual Harassment, Quid Pro Quo Sexual Harassment, Domestic Violence, Dating Violence, Sexual Coercion, Sexual Exploitation, and Stalking. It further prohibits Retaliation and Intimidation, as defined in Section V, below.

### **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
- Alumni, visitors, and third parties engaged in business with the College.

**Where** - This policy applies to:

- Conduct that occurs in the local vicinity but outside of a College program or activity; or



- Conduct that occurs outside of the United States when the conduct is associated with a college-sponsored program or activity, such as travel, research, or internship programs; or
- Conduct that involves the use of the College's computing and network resources from a remote location, including but not limited to accessing email accounts;
- Conduct that occurs outside the local vicinity and outside of a College program or activity, but the College determines that it implicates a substantial-College interest, for instance, where the conduct may create a hostile environment for community members on an on-going basis

**What** - This policy applies to all forms of sexual misconduct, as defined herein. Allegations of sexual misconduct that do not fall under this policy because they do not constitute prohibited conduct as defined herein, may constitute violations of other College policies, including the Title IX Sexual Harassment Policy.

**When** - Reports of sexual misconduct may be made to the College at any time. The College encourages those who experience or witness the alleged act of sexual misconduct to report it immediately in order to maximize the College's ability to respond and conduct a thorough investigation. Prompt reporting allows evidence to be preserved, witnesses to be interviewed, and any disciplinary/resolution process to move forward most effectively. The ability to investigate a report and take action against a Respondent becomes more limited as time goes on. Disciplinary action can generally only be taken against a Respondent as long as that person is enrolled, employed, or otherwise affiliated with the College. This does not preclude the College from taking administrative actions against Respondent's who are unaffiliated with the College. Administrative actions may include, but are not limited to, barring an individual from College property or attending College-affiliated events.

The College also has a Title IX Sexual Harassment and a Non-Discrimination and Anti-Harassment Policy. These policies addresses protected-class based discrimination and sexual misconduct that does not constitute Title IX Sexual Harassment as defined in Section III of this policy, and other forms of discrimination which are prohibited by the College, but are not violations of this policy. If particular conduct would be prohibited by both this Policy and by the Non-Discrimination and Anti-Harassment Policy, this Policy controls.

Inquiries about this Policy should be made to the appropriate Sexual Misconduct Coordinator:

- In Santa Fe: Christine Guevara, Executive Director, Campus Health and Wellness. Weigle Hall Room 117, [Christine.Guevara@sjc.edu](mailto:Christine.Guevara@sjc.edu), 505-984-6128.
- In Annapolis: Danielle Lico, Executive Director, Campus Wellness. Mellon Hall 119, [Danielle.Lico@sjc.edu](mailto:Danielle.Lico@sjc.edu), 410-626-2530

### III. Definitions

**A. Complainant** is an individual(s) who has standing to file a Formal Complaint under this policy. This generally refers to an individual who directly experienced a violation(s) of this policy.

**B. Confidential resources/persons** are those who are not required to convey a report of misconduct or harassment to a Sexual Misconduct Coordinator. *Completely confidential*

persons to whom reports can be made are the mental health counselors. Such reports will not be shared without the reporter's explicit permission, except in extreme circumstances. *Mostly* confidential reporting persons include physicians, nurse practitioners, and other counselors. Mostly confidential reporting persons will keep reports as confidential as possible, but must share de-identified information with a Sexual Misconduct Coordinator.

**C. Consent** is informed, freely and actively given speech or action that indicates willingness to participate in mutually agreed upon specific sexual contact. Consent must be given from the beginning to the end of each instance of sexual activity and for each type of sexual contact. Consent cannot be given by someone who is incapacitated, by alcohol or other drugs or for some other reason (for example, age or disability). Silence and/or lack of resistance on the part of the Complainant does not imply consent. A previous relationship or prior consent does not imply consent to future sexual acts. Consent is not indefinite; it can be withdrawn at any time. Consent is not given if it results from the use of threat of physical force, deception, lying, intimidation, coercion, or any other factor that would eliminate an individual's ability to choose whether or not to have sexual contact.

**D. 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 person who is subject to such behavior. The existence of such a relationship shall be determined based on all of the following: the Complainant's statement, 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:

1. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. Dating Violence does not include acts covered under the definition of Domestic Violence.

**E. 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. Domestic Violence also includes:

1. An offense that meets the definition of abuse as defined by the laws of the State of Maryland (Md. Code Ann., Fam. Law § 4-501, *et seq.*), as applicable.
2. An offense that meets the definition of assault or battery as defined by the laws of the State of New Mexico (N.M. Stat. Ann. § 30-3-12, *et seq.*), as applicable.

**F. Formal Complaint** refers to a written complaint (electronic submission via email meets this definition) alleging sexual misconduct against a respondent that is submitted by the Complainant to a Sexual Misconduct Coordinator, that articulates the following details:

1. A stated desire to move forward with an investigation into the incident as outlined in this policy;
2. Date(s) or approximate date(s) of the alleged incident(s);
3. Time(s) or approximate time(s) of the alleged incident(s);
4. Name(s) of the Respondent(s) involved in the alleged incident(s); and
5. Details of the alleged incident(s) sufficient to permit the Respondent(s) to prepare for an initial interview.

Formal complaint may also refer to a document signed by the Sexual Misconduct Coordinator. Where the Sexual Misconduct Coordinator signs a formal complaint, the Sexual Misconduct Coordinator is not a complainant or otherwise a party.

**G. Incapacitation** is the inability, temporarily or permanently, to give consent because the individual is asleep, unconscious, losing or regaining consciousness, or is otherwise unable to make informed rational judgments and decisions.

Incapacitation may result from the use of alcohol and/or drugs (both legal and illegal) and is a state beyond drunkenness or intoxication. The impact of alcohol and drugs varies from person to person; however, warning signs that a person is incapacitated or approaching incapacitation may include acting confused or incoherent, slurred speech, vomiting, inability to perform personal tasks such as undressing, inexplicable sudden changes in emotion, and/or difficulty walking. Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's decision-making ability, awareness of consequences, ability to make informed judgments, or capacity to appreciate the nature and the quality of the act.

When an investigator or panel is assessing incapacitation, they will look at the issue from the perspective of a Respondent and determine whether a Respondent should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

**H. Supportive Measures** are designated to stop and prevent the recurrence of sexual misconduct 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 of sexual misconduct 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; or any other remedy which can be tailored to the involved individuals.

**I. Intimidation** is any act to deter an individual from making a report of an alleged violation of this Policy or participating in an investigation or related proceeding under this Policy by imposing fear through threats of physical or emotional harm to anyone.

**J. Managing Coordinator** is the person who is assigned to manage the administrative aspects of a complaint. While the Managing Coordinator will usually be a Deputy Sexual Misconduct Coordinator, the College reserves the right to appoint others, including persons external to the College, to serve in this capacity.

**K. Recognized Organization** is any student organization, club, intermural sports team, or other group of students organized in a formal and/or identifiable way.

- L. Reporting Party** is an individual(s) making a report that this Policy has been violated. The Reporting Party and the Complainant may or may not be the same individual(s). The report of an engaged bystander can provide critical direction for the investigation of misconduct, even when the misconduct was not directed at the Reporting Party.
- M. Respondent** is an individual(s) or recognized organization(s) accused of violating this Policy.
- N. Retaliation** is 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.
- O. Sexual Assault** is actual or attempted physical sexual contact with another person without that person's consent. Sexual Assault specifically includes:
1. An offense that meets the definition of rape, fondling, incest, or statutory rape as defined by the FBI's Uniform Crime Reporting Program.
    - Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    - Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity.
    - Incest: Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - Statutory Rape: Non forcible sexual intercourse with a person who is under the statutory age of consent.
  2. An offense that meets the definition of rape or sexual offenses, as defined by the laws of the State of Maryland (Md. Code Ann., Crim. Law § 3-303, *et seq.*), as applicable.
  3. An offense that meets the definition of rape, aggravated rape, or criminal sexual contact as defined by the laws of the State of New Mexico (N.M. Stat. Ann. § 30-9-11, *et seq.*), as applicable.
- P. 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, the release of sensitive or private information], manipulation, or exploiting a real or perceived power or authority over another). 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.
- Q. Quid Pro Quo Sexual Harassment** – An employee of the institution conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

**R. College Sexual Harassment** – Sexual Harassment is unwelcome conduct on the basis of a person’s sex (including on the basis of their gender, gender identity and expression, or sexual orientation), including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo); or
2. Such conduct creates a hostile environment.

A hostile environment is created when unwelcome verbal or physical conduct of a sexual nature:

1. is so severe, pervasive, and objectively offensive that it effectively denies a student’s ability to participate in or benefit from an education program or creates an abusive educational environment; or
2. explicitly or implicitly affects an individual’s employment (including a student’s employment), unreasonably interferes with an individual’s work performance, or creates an abusive or offensive work environment.

**S. 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. Such conduct may include, but is not limited to, acts in which one directly or indirectly follows, monitors, observes, surveils, threatens, or communicates to or about a person in a way prohibited or interferes with a person’s property. A course of conduct consists of two or more acts. Stalking may be conducted through any method, device or means.

Stalking includes activity otherwise defined by the laws of the State of Maryland (Md. Code Ann., Crim. Law § 3-801, *et seq.*) and the State of New Mexico (N.M. Stat. Ann. § 30-3A- 3, *et seq.*), as applicable.

**T. Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for the individual’s own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses. Examples of Sexual Exploitation include, but are not limited to: non-consensual observation or recording of individuals who are undressed or engaging in sexual acts; prostituting another person; knowingly transmitting a STI, STD, or HIV to another; and administering or providing alcohol and/or drugs for the purpose of impairing a person.

**U. Sexual Misconduct** includes sexual assault, College sexual harassment, quid pro quo sexual harassment, dating violence, domestic violence, sexual coercion, sexual exploitation, and stalking as defined herein.

**V. Sexual Misconduct Coordinator** is the senior College administrator who oversees the College’s compliance with all forms of sexual misconduct, including that specifically governed by Title IX. The Sexual Misconduct Coordinator is responsible for administrative response to reports and Formal Complaints of Sexual Misconduct Policy, the Title IX Sexual Harassment Policy, and other applicable policies. The Sexual

Misconduct Coordinator is available to discuss the Policy, coordinate Supportive Measures, explain College policies and procedures, and provide education on relevant issues. The Sexual Misconduct Coordinator may designate one or more Deputy Sexual Misconduct Coordinators to facilitate these responsibilities. Any member of the College community may contact the Sexual Misconduct Coordinator with questions.

**W. Investigators** are neutral and impartial fact-finders who gather evidence during the investigation. The investigators are responsible for completing an investigation report at the conclusion of the investigation. The Deputy Sexual Misconduct Coordinators may supervise and advise the investigators when conducting investigations and update the Sexual Misconduct Coordinator as necessary to ensure compliance with this policy. Investigators need not be employees of the College.

**X. Hearing Officer(s)** are responsible for conducting the hearing in an orderly manner, controlling the conduct of all participants and attendees of the hearing, and rendering a written determination regarding responsibility of the Respondent's alleged conduct charges in an impartial, neutral, and objective manner. Hearing Officer(s) need not be employees of the College.

#### **IV. Prohibited Conduct**

Any conduct that is defined as Sexual Misconduct, Retaliation or Intimidation under this policy is considered prohibited conduct. Respondents who are alleged to have violated this policy will be charged with one or more of the following types of Sexual Misconduct:

- A. Sexual Assault:
  - i. Rape
  - ii. Fondling
  - iii. Incest
  - iv. Statutory Rape
- B. Quid Pro Quo Sexual Harassment
- C. Sexual Harassment
- D. Dating Violence
- E. Domestic Violence
- F. Sexual Coercion
- G. Sexual Exploitation
- H. Stalking
- I. Other: Violation of Maryland State Law
- J. Other: Violation of New Mexico State Law
- K. Retaliation
- L. Intimidation

#### **V. Retaliation and Intimidation**

The College prohibits Retaliation against or Intimidation of those who make or are the subject of a complaint or third-party report of Sexual Misconduct or who participate in the investigation or disciplinary/resolution process. However, if an investigation results in a finding that the Reporting Party or Complainant knowingly accused another falsely of an act of sexual misconduct, the Reporting Party will be subject to appropriate sanctions, which may include termination of employment or, in the case of students, dismissal from the College.

Consistent with this policy, the College will take steps to prevent Retaliation and Intimidation, and will take strong responsive action if Retaliation or Intimidation occurs. Any Retaliation, Intimidation, or reprisal directed toward any party or witness as a result of their role in the investigation process is strictly prohibited, is itself a violation of this Policy, and should be reported immediately to a Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator.

## **VI. 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 somebody about what happened.

For any individual subject to or witness to Sexual Misconduct 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 by dialing 911.

- In Santa Fe: Dial “0” from a campus phone or call 505-984-6000
- In Annapolis: Dial “x2000” from a campus phone or call 443-336-2348

If you have been affected by a violation of this Policy, and wish to seek emergency medical treatment, the following medical centers are equipped with evidence collection kits and staff specially trained to conduct forensic examinations:

- In Santa Fe: Christus St. Vincent Regional Medical Ctr, 455 St. Michaels Drive, Santa Fe, NM, 505-913-3361
- In Annapolis: Anne Arundel Medical Center, 2001 Medical Parkway, Annapolis, MD 443-481-1000

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

- Seek confidential support and counseling from staff in the Counseling Center (Annapolis) or Therapy Services (Santa Fe). An after-hours confidential resource can be accessed by calling Public Safety.
- Report the incident to or file a complaint with the College through a Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator listed in this policy. Reports can also be made to Public Safety.
- Notify law enforcement authorities and file a criminal complaint. Public Safety and/or a Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator are available to assist in this process

### **A. Confidential Resources/Persons**

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. Confidential resources are available to support emotional and physical needs only.

The following resources are considered confidential for students:

- Annapolis Campus
  - Harrison Health Center, including Counseling Services, at x2553 from a campus phone or 410-626-2553
  - Anne Arundel County sexual assault hot line at 410-222-7273
  - Anne Arundel Medical Center at 443-481-1000
- Santa Fe Campus
  - Student Health Office at x6418 from a campus phone or 505-984-6418
  - Therapy Services at x6419 from a campus phone or 505-984-6419; or at x6421 from a campus phone or 505-984-6421
  - Solace Crisis Treatment Center at 505-986-9111
  - Christus St. Vincent Regional Medical Center at 505-913-3361

The following resources are considered confidential for employees:

- Annapolis Campus
  - Employee Assistance Program offered by Business Health Services at 800-327-2251
  - Anne Arundel County sexual assault hot line at 410-222-7273
  - Anne Arundel Medical Center at 443-481-1000
- Santa Fe Campus
  - Employee Assistance Program offered by The Solutions Group at 505-254-3555
  - Solace Crisis Treatment Center at 505-986-9111
  - Christus St. Vincent Regional Medical Center at 505-913-3361

*NOTE:* While the above confidential resources may maintain an individual's confidentiality vis -à-vis the College, they may have reporting or other obligations under state law, such as mandatory reporting to the state in the case of abuse of minors; threat of imminent harm to self or others; or the requirement to testify if subpoenaed in a criminal case. At the beginning of any conversation, individuals may want to consider asking resources to describe their level of confidentiality.

## **B. Reporting to the College**

Sexual Misconduct Coordinators and Deputy Sexual Misconduct Coordinators have been trained to receive and respond to alleged violations of this policy and Reporting Parties are encouraged to seek out these resources when making reports.

Annapolis Campus

- Sexual Misconduct Coordinator:
  - Danielle Lico, Executive Director Campus Wellness  
[Danielle.Lico@sjc.edu](mailto:Danielle.Lico@sjc.edu)  
 410-626-2530
- Deputy Sexual Misconduct Coordinators:
  - Lynn Hobbs, Director of Personnel  
[Lynn.Hobbs@sjc.edu](mailto:Lynn.Hobbs@sjc.edu)  
 410-626-2504
  - Taylor Waters, Director of Student Services  
[Taylor.Waters@sjc.edu](mailto:Taylor.Waters@sjc.edu)  
 410-626-2512



Santa Fe

- Sexual Misconduct Coordinator:
  - Christine Guevara, Executive Director of Campus Health and Wellness  
[Christine.Guevara@sjc.edu](mailto:Christine.Guevara@sjc.edu)  
505-984-6128
- Deputy Sexual Misconduct Coordinators:
  - Cesar Cervantes, Director of Student Life  
[cesar.cervantes@sjc.edu](mailto:cesar.cervantes@sjc.edu)  
505-982-6052
  - Aaron Young, Director of Human Resources  
[Aaron.Young@sjc.edu](mailto:Aaron.Young@sjc.edu)  
505-984-6140

Reporting Parties are encouraged to make reports of alleged violations of the Sexual Misconduct Policy to the Sexual Misconduct Coordinator or a Deputy Sexual Misconduct Coordinator. Given the size and intimate nature of the College environment, all employees of the College, (including staff, administrators, faculty, and Resident Advisors) - with a few limited exceptions - are required to promptly report allegations of violations of this policy that they observe or learn about to a campus Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator. Employees who knew about but did not report allegations of violations of this policy may be subject to disciplinary action.

Note, however, that employees are not required to report information about violations of this policy learned through public awareness events such as “Take Back the Night” or other forums at which individuals disclose experiences with sexual violence or other violations of this policy.

The Sexual Misconduct Coordinator and, through delegation of authority the Deputy Sexual Misconduct Coordinators, are the only people with the authority to implement corrective measures on behalf of the College. These are the only people to whom formal complaints can be made.

### *Confidentiality*

The College understands that Reporting Parties 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 Sexual Misconduct Coordinator will weigh the request against the College’s obligation to provide a safe, non-discriminatory environment for all students, employees, and others, including the Reporting Party.

In weighing a request for confidentiality or a request that no additional actions be taken by the College, the Sexual Misconduct 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 physical violence or the use of a weapon; 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 a Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator on the appropriate campus.

Anonymous reports of violations of this Policy may be made to Public Safety on the Annapolis Campus via the LiveSafe app. Anonymous reports made through LiveSafe are received by a Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator.

It should be noted that the College's ability to investigate or act upon anonymous reports may be limited.

### *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, including any alleged sexual misconduct, Dating Violence, Domestic Violence, or Stalking, as required by state and federal law. 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.

Certain members of the College community are considered mandatory reporters under state law and, as such, are required to notify local authorities about suspected abuse of minors, including sexual abuse.

## **C. Reporting to Law Enforcement**

The College encourages (but does not require) Complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under applicable law. The Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator will inform the Complainant of the possibility of bringing criminal charges. 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 (Complainant, Reporting Party, Respondent, and/or witnesses) 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.

In criminal cases, the preservation of evidence is critical and should be done properly and promptly (as soon as possible, but typically within 5 days). In cases of rape or other forms of sexual assault, it is important not to shower, change clothes, or even brush one's hair, as physical evidence may be lost. In cases of violence or physical abuse, it is important to document injuries, including by taking photographs.

## **VII. 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 under the College civility policy. 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.

## **VIII. Amnesty**

The College encourages reporting and recognizes that a Reporting Party, 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 violation of the policy, either as a Reporting Party, 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 Sexual Misconduct 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 for the purpose of facilitating sexual assault or harm to others.

## **IX. Complaint Process and Investigation**

The purpose of this policy and the activities of the Sexual Misconduct Coordinator and Deputy Sexual Misconduct Coordinators is to stop, remediate the effects of, and prevent the recurrence of sexual misconduct, 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 during all phases of the Complaint Process and Investigation.

- A. Complaint Intake** – Following receipt of notice of a violation or of a complaint, the Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator will contact the Reporting Party and Complainant, if not the Reporting Party, and provide information regarding rights, options, and how to get immediate confidential help.

An initial determination is made by a Sexual Misconduct Coordinator or Deputy Sexual Misconduct 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 threat of further harm to the community or any of its members.

A Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator will meet with the Complainant for an initial intake meeting. At this meeting, the Coordinator will provide the Complainant with an understanding of the sexual misconduct reporting and investigation process, the resources available, and answer any questions. The intake meeting may also involve a discussion of any accommodations/interim measures that may be appropriate. The Complainant will be notified about their right to have an advisor of their choice present at this meeting.

- B. Filing a Formal Complaint** – In order for the College to move forward, the Complainant is required to file a Formal Complaint with the Sexual Misconduct Coordinator or a Deputy Sexual Misconduct Coordinator. The Formal Complaint is required to include, at minimum, the following information:
- A stated desire to move forward with an investigation into the incident as outlined in this policy;
  - Date(s) or approximate date(s) of the alleged incident(s);
  - Time(s) or approximate time(s) of the alleged incident(s);
  - Name(s) of the Respondent(s) involved in the alleged incident(s); and
  - Details of the alleged incident(s) sufficient to permit the Respondent(s) to prepare for an initial interview.

Formal Complaints may be initiated by the Sexual Misconduct Coordinator in instances where there is information presented to the College that identify the same Respondent in more than one incident or if the information presented constitutes an ongoing risk to the College community. The Sexual Misconduct Coordinator is required by federal law to initiate a Formal Complaint in these instances without regard to the wishes of the complaining party(ies).

- C. Decline to File a Formal Complaint or Requests Confidentiality** – If the Complainant does not wish to pursue a Formal Complaint 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 interim 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.
- D. Mandatory and Discretionary Formal Complaint Dismissals** – Under Title IX regulations, colleges are required to distinguish between prohibited conduct that is "under Title IX" and prohibited conduct that is a violation of College policy. If it is determined that the complaint falls under the definition of Title IX Sexual Harassment, the complaint will be dismissed from this policy and adjudicated under the Title IX Sexual Harassment Policy. The

College may also investigate allegations of prohibited conduct under other disciplinary procedures of the College.

The College may dismiss a Formal Complaint, at its discretion, for any of the following circumstances:

- If the Complainant requests in writing to dismiss a Formal Complaint (e.g. withdraws the Formal Complaint or any allegations therein);
- If the Respondent is an employee and no longer employed by the College at the time the Formal Complaint is filed;
- Any specific circumstances that prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein; or
- The conduct alleged does not meet the definition of any prohibited conduct under this Policy.

If the College dismisses a Formal 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) business days from notification that the complaint will not move forward to an investigation to submit a written appeal to the Sexual Misconduct Coordinator. If the Sexual Misconduct Coordinator does not receive an appeal, the matter will be closed. If the Sexual Misconduct Coordinator receives a timely appeal, the appeal will be shared with the Appeal Officer.

For cases on the Santa Fe Campus, the person reading the appeal (Appeal Officer) will be the Director of Personnel on the Annapolis Campus. For cases on the Annapolis Campus, the Appeal Officer will be the Director of Human Resources on the Santa Fe Campus. 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 Sexual Misconduct Coordinator. The Appeal Officer will evaluate the appeal based on the Formal Complaint and any additional information submitted by the Complainant during the appeal process. The Appeal Officer may uphold the decision of the Sexual Misconduct Coordinator or refer the matter for investigation.

- E. Notification of Investigation/Charge Letter** – Once the Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator receives the Formal Complaint, a Managing Coordinator will be assigned. The Managing Coordinator will send the Respondent a Notification of Investigation/Charge Letter that contains, at minimum, the following information:
- Date(s) or approximate date(s) of the alleged incident(s);
  - Time(s) or approximate time(s) of the alleged incident(s);
  - Name(s) of the Respondent(s) involved in the alleged incident(s);
  - Details of the alleged incident(s) sufficient to permit the Respondent(s) to prepare for an investigation;
  - Alleged conduct violation(s);
  - Range of potential sanctions;
  - A copy of the Formal Complaint; and
  - Names of the investigator(s) assigned to the complaint.

The Managing Coordinator will notify the Respondent of their right to have an advisor of their choosing present with them at this meeting.

The Complainant will also be provided with a copy of the Notification of Investigation/Charge Letter.

**F. Informal Resolution** – Based upon the information presented by the parties, the Managing Coordinator will review the possibility of an Informal Resolution. An Informal Resolution will only be presented if:

- The Complainant requests an informal mechanism;
- The Respondent has not previously participated in the Informal Resolution process and where that process resulted in a mutual agreement;
- The Complainant, Respondent, and Sexual Misconduct Coordinator, on behalf of the College, agree to an Informal Resolution in writing;
- The alleged misconduct does not involve Sexual Assault or Sexual Coercion.

Should an Informal Resolution be agreeable to both parties, the Sexual Misconduct Coordinator will facilitate the process, and communicate with the parties. Informal Resolutions of a Formal Complaint will 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 to conclude the Procedures of this Policy, should the Informal Resolution process fail and the parties continue with the Investigation. Either party 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 kept for seven years as required by law. However, no recording of the Informal Resolution process will be made and all statements made during the Informal Resolution process and may not be used for or against either party (and the Hearing Officer and Appellate Officer may not consider any such statement made during Informal Resolution) should the complaint move forward to an investigation. Failure to comply with an Informal Resolution agreement may result in disciplinary action.

## **G. Investigation –**

### *Investigator*

In cases where the Sexual Misconduct Coordinator determines that a Complaint appears to allege a policy violation and the Complainant wishes to pursue a formal complaint, or the Sexual Misconduct Coordinator decides that the College, based on a potential policy violation, wishes to pursue a Formal Complaint, then the Sexual Misconduct Coordinator appoints trained, impartial individual(s) to conduct the investigation. In the event that the Sexual Misconduct Coordinator designates more than one investigator, both investigators will not necessarily attend every interview.

The Sexual Misconduct Coordinator may appoint an investigator external to the College; any investigator may serve as a single investigator or as a co-investigator.

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 interimly suspend the Respondent and otherwise restrict their access to campus during the course of the investigation.

In all cases in which an interim suspension is imposed, the student will be given the opportunity to meet with the Assistant Dean and the Sexual Misconduct Coordinator or their designees prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Assistant Dean and Sexual Misconduct Coordinator or

their designees has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion.

### *Communication and Confidentiality*

The investigator is 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 will also inform the parties of their right to have an advisor of their choice present at any meeting or other proceeding under this Policy.

The investigator is 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 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 advisors, confidantes, parents, counselors, 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 and proceedings described in this Policy.

The parties are reminded that, in addition to this Policy's prohibition on Retaliation and Intimidation, the College's civility policy remains 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, 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 Managing Coordinator will notify all parties that each is permitted, if they wish, to have an advisor of their choice present at any meeting or other proceeding under this Policy. Parties may change their advisor at any point during the process. Advisors may be attorneys.

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 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. Should the case proceed to a hearing, the Advisor for each party will question the other party and any witnesses that are called. Advisors are expected to conduct themselves in a professional manner at all times and respect the decisions made by the Hearing Officer. Advisors who fail to comply with these rules will be asked to

leave and will not be permitted to attend future meetings/proceedings. Should this occur, the impacted party will be able to select another person to serve as their advisor.

Should a party not select an advisor, the College will provide an advisor to that party prior to the hearing, if not sooner, based on the wishes of that party.

Parties initiating this Policy on the Annapolis Campus are encouraged to review Section XIV, which outlines specific information about attorneys and advocates available within the State of Maryland.

### *Evidence Collection*

The investigator 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 retains discretion to determine how to conduct the investigation and what information is necessary and relevant. Although formal rules of evidence will not apply, the investigator will not consider character evidence, incidents not directly related to the possible violation unless they tend to show a pattern, past sexual history (except as provided below), or sexual character of either party, unless such information is determined to be highly relevant by the Sexual Misconduct Coordinator. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect.

During the investigation, the parties will have an equal opportunity to share information and request that witnesses be interviewed. The parties will **not** be interviewed together or be required to meet. 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 determined, in the investigators' sole discretion, to be irrelevant, redundant of questions previously asked, appear designed to abuse or intimidate the witness or other party, or otherwise inappropriate. The investigator is a neutral fact-finder, who, during the course of the investigation, may gather information in multiple ways. The investigator 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 may decline to gather information if:

- the request seeks information about the Complainant or Respondent's past sexual history with anyone other than the other party except to:
  - a. Prove the source of injury;
  - b. Prove prior sexual misconduct;
  - c. Support a claim that a student has an ulterior motive; or
  - d. Impeach a student's credibility after that student has put his or her own prior sexual conduct at issue.
- 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.



### *Witness Statements and Summary of Evidence*

The investigator will prepare Witness Statements and a draft “Summary of Evidence” that includes all of the evidence to be considered at the conclusion of an investigation, including, but not limited to, any documents and/or materials gathered during the investigation, statements by witnesses, and statements by the parties. The Parties will be provided with the opportunity to review all witness statements, including the statement of the other party, and send to the investigator questions to be posed in response. Parties will be given ten (10) days to review and respond to witness statements.

Parties may be provided with witness statements throughout the course of the investigation or after all of the witnesses have been interviewed. In cases where the parties are provided with all of the witness statements at once, additional time to review the materials may be provided at the sole discretion of the investigator.

Before the Summary of Evidence is finalized, the parties will be given the opportunity to review the document. Parties must submit any comments about this summary to the investigator within five (5) calendar days of the date when it was provided.

### **F. Potential Outcomes of Investigation: No Charge Decision, Non-Hearing Resolution or Referral for a Hearing**

Following an investigation, or possibly during the investigation in the event of a Non-Hearing Resolution or withdrawal of the complaint, the Sexual Misconduct Coordinator will adopt one of the following options:

#### *No Charge Decision*

If the Sexual Misconduct Coordinator concludes that a reasonable Sexual Misconduct Sexual Harassment Hearing Panel (“Hearing Panel”) could not find by a preponderance of the evidence that the alleged Prohibited Conduct occurred, no charge will be issued, and the Sexual Misconduct Coordinator will issue an Outcome Letter. The Outcome Letter can be appealed pursuant to Section XI.

#### *Non-Hearing Resolution*

If the Sexual Misconduct Coordinator concludes that a reasonable Hearing Panel could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred, but there is not a significant dispute among the parties and the Sexual Misconduct Coordinator about the proper outcome of the matter (including administrative remedies and disciplinary sanctions), the Sexual Misconduct Coordinator may suggest to the parties a resolution without a hearing. In no case shall the parties be required to engage in discussions together regarding a proposed resolution.

- A non-hearing resolution is not available if a party objects to such a resolution.
- A non-hearing resolution will result in an Outcome Letter.
- The administrative remedies and disciplinary sanctions will have the same force and effect as though they were imposed following a review panel.
- Non-hearing resolutions cannot be appealed.

#### *Referral to a Sexual Misconduct Hearing Panel*

If the Title IX Coordinator concludes that a Sexual Misconduct Hearing Panel could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred and that a non-hearing resolution is either not possible or not appropriate based on the investigation, the matter will be referred to a Hearing Panel for adjudication.

## **X. SEXUAL MISCONDUCT HEARING PANEL**

The Hearing Panel is responsible for evaluating the information gathered by the investigator and determining whether a violation of this Policy occurred and the appropriate sanction(s).

### **A. Panel Composition**

Each Hearing Panel includes two members. One panel member will be an employee of the College and the other will be external to the College. The panel member external to the College will serve as the Hearing Officer. All Panel members will receive appropriate training on the Sexual Misconduct Policy and on sexual misconduct. Panel members will be determined by the Managing Coordinator, in conjunction with the Sexual Misconduct Coordinator.

### **B. Challenging Panel Members**

Either party may challenge a Panel member for an alleged lack of fairness or objectivity. A party challenging a Panel member must submit a written challenge to the Managing Coordinator stating with specificity the reasons for the challenge. The challenge must be submitted within forty-eight (48) hours after a party is notified of the names of the Panel members. The Sexual Misconduct Coordinator will determine if a Panel Member needs to be replaced.

### **C. Panel Process**

- The Hearing Officer will rule on all procedural matters and on objections regarding exhibits and testimony of participants at the hearing, may question the parties and any witnesses, and is entitled to have the advice and assistance of legal counsel. The other Hearing Panel member will ask questions through the Hearing Officer.
- Each party will have access to all of the evidence from the investigation, including a copy of the completed investigation report
- At the request of either party, the College will arrange for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and the parties to simultaneously see and hear the participants answering questions. Participants may appear at the hearing virtually, and are not required to be physically present at the same physical location of the hearing.
- Each party may make opening and closing statements.
- No person will be required to disclose information protected under a legally recognized privilege. The Hearing Officer must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- Each party may have an advisor of their choice at the hearing. If a party does not have an advisor, the College will provide one. Advisors are not permitted to actively participate in the hearing, except for asking questions of the other party and any other witnesses. In addition, witnesses may have an advisor of their choice at the hearing.

- At least five (5) days prior to the hearing, the parties and their advisors will be notified of the hearing date, time, and location. Please note that hearing may be conducted virtually, in which case parties will be provided with relevant electronic information.
- In advance of the hearing, parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide, such that the Hearing Officer can determine their relevance. The Hearing Officer has the discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant. At the Hearing Officer's discretion, pre-hearing meetings may be scheduled with each of the parties and their advisors to explain the hearing protocol.
- The Hearing Officer may, at the Hearing Officer's discretion, ask questions during the hearing of any party or witness and may be the first person to ask questions of any party or witness. Each party's advisor will have an opportunity to ask relevant questions and follow-up questions of the other party and of any witnesses that participate in the hearing, including questions that challenge credibility. Each advisor has the ability to ask questions directly, orally, and in real time at the hearing. The parties will not be permitted to personally ask questions of the other party or any witnesses that participate in the hearing. The advisors may ask questions under the following procedure:
  - o The advisor will ask a question of the applicable participant.
  - o Before the participant answers a question, the hearing officer will rule as to whether the advisor's question is relevant to the alleged conduct charges.
  - o If the Hearing Officer rules the advisor's question as not relevant, then the Hearing Officer must explain any decision to exclude a question as not relevant. If the Hearing Officer allows the question as relevant, the participant will answer it.
  - o A Complainant's sexual predisposition or prior sexual behavior is not relevant except where questions and evidence about a Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct charged by the Complainant or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove the Complainant's consent of the alleged conduct.
  - o If a party or witness refuses to submit to any cross-examination questions during the hearing, the Hearing Panel will not rely on any statement of that party or witness, when reaching a responsibility determination. The Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions.
  - o The hearing will be recorded in audio or audiovisual format and may be transcribed at the discretion of the College. The recording or transcript, if applicable, will be available for the parties to inspect and review, upon request.

#### **D. Written Determinations**

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 using the preponderance of the evidence standard.

Following the hearing, the Hearing Panel will consider all of the relevant evidence and deliberate regarding responsibility. The Hearing Officer shall make a determination, by a preponderance of the evidence, whether the respondent has violated the policy. The Hearing Officer shall write a written determination, which will contain:

1. The allegations potentially constituting sexual misconduct;

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits (if any), methods used to gather other information, and the hearing);
- 3 . Findings of fact supporting the determination;
- 4 . Conclusions regarding the application of this policy to the facts;
- 5 . A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions imposed if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the College's education program or activity or working environment will be implemented; and
6. Relevant appeal information for the parties.

Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Hearing Officer for inclusion in the written determination.

The parties and their advisers will simultaneously be provided with the written determination via electronic format.

#### **E. Sanctions**

If the Panel determines that a violation has occurred, the Panel shall then determine the appropriate sanction(s). 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, regardless of whether the sexual misconduct is the subject of a criminal investigation or results in a criminal conviction.

The goal of sanctions is to (1) end the misconduct; (2) remedy its effects on the reporting party and/or the College community; and (3) take reasonable steps calculated to prevent its recurrence.

Sanctions for sexual misconduct may range from mandated education, a formal warning, probation, suspension, expulsion (for students), or corrective action up to and including termination (for employees).

Sanctions may also require that existing support measures stay in place for a prescribed period of time. Likewise, sanctions may involve the imposition of new remedies, such as no contact orders, disciplinary probation, housing placement, or academic adjustments, based upon the facts developed during the investigation and the conclusions reached in the case.

Specific sanctions include, but are not limited to: 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 the refund of fees, in the case of students; suspension with or without pay or termination of employment, in the case of employees; commencement of procedures to terminate appointment by reason of "failure to perform teaching duties in a satisfactory manner" or for "moral turpitude," as provided in Polity Article IV (6) (a) (i) and (ii), in the case of tutors; disciplinary probation; no-contact orders or prohibitions from entering certain parts of campus or attending certain campus events; and mandatory education on issues related to

sexual misconduct, including, but not limited to, prevention and awareness, victims' rights, and appropriate behaviors.

Upon a finding that a student is responsible for engaging in Rape as defined in III.P above, the Respondent will ordinarily be suspended for *a minimum of two (2) calendar years*, or a longer period up to and including expulsion, if one or more of the following factors are found by a preponderance of the evidence.

1. Proven history of prior Title IX Sexual Harassment or sexual misconduct by the Respondent;
2. Whether the Respondent has a proven history of violating no contact orders or restraining orders;
3. Whether the prohibited conduct involved the use of physical force, including but not limited to restraining, strangling, hitting, punching, slapping, or kicking;
4. Whether the prohibited conduct involved the use of a weapon;
5. Whether the Respondent facilitated the prohibited conduct through the use of drugs, alcohol, or other intoxicants;
6. Whether the prohibited conduct occurred by knowingly taking advantage of the incapacitation of the Complainant;
7. Whether the prohibited conduct involved multiple victims;
8. Whether the prohibited conduct was committed by multiple individuals acting together;
9. Whether the prohibited conduct included the recording, photographing, transmitting, viewing, or distributing of intimate or sexual images without consent;
10. Whether the Respondent threatened violence against the Reporting Party, Complainant, or others.

Engaging in any other prohibited activity under this policy may result in a sanction greater than this minimum suspension period, even absent any of the factors noted above.

If either party (or their surrogates) is found to have engaged in Retaliation or Intimidation, they may be subject to sanctions beyond those articulated by the Panel by the Assistant Dean, Dean, or Director of Personnel, depending on the nature and severity of the offense and the individual's disciplinary record.

The Hearing Panel will determine sanctions solely for the case being adjudicated under this Policy. Additional or more severe sanctions may be imposed by the Sexual Misconduct Coordinator, Dean, Assistant Dean, or Director of Personnel/Human Resources for related violations and/or after a review of the disciplinary and/or employee file of the Responding Party.

Both the Complainant and the Respondent 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 Respondent as a result of a violation of this Policy.

The Panel process ordinarily concludes within fifteen (15) days of the date the Panel is convened.

Interim support measures put in place during the investigation may be continued or implemented as part of sanctions. Even if a Respondent is found *not responsible*, in the discretion of the Sexual Misconduct Coordinator, support measures may remain in place depending on the circumstances.

## **XI. 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 Sexual Misconduct Coordinator, investigator(s), or hearing officer 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.

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

If and when the Sexual Misconduct 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) business 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.

For cases adjudicated on the Santa Fe Campus, the person reading the appeal (Appeal Officer) will be the Director of Personnel on the Annapolis Campus. For cases adjudicated on the Annapolis Campus, the Appeal Officer will be the Director of Human Resources on the Santa Fe Campus. Parties will not meet with the Appeal Officer and should not communicate with them directly. The appeals process is conducted in writing through the Sexual Misconduct Coordinator. Therefore, when submitting documents in the appeal process, parties should include any and all information they would like to have considered.

The Appeal Officer will evaluate the appeal based on the record considered by the Panel. Any information or materials that were previously submitted and determined to contain personally identifiable information and/or 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 Panel. 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 Panel to address the appealed aspects of the case; or c) may 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 Officer's decision is final, and no further appeal is permitted.

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

## **XII. 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 Sexual Misconduct Coordinator reflecting that the student withdrew pending an investigation of disciplinary charges. 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 Sexual Misconduct Coordinator reflecting that the student withdrew pending disciplinary sanctions. Should a student decide to withdraw and not participate in the investigation or Panel, 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 investigation, 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.

## **XXIII. Reinstatement of Students After Disciplinary Suspension for Any Sexual Misconduct**

Any reinstatement following a period of suspension for any violation is conditional. Students who wish to return to St. John's College following a term of disciplinary suspension for sexual misconduct must demonstrate that they are prepared to return to the College and meet behavioral expectations. ***Reinstatement is not automatic.***

Students who request to be reinstated following disciplinary suspension for sexual misconduct must obtain clearance from the Sexual Misconduct Coordinator and the Assistant Dean on the campus where they were last enrolled. Such requests must be submitted in writing at least eight (8) weeks prior to the beginning of the semester.

Any student who has outstanding sanctions must complete them prior to reinstatement. Students who are being reinstated after suspension for Sexual Misconduct will have the following requirements:

- **Disciplinary probation:** Students who are reinstated after suspension will be placed on disciplinary probation for the remainder of their time at St. John College. Students on disciplinary probation are restricted from certain leadership positions/opportunities within the College. Students who violate any policies of the College or exhibit behavior prohibited by the College may face more serious disciplinary sanctions, including immediate dismissal from the College with no reimbursement of fees or tuition.

- Academic work: Any academic work completed elsewhere during the term of suspension will not be transferred into St. John's College.
- Proof of good standing: If a student has attended another institution of higher learning during the period of suspension, they will be required to provide (1) proof of good disciplinary standing from each institution attended; (2) a copy of their student conduct record from each institution attended.
- Financial aid/scholarships: Students who are seeking reinstatement from suspension must work with the Financial Aid Office to determine, what, if any, impact their suspension may have on any scholarship or financial aid.
- Complaints of misconduct: Prior to reinstatement, a student must notify the College if they have been the subject of any complaints of misconduct during the period of suspension, whether at an educational institution, through law enforcement, employment, or otherwise. Failure to notify the College of any complaints of misconduct will result in immediate expulsion should such complaints later come to light.
- Re-entry meeting: Students applying for reinstatement must schedule a meeting with the Sexual Misconduct Coordinator and the Assistant Dean prior to the desired term of re-enrollment to review the student's progress, assess readiness to return, and discuss expectations for re-entry.
- Check In: Depending on the circumstances, the Sexual Misconduct Coordinator and/or Assistant Dean may require the returning student to check in periodically to assess the student's transition and compliance.

If at the time of reinstatement the Complainant is still an enrolled student, the Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator will promptly notify the Complainant (1) if the Respondent requests reinstatement following a period of suspension for Sexual Misconduct; (2) of the reinstatement decision; and (3) when the Respondent is expected to return to campus.

The Sexual Misconduct Coordinator or Deputy Sexual Misconduct Coordinator will be available to meet with the Complainant prior to the student's reinstatement to discuss whether support measures are required.

The processes and potential for support measures outlined in this section may differ depending on the wishes of the Complainant concerning receipt of such notifications and the then-current status of the Complainant (i.e., whether or not they remain affiliated with St. John's College) which may affect the ability to implement certain accommodations.

### **XIII. Documentation**

The College (through the appropriate office) will retain all of the documentation generated as the result of a complaint for seven years, in accordance with state and federal records laws and College policy. All documentation of records are private and confidential to the extent possible under law. Student records are disciplinary records under FERPA. Employee records of the Grievance Process are subject to the Freedom of Information Act (FOIA).



#### **XIV. Campus-Specific Considerations: Annapolis**

Within the state of Maryland, student parties in sexual misconduct cases are provided with specific rights and access to a licensed attorney, an advocate supervised by an attorney, or a trained advocate to be paid for, at least in part, by the Maryland Higher Education Commission.

Student parties are entitled to have assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate:

- At all meetings, hearings, and interviews associated with the complaint;
- To provide private consultations with the student during hearings, meetings, and interviews, except during question of the student at a hearing; and
- To assist with the student's exercise of any right during the proceedings.

In addition to assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate, the student is entitled to have a personal supporter of the student's choice at any hearing, meeting, or interview during the proceedings. Students are not entitled to have more than two people at any hearing, meeting, or interview.

This resource is available to all current and former students who make or respond to a complaint on which a formal sexual assault investigation is initiated and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint. This resource is not a requirement and students can knowingly and voluntarily choose not to have counsel.

Before the start of any formal proceedings under the policy, student Complainants and Respondents will be notified in writing as to the student's right to the assistance of an attorney or advocate, legal service organizations and referral services available to the student, and the student's right to have a personal supporter at any hearing, meeting, or interview.

For information on how to retain a licensed attorney, an advocate supervised by an attorney, or a trained advocate, students are encouraged to visit the Maryland Higher Education Commission website [www.mhec.state.md.us](http://www.mhec.state.md.us).

#### **Effective Date**

This Policy will govern any complaints received on or after August 14, 2020.

## APPENDIX 2

**This is the Sexual Misconduct Policy of the college, effective August 1<sup>st</sup>, 2019.**

### **St. John's College Sexual Misconduct 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 sex-based discrimination. 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.

The Sexual Misconduct Policy was designed to further the College's goal of equity and inclusion and identifies resources that are available to students, faculty, and staff; defines the conduct that is prohibited under this Policy; and outlines the process by which the College will respond to reports of sexual misconduct. St. John's College strives to be a community in which all members readily and safely report acts of Sexual Misconduct as defined in this Policy; it is our goal to remove all barriers to reporting.

#### **I. Sexual Misconduct Policy Statement**

This Policy prohibits Sexual Misconduct, including Sexual Assault, Sexual Harassment, Domestic Violence, Dating Violence, Sexual Coercion, Sexual Exploitation, and Stalking. It further prohibits Retaliation and Intimidation, as defined in Section V, below.

As a recipient of Federal funds, St. John's College is required to comply with Title IX of the Education Amendments of 1972, relating to sexual harassment (including sexual violence, stalking, and domestic and dating violence), the Violence Against Women Reauthorization Act of 2013 (VAWA), and any applicable state laws. The College is committed not only to compliance with these mandates but to promoting a community that is in line with the values these civil rights laws envision.

#### **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
- Third parties (i.e., visitors, independent contractors, and volunteers), where their conduct is directed toward or otherwise affects or may affect members of the College community.

**Where** - This policy applies to:

- Conduct that occurs on-campus (Annapolis or Santa Fe), including online or electronic conduct initiated or received on campus or through use of College computing or network resources;
- Conduct that occurs off campus, including online or electronic conduct, when the conduct:
  - occurs in the context of an employment or educational program or activity of the

- College;
- has the effect of continuing adverse effects on campus, including adverse impact on any member of the College community or the College itself;
- has continuing adverse effects in an off-campus employment or education program or activity;
- causes concern for the safety or security of the College campuses; or
- has, or may have, the effect of contributing to or continuing a hostile environment in a College program or activity.

**What** - This policy applies to all forms of prohibited conduct defined below, including, but not limited to, Sexual Assault, Sexual Harassment, Domestic Violence, Dating Violence, Sexual Coercion, Sexual Exploitation, and Stalking.

**When** - Reports of Sexual Misconduct may be made to the College at any time. The College encourages those who experience or witness the alleged act of Sexual Misconduct to report it immediately in order to maximize the College's ability to respond and conduct a thorough investigation. Prompt reporting allows evidence to be preserved, witnesses to be interviewed, and any disciplinary/resolution process to move forward most effectively. The ability to investigate a report and take action against a Respondent becomes more limited as time goes on. Disciplinary action can generally only be taken against a Respondent as long as that person is enrolled, employed, or otherwise affiliated with the College. This does not preclude the College from taking administrative actions against Respondent's who are unaffiliated with the College. Administrative actions may include, but are not limited to, barring an individual from College property or attending College-affiliated events.

The College also has a Non-Discrimination and Anti-Harassment Policy. That policy addresses discrimination and harassment that does not constitute Sexual Misconduct as defined in Section III of this Policy, and other forms of discrimination which are prohibited by the College, but are not violations of this Policy. If particular conduct would be prohibited by both this Policy and by the Non-Discrimination and Anti-Harassment Policy, this Policy controls.

The Title IX Coordinators on each campus are charged with the responsibility of coordinating the College's efforts to comply with its obligations under Title IX, including addressing complaints of sexual misconduct, coordinating investigations, overseeing sanctioning, and providing appropriate interim measures for the community.

Inquiries about this Policy should be made to:

In Santa Fe:  
Christine Guevara  
Executive Director,  
Campus Health and Wellness  
Christine.Guevara@sjc.edu

In Annapolis:  
Danielle Lico  
Executive Director,  
Campus Wellness  
Danielle.Lico@sjc.edu

### III. Definitions

- A. Complainant** is an individual who has standing to file a Formal Complaint under this policy. This generally refers to an individual who directly experienced a violation(s)

of this policy.

- B. Confidential resources/persons** are those who are not required to convey a report of misconduct or harassment to a Title IX Coordinator. *Completely* confidential persons to whom reports can be made are the mental health counselors. Such reports will not be shared without the reporter's explicit permission, except in extreme circumstances. *Mostly* confidential reporting persons include physicians, nurse practitioners, and other counselors. Mostly confidential reporting persons will keep reports as confidential as possible, but must share de-identified information with a Title IX Coordinator.
- C. Consent** is informed, freely and actively given speech or action that indicates willingness to participate in mutually agreed upon specific sexual contact. Consent must be given from the beginning to the end of each instance of sexual activity and for each type of sexual contact. Consent cannot be given by someone who is incapacitated, by alcohol or other drugs or for some other reason (for example, age or disability). Silence and/or lack of resistance on the part of the Complainant does not imply consent. A previous relationship or prior consent does not imply consent to future sexual acts. Consent is not indefinite; it can be withdrawn at any time. Consent is not given if it results from the use of threat of physical force, deception, lying, intimidation, coercion, or any other factor that would eliminate an individual's ability to choose whether or not to have sexual contact.
- D. 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 person who is subject to such behavior. The existence of such a relationship shall be determined based on all of the following: the Complainant's statement, 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:
1. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  2. Dating Violence does not include acts covered under the definition of Domestic Violence.
- E. 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. Domestic Violence also includes:
1. An offense that meets the definition of abuse as defined by the laws of the State of Maryland (Md. Code Ann., Fam. Law § 4-501, *et seq.*), as applicable.
  2. An offense that meets the definition of assault or battery as defined by the laws of the State of New Mexico (N.M. Stat. Ann. § 30-3-12, *et seq.*), as applicable.

**F. Formal Complaint** refers to a written complaint that is submitted by the Complainant to a Title IX Coordinator or Deputy Title IX Coordinator, that articulates the following details:

1. A stated desire to move forward with an investigation into the incident as outlined in this policy;
2. Date(s) or approximate date(s) of the alleged incident(s);
3. Time(s) or approximate time(s) of the alleged incident(s);
4. Name(s) of the Respondent(s) involved in the alleged incident(s); and
5. Details of the alleged incident(s) sufficient to permit the Respondent(s) to prepare for an initial interview.

Formal complaints can also be initiated by the Title IX Coordinator.

**G. Incapacitation** is the inability, temporarily or permanently, to give consent because the individual is asleep, unconscious, losing or regaining consciousness, or is otherwise unable to make informed rational judgments and decisions.

Incapacitation may result from the use of alcohol and/or drugs (both legal and illegal) and is a state beyond drunkenness or intoxication. The impact of alcohol and drugs varies from person to person; however, warning signs that a person is incapacitated or approaching incapacitation may include acting confused or incoherent, slurred speech, vomiting, inability to perform personal tasks such as undressing, inexplicable sudden changes in emotion, and/or difficulty walking. Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's decision-making ability, awareness of consequences, ability to make informed judgments, or capacity to appreciate the nature and the quality of the act.

When an investigator or panel is assessing incapacitation, they will look at the issue from the perspective of a Respondent and determine whether a Respondent should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

**H. Interim Measures** are designated to stop and prevent the recurrence of Sexual Misconduct 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 of Sexual Misconduct whether the Complainant files a Formal Complaint or asks that the complaint remain confidential, the College may implement reasonable interim measures.

The range of interim 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; or any other remedy which can be tailored to the involved individuals.

- I. Intimidation** is any act to deter an individual from making a report of an alleged violation of this Policy or participating in an investigation or related proceeding under this Policy by imposing fear through threats of physical or emotional harm to anyone.
- J. Managing Coordinator** is the person who is assigned to manage the administrative aspects of a complaint. While the Managing Coordinator will usually be a Deputy Title IX Coordinator, the College reserves the right to appoint others, including persons external to the College, to serve in this capacity.
- K. Recognized Organization** is any student organization, club, intermural sports team, or other group of students organized in a formal and/or identifiable way.
- L. Reporting Party** is an individual(s) making a report that this Policy has been violated. The Reporting Party and the Complainant may or may not be the same individual(s). The report of an engaged bystander can provide critical direction for the investigation of misconduct, even when the misconduct was not directed at the Reporting Party.
- M. Respondent** is an individual(s) or recognized organization(s) accused of violating this Policy.
- N. Responsible Employee** is any person employed by the College who is required to report an act of Sexual Misconduct or Sexual Harassment to a Title IX Coordinator or Deputy Title IX Coordinator. All employees are “Responsible Employees” except those specifically identified and defined in this Policy as Confidential Resources/Persons. Responsible Employees include senior residents and certain students employed by the College, such as resident assistants (RA’s).
- O. Retaliation** is 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.
- P. Sexual Assault** is actual or attempted physical sexual contact with another person without that person’s consent. Sexual Assault specifically includes:
1. An offense that meets the definition of rape, fondling, incest, or statutory rape as defined by the FBI’s Uniform Crime Reporting Program.
    - Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    - Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity.
    - Incest: Non forcible sexual intercourse between persons who are

related to each other within the degrees wherein marriage is prohibited by law.

- Statutory Rape: Non forcible sexual intercourse with a person who is under the statutory age of consent.
2. An offense that meets the definition of rape or sexual offenses, as defined by the laws of the State of Maryland (Md. Code Ann., Crim. Law § 3-303, *et seq.*), as applicable.
  3. An offense that meets the definition of rape, aggravated rape, or criminal sexual contact as defined by the laws of the State of New Mexico (N.M. Stat. Ann. § 30-9-11, *et seq.*), as applicable.

**Q. 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, the release of sensitive or private information], manipulation, or exploiting a real or perceived power or authority over another). 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.

**R. Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for the individual's own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses. Examples of Sexual Exploitation include, but are not limited to: non-consensual observation or recording of individuals who are undressed or engaging in sexual acts; prostituting another person; knowingly transmitting a STI, STD, or HIV to another; and administering or providing alcohol and/or drugs for the purpose of impairing a person.

**S. Sexual Harassment** is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (*quid pro quo*); or
2. Such conduct creates a hostile environment.

A hostile environment is created when unwelcome verbal or physical conduct of a sexual nature (i) is so severe, pervasive, and objectively offensive that it effectively denies a student's ability to participate in or benefit from an education program or creates an abusive educational environment, or (ii) explicitly or implicitly affects an individual's employment (including a student's employment), unreasonably interferes with an individual's work performance, or creates an abusive or offensive work environment.

**T. 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. Such conduct may include, but is not limited to, acts in which one directly or indirectly follows, monitors, observes, surveils, threatens, or communicates to or about a person in a way prohibited or interferes with a person's property. A course of conduct consists of two or more acts. Stalking may be conducted through any method, device or means.

Stalking includes activity otherwise defined by the laws of the State of Maryland (Md. Code Ann., Crim. Law § 3-801, *et seq.*) and the State of New Mexico (N.M. Stat. Ann. § 30-3A-3, *et seq.*), as applicable.

- U. **Sexual Misconduct** includes sexual assault, sexual harassment, dating violence, domestic violence, sexual coercion, sexual exploitation, and stalking as defined herein.

#### IV. Prohibited Conduct

Any conduct that is defined as Sexual Misconduct, Retaliation or Intimidation under this policy is considered prohibited conduct. Respondents who are alleged to have violated this policy will be charged with one or more of the following types of sexual misconduct:

- A. Sexual Assault:
  - i. Rape
  - ii. Fondling
  - iii. Incest
  - iv. Statutory Rape
- B. Sexual Harassment
- C. Dating Violence
- D. Domestic Violence
- E. Sexual Coercion
- F. Sexual Exploitation
- G. Stalking
- H. Other: Violation of Maryland State Law
- I. Other: Violation of New Mexico State Law
- J. Retaliation
- K. Intimidation

#### V. Retaliation and Intimidation

The College prohibits Retaliation against or Intimidation of those who make or are the subject of a complaint or third-party report of Sexual Misconduct or who participate in the investigation or disciplinary/resolution process. However, if an investigation results in a finding that the Reporting Party or Complainant knowingly accused another falsely of an act of Sexual Misconduct, the Reporting Party will be subject to appropriate sanctions, which may include termination of employment or, in the case of students, dismissal from the College.

Consistent with Title IX, the College will take steps to prevent Retaliation and Intimidation, and will take strong responsive action if Retaliation or Intimidation occurs. Any Retaliation,



Intimidation, or reprisal directed toward any party or witness as a result of their role in the investigation process is strictly prohibited, is itself a violation of this Policy, and should be reported immediately to a Title IX Coordinator or Deputy Title IX Coordinator.

## **VI. 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 somebody about what happened.

For any individual subject to or witness to Sexual Misconduct 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 by dialing 911.

### Annapolis Campus

Dial x2000 from a campus phone  
or call 443-336-2348

### Santa Fe Campus

Dial "0" from a campus phone  
or call 505-984-6000

If you have been affected by a violation of this Policy, and wish to seek emergency medical treatment, the following medical centers are equipped with evidence collection kits and staff specially trained to conduct forensic examinations:

### Annapolis Campus

Anne Arundel Medical Center  
2001 Medical Parkway  
Annapolis, MD  
443-481-1000

### Santa Fe Campus

Christus St. Vincent Regional Medical Ctr  
455 St. Michaels Drive  
Santa Fe, NM  
505-913-336

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

- Seek confidential support and counseling from staff in the Counseling Center (Annapolis) or Therapy Services (Santa Fe). An after-hours confidential resource can be accessed by calling Public Safety.
- Report the incident to or file a complaint with the College through a Title IX Coordinator or Deputy Title IX Coordinator listed in this policy. Reports can also be made to Public Safety.
- Notify law enforcement authorities and file a criminal complaint. Public Safety and/or a Title IX Coordinator or Deputy Title IX Coordinator are available to assist in this process.

## **W. Confidential Resources/Persons**

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. Confidential resources are available to support emotional and physical needs only.

The following resources are considered confidential for students:

- Annapolis Campus
  - Harrison Health Center, including Counseling Services, at x2553 from a campus phone or 410-626-2553
  - Anne Arundel County sexual assault hot line at 410-222-7273
  - Anne Arundel Medical Center at 443-481-1000
- Santa Fe Campus
  - Student Health Office at x6418 from a campus phone or 505-984-6418
  - Therapy Services at x6419 from a campus phone or 505-984-6419; or at x6421 from a campus phone or 505-984-6421
  - Solace Crisis Treatment Center at 505-986-9111
  - Christus St. Vincent Regional Medical Center at 505-913-3361

The following resources are considered confidential for employees:

- Annapolis Campus
  - Employee Assistance Program offered by Business Health Services at 800-327-2251
  - Anne Arundel County sexual assault hot line at 410-222-7273
  - Anne Arundel Medical Center at 443-481-1000
- Santa Fe Campus
  - Employee Assistance Program offered by The Solutions Group at 505-254-3555
  - Solace Crisis Treatment Center at 505-986-9111
  - Christus St. Vincent Regional Medical Center at 505-913-3361

*NOTE:* While the above confidential resources may maintain an individual's confidentiality vis -à-vis the College, they may have reporting or other obligations under state law, such as mandatory reporting to the state in the case of abuse of minors; threat of imminent harm to self or others; or the requirement to testify if subpoenaed in a criminal

case. At the beginning of any conversation, individuals may want to consider asking resources to describe their level of confidentiality.

## **X. Reporting to the College**

Title IX Coordinators and Deputy Title IX Coordinators have been trained to receive and respond to alleged violations of this policy and Reporting Parties are encouraged to seek out these resources when making reports.

### Annapolis Campus

- Title IX Coordinator:
  - Danielle Lico, Executive Director Campus Wellness  
[Danielle.Lico@sjc.edu](mailto:Danielle.Lico@sjc.edu)  
410-626-2530
- Deputy Title IX Coordinators
  - Lynn Hobbs, Director of Personnel  
[Lynn.Hobbs@sjc.edu](mailto:Lynn.Hobbs@sjc.edu)  
410-626-2504
  - Taylor Waters, Director of Student Services  
[Taylor.Waters@sjc.edu](mailto:Taylor.Waters@sjc.edu)  
410-626-2512

### Santa Fe

- Title IX Coordinator
  - Christine Guevara, Executive Director of Campus Health and Wellness  
[Christine.Guevara@sjc.edu](mailto:Christine.Guevara@sjc.edu)  
505-984-6128
- Deputy Title IX Coordinators
  - Cesar Cervantes, Director of Student Life  
[cesar.cervantes@sjc.edu](mailto:cesar.cervantes@sjc.edu)  
505-982-6052
  - Aaron Young, Director of Human Resources  
[Aaron.Young@sjc.edu](mailto:Aaron.Young@sjc.edu)  
505-984-6140

Reporting Parties can make reports of alleged violations of the Sexual Misconduct Policy to any Responsible Employee, as defined within this policy. All employees of the College, (including staff, administrators, faculty, and Resident Assistants) - with a few limited exceptions - are considered “Responsible Employees” under this policy and as a result are required to promptly report allegations of violations of this policy that they observe or learn about to a campus Title IX Coordinator or Deputy Title IX Coordinator. Although Responsible Employees are required to report conduct under this policy, they will otherwise maintain the privacy of the information related to the matter reported. Responsible Employees who knew about but did not report allegations of violations of this policy may be subject to disciplinary action.

Note, however, that Responsible Employees are not required to report information about violations of this policy learned through public awareness events such as “Take Back the Night” or other forums at which individuals disclose experiences with sexual violence or other violations of this policy.

Title IX Coordinators and Deputy Title IX Coordinators are the only people to whom Formal Complaints can be made.

### *Confidentiality*

The College understands that Reporting Parties 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 Title IX Coordinator will weigh the request against the College's obligation to provide a safe, non-discriminatory environment for all students, employees, and others, including the Reporting Party.

In weighing a request for confidentiality or a request that no additional actions be taken by the College, the Title IX 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 physical violence or the use of a weapon; 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 a Title IX Coordinator or Deputy Title IX Coordinator on the appropriate campus.

Anonymous reports of violations of this Policy may be made to Public Safety on the Annapolis Campus via the LiveSafe app. Anonymous reports made through LiveSafe are received by a Title IX Coordinator or Deputy Title IX Coordinator.

It should be noted that the College's ability to investigate or act upon anonymous reports may be limited.

### *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, including any alleged Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking, as required by state and federal law. 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.

Certain members of the College community are considered mandatory reporters under state law and, as such, are required to notify local authorities about suspected abuse of minors, including sexual abuse.

## **Y. Reporting to Law Enforcement**

The College encourages (but does not require) Complainants to pursue criminal action for incidents of Sexual Misconduct that may also be crimes under applicable law. The Title IX Coordinator or Deputy Title IX Coordinator will inform the Complainant of the possibility of bringing criminal charges. 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 off-campus.

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 (Complainant, Reporting Party, Respondent, and/or witnesses) 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.

In criminal cases, the preservation of evidence is critical and should be done properly and promptly (as soon as possible, but typically within 5 days). In cases of rape or other forms of sexual assault, it is important not to shower, change clothes, or even brush one's hair, as physical evidence may be lost. In cases of violence or physical abuse, it is important to document injuries, including by taking photographs.

## **VII. 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 under the College civility policy. 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.

## VIII. Amnesty

The College encourages reporting and recognizes that a Reporting Party, 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 violation of the policy, either as a Reporting Party, 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 Sexual Misconduct 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 for the purpose of facilitating sexual assault or harm to others.

## IX. Complaint Process and Investigation

The purpose of this policy and the activities of the Title IX Coordinator and Deputy Title IX Coordinators is to stop, remediate the effects of, and prevent the recurrence of Sexual Misconduct, 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 during all phases of the Complaint Process and Investigation.

- A. Complaint Intake** – Following receipt of notice of a violation or of a complaint, the Title IX Coordinator or Deputy Title IX Coordinator will contact the Reporting Party and Complainant, if not the Reporting Party, and provide information regarding rights, options, and how to get immediate confidential help.

An initial determination is made by a Title IX Coordinator or Deputy Title IX 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 threat of further harm to the community or any of its members.

A Title IX Coordinator or Deputy Title IX Coordinator will meet with the Complainant for an initial intake meeting. At this meeting, the Coordinator will provide the Complainant with an understanding of the Sexual Misconduct reporting and investigation process, the resources available, and answer any questions. The intake meeting may also involve a discussion of any accommodations/interim measures that may be appropriate. The Complainant will be notified about their right to have an advisor of their choice present at this meeting.

- B. Filing a Formal Complaint** – In order for the College to move forward, the Complainant is required to file a Formal Complaint with the Title IX Coordinator or a Deputy Title IX Coordinator. The Formal Complaint is required to include, at

minimum, the following information:

- A stated desire to move forward with an investigation into the incident as outlined in this policy;
- Date(s) or approximate date(s) of the alleged incident(s);
- Time(s) or approximate time(s) of the alleged incident(s);
- Name(s) of the Respondent(s) involved in the alleged incident(s); and
- Details of the alleged incident(s) sufficient to permit the Respondent(s) to prepare for an initial interview.

Formal Complaints may be initiated by the Title IX Coordinator in instances where there is information presented to the College that identify the same Respondent in more than one incident or if the information presented constitutes an ongoing risk to the College community. The Title IX Coordinator is required by federal law to initiate a Formal Complaint in these instances without regard to the wishes of the complaining party(ies).

- C. Decline to File a Formal Complaint or Requests Confidentiality** – If the Complainant does not wish to pursue a Formal Complaint 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 interim 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.
- D. Decision to Not Move a Formal Complaint Forward For Investigation** – If the Title IX Coordinator concludes that the incident outlined in the Formal Complaint, even if having occurred as outlined, would not be a violation of the Policy, the matter will not be referred for investigation and the Complainant will be notified in writing of this decision.

The Complainant will have five (5) business days from notification that the complaint will not move forward to an investigation to submit a written appeal to the Title IX Coordinator. If the Title IX Coordinator does not receive an appeal, the matter will be closed. If the Title IX Coordinator receives a timely appeal, the appeal will be shared with the Appeal Officer.

For cases on the Santa Fe Campus, the person reading the appeal (Appeal Officer) will be the Director of Personnel on the Annapolis Campus. For cases on the Annapolis Campus, the Appeal Officer will be the Director of Human Resources on the Santa Fe Campus. 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 Title IX Coordinator. The Appeal Officer will evaluate the appeal based on the Formal Complaint and any additional information submitted by the Complainant during the appeal process. The Appeal Officer may uphold the decision of the Title IX Coordinator or refer the matter for investigation.

- E. Notification of Investigation/Charge Letter** – Once the Title IX Coordinator or Deputy Title IX Coordinator receives the Formal Complaint, a Managing Coordinator will be assigned. The Managing Coordinator will send the Respondent a Notification

of Investigation/Charge Letter that contains, at minimum, the following information:

- Date(s) or approximate date(s) of the alleged incident(s);
- Time(s) or approximate time(s) of the alleged incident(s);
- Name(s) of the Respondent(s) involved in the alleged incident(s);
- Details of the alleged incident(s) sufficient to permit the Respondent(s) to prepare for an investigation;
- Alleged conduct violation(s);
- Range of potential sanctions;
- A copy of the Formal Complaint; and
- Names of the investigator(s) assigned to the complaint.

The Managing Coordinator will notify the Respondent of their right to have a support advisor of their choosing present with them at this meeting.

The Complainant will also be provided with a copy of the Notification of Investigation/Charge Letter.

**F. Informal Resolution** – Based upon the information presented by the parties, the Managing Coordinator will review the possibility of an Informal Resolution. An Informal Resolution will only be presented if:

- The Complainant requests an informal mechanism;
- The Complainant, Respondent, and Title IX Coordinator, on behalf of the College, agree to an Informal Resolution;
- The alleged misconduct does not involve Sexual Assault or Sexual Coercion.

Should an Informal Resolution be agreeable to both parties, the Title IX Coordinator will facilitate the process, and communicate with the parties. Either party may end the Informal Resolution process at any time and request an investigation.

**G. Investigation** –

*Investigator*

In cases where the Title IX Coordinator determines that a complaint appears to allege a policy violation and the Complainant wishes to pursue a formal complaint, or the Title IX Coordinator decides that the College, based on a potential policy violation, wishes to pursue a Formal Complaint, then the Title IX Coordinator appoints trained, impartial individual(s) to conduct the investigation. In the event that the Title IX Coordinator designates more than one investigator, both investigators will not necessarily attend every interview.

In certain circumstances, the Title IX Coordinator may appoint an investigator external to the College, who has been trained in investigations and made familiar with the St. John's College Sexual Misconduct Policy. Any investigator may serve as a single investigator or as a co-investigator.

The investigation will be prompt, thorough, and impartial. The College will strive to complete all investigations within 45 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 interimly suspend the Respondent and otherwise restrict their access to campus during the course of the investigation.

In all cases in which an interim suspension is imposed, the student will be given the opportunity to meet with the Assistant Dean and Title IX Coordinator or their designees prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Assistant Dean and Title IX Coordinator or their designees has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion.

#### *Communication and Confidentiality*

The investigator is 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 will also inform the parties of their right to have an advisor of their choice present at any meeting or other proceeding under this Policy.

The investigator is 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 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 advisors, confidantes, parents, counselors, 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 and proceedings described in this Policy.

The parties are reminded that, in addition to this Policy's prohibition on Retaliation and Intimidation, the College's civility policy remains 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, 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 investigator will notify all parties 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. Advisors may be attorneys.

Meetings/proceedings will be scheduled not less than forty-eight (48) hours in advance. If a party intends to have an advisor present at a meeting/proceeding, the party must notify the investigator 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 meeting/proceeding, speak on behalf of the person being advised, or communicate with anyone other than the person being advised. The support advisor may not be a witness in the case. Advisors who fail to comply with these rules will be asked to leave and will not be permitted to attend future meetings/proceedings.

Parties initiating this Policy on the Annapolis Campus are encouraged to review Section XIV which outlines specific information about attorneys and advocates available within the State of Maryland.

### *Evidence Collection*

The investigator 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 retains discretion to determine how to conduct the investigation and what information is necessary and relevant. Although formal rules of evidence will not apply, the investigator will not consider character evidence, incidents not directly related to the possible violation unless they tend to show a pattern, past sexual history (except as provided below), or sexual character of either party, unless such information is determined to be highly relevant by the Title IX Coordinator. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect.

During the investigation, the parties will have an equal opportunity to share information and request that witnesses be interviewed. The parties will **not** be interviewed together or be required to meet. 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 determined, in the investigators' sole discretion, to be irrelevant, redundant of questions previously asked, appear designed to abuse or intimidate the witness or other party, or otherwise inappropriate.

The investigator is a neutral fact-finder, who, during the course of the investigation, may gather information in multiple ways. The investigator 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 may decline to gather information if:

- the request seeks information about the Complainant or Respondent's past

sexual history with anyone other than the other party except to:

- a. Prove the source of injury;
  - b. Prove prior sexual misconduct;
  - c. Support a claim that a student has an ulterior motive; or
  - d. Impeach a student's credibility after that student has put his or her own prior sexual conduct at issue.
- 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.

At the conclusion of the investigation, or on an on-going basis as determined by the investigator, written summaries of any witness interviews, including interviews of the parties, will be drafted. Witnesses and the parties will be provided with the opportunity to review the written summary of their interview and request edits; edits will be made at the sole discretion of the interviewer.

#### *Witness Statements and Summary of Evidence*

The investigator will prepare Witness Statements and a draft "Summary of Evidence" that includes all of the evidence to be considered at the conclusion of an investigation, including, but not limited to, any documents and/or materials gathered during the investigation, statements by witnesses, and statements by the parties. The Parties will be provided with the opportunity to review all witness statements, including the statement of the other party, and send to the investigator questions to be posed in response. Generally parties will be given three (3) days to review and respond to witness statements.

Parties may be provided with witness statements throughout the course of the investigation or after all of the witnesses have been interviewed. In cases where the parties are provided with all of the witness statements at once, additional time to review the materials may be provided at the sole discretion of the investigator.

Before the Summary of Evidence is finalized, the parties will be given the opportunity to review the document. Parties must submit any comments about this summary to the investigator within five (5) calendar days of the date when it was provided.

#### **F. Potential Outcomes of Investigation: No Charge Decision, Non-Hearing Resolution or Referral for a Hearing**

Following an investigation, or possibly during the investigation in the event of a Non-Hearing Resolution or withdrawal of the complaint, the Title IX Coordinator will adopt one of the following options:

### *No Charge Decision*

If the Title IX Coordinator concludes that a reasonable Sexual Misconduct Review Panel could not find by a preponderance of the evidence that the alleged Prohibited Conduct occurred, no charge will be issued, and the Title IX Coordinator will issue an Outcome Letter. The Outcome Letter can be appealed pursuant to Section XI.

### *Non-Hearing Resolution*

If the Title IX Coordinator concludes that a reasonable Sexual Misconduct Review Panel could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred, but there is not a significant dispute among the parties and the Title IX Coordinator about the proper outcome of the matter (including administrative remedies and disciplinary sanctions), the Title IX Coordinator may suggest to the parties a resolution without a hearing. In no case shall the parties be required to engage in discussions together regarding a proposed resolution.

- A non-hearing resolution is not available if a party objects to such a resolution.
- A non-hearing resolution will result in an Outcome Letter.
- The administrative remedies and disciplinary sanctions will have the same force and effect as though they were imposed following a review panel.
- Non-hearing resolutions cannot be appealed.

### *Referral for a Review Panel*

If the Title IX Coordinator concludes that a reasonable Sexual Misconduct Review Panel could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred and that a non-hearing resolution is either not possible or not appropriate based on the investigation, the matter will be referred to a Review Panel for adjudication.

## **X. THE SEXUAL MISCONDUCT REVIEW PANEL**

The Sexual Misconduct Review Panel is responsible for evaluating the information gathered by the investigator and determining whether a violation of this Policy occurred and the appropriate sanction(s).

### **a. Panel Composition**

Each Sexual Misconduct Review Panel includes three members. Panel members may be members of the College and/or third-parties. All Panel members will receive appropriate training on the College Sexual Misconduct Policy and on Sexual Misconduct. Panel members will be determined by the Managing Coordinator, in conjunction with the Title IX Coordinator.

### **b. Challenging Panel Members**

Either party may challenge a Panel member for an alleged lack of fairness or objectivity. A party challenging a Panel member must submit a written challenge to the Managing Coordinator stating with specificity the reasons for the challenge. The

challenge must be submitted within forty-eight (48) hours after a party is notified of the names of the Panel members. The Title IX Coordinator will determine if a Panel Member needs to be replaced.

**c. Panel Process**

Each party will have the ability to provide a written statement and/or any materials that were unavailable during the investigation to the Panel no later than five (5) business days before the date the Panel is convened. It is important to note that any personally identifiable information and/or information that is irrelevant to the complaint, including information that is not permitted by law, will be redacted. Any materials that were previously submitted and determined to contain personally identifiable information and/or information that is irrelevant to the complaint, including information that is not permitted by law, will not be forwarded to the Panel for consideration. Similarly, the Panel will not consider information that a party failed to share with the investigator unless it was unavailable during the investigation.

The Panel will also be provided with the final Summary of Evidence and any other information gathered during the investigation that is not otherwise included in the Summary of Evidence (i.e. videos, recordings, etc).

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. If either party does not want to be in the same room with the other party, the parties may listen to one another's statements to the panel via teleconference from another room. Parties called before the Panel have the right to be accompanied by a support advisor of their choice. The parties shall address the Panel and may not address one another directly. However, a party may request that the Panel pose additional questions to the other party. In these cases, the parties will be provided with the opportunity to formulate their questions for submission to the Panel who will determine, in its sole discretion, whether to ask the questions requested.

Other than the parties, and absent extraordinary circumstances, no other witnesses may be called to appear before the Panel.

New or additional information will not be accepted or considered by the Panel unless that information was unavailable prior to the submission of materials and written statements to the Panel by the parties. If additional information is accepted or considered by the Panel, any such information will be provided to both parties for review at the Panel meeting. The parties will be given adequate time to review the additional information (which will depend on the scope and subject matter of the additional information) and may challenge or respond to the additional information through a statement to the Panel. The Panel may, at its sole discretion, request that additional materials and/or documents be collected prior to determining if a violation of this Policy occurred.

The proceedings of all Panels will be audio recorded.

#### **d. Determinations & Sanctions**

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 using the preponderance of the evidence standard. If the Panel determines that a violation has occurred, the Panel shall then determine the appropriate sanction(s). 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, regardless of whether the Sexual Misconduct is the subject of a criminal investigation or results in a criminal conviction.

The goal of sanctions is to (1) end the misconduct; (2) remedy its effects on the reporting party and/or the College community; and (3) take reasonable steps calculated to prevent its recurrence.

Sanctions for Sexual Misconduct may range from mandated education, a formal warning, probation, suspension, expulsion (for students), or corrective action up to and including termination (for employees).

Sanctions may also require that existing interim measures stay in place for a prescribed period of time. Likewise, sanctions may involve the imposition of new remedies, such as no contact orders, disciplinary probation, housing placement, or academic adjustments, based upon the facts developed during the investigation and the conclusions reached in the case.

Specific sanctions include, but are not limited to: 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 the refund of fees, in the case of students; suspension with or without pay or termination of employment, in the case of employees; commencement of procedures to terminate appointment by reason of “failure to perform teaching duties in a satisfactory manner” or for “moral turpitude,” as provided in Polity Article IV (6) (a) (i) and (ii), in the case of tutors; disciplinary probation; no-contact orders or prohibitions from entering certain parts of campus or attending certain campus events; and mandatory education on issues related to Sexual Misconduct, including, but not limited to, prevention and awareness, victims’ rights, and appropriate behaviors.

Upon a finding that a student is responsible for engaging in Rape as defined in III.P above, the Respondent will ordinarily be suspended for ***a minimum of two (2) calendar years***, or a longer period up to and including expulsion, if one or more of the following factors are found by a preponderance of the evidence.

1. Proven history of prior Sexual Misconduct by the Respondent;
2. Whether the Respondent has a proven history of violating no contact orders or restraining orders;
3. Whether the Sexual Misconduct involved the use of physical force, including but not limited to restraining, strangling, hitting, punching, slapping, or kicking;
4. Whether the Sexual Misconduct involved the use of a weapon;

5. Whether the Respondent facilitated the Sexual Misconduct through the use of drugs, alcohol, or other intoxicants;
6. Whether the Sexual Misconduct occurred by knowingly taking advantage of the incapacitation of the Complainant;
7. Whether the Sexual Misconduct involved multiple victims;
8. Whether the Sexual Misconduct was committed by multiple individuals acting together;
9. Whether the Sexual Misconduct included the recording, photographing, transmitting, viewing, or distributing of intimate or sexual images without consent;
10. Whether the Respondent threatened violence against the Reporting Party, Complainant, or others.

Engaging in any other prohibited activity under this policy may result in a sanction greater than this minimum suspension period, even absent any of the factors noted above.

If either party (or their surrogates) is found to have engaged in Retaliation or Intimidation, they may be subject to sanctions beyond those articulated by the Panel by the Assistant Dean, Dean or Director of Personnel, depending on the nature and severity of the offense and the individual's disciplinary record.

The Sexual Misconduct Review Panel will determine sanctions solely for the case being adjudicated under this Policy. Additional or more severe sanctions may be imposed by the Title IX Coordinator, Dean, Assistant Dean, or Director of Personnel/Human Resources for related violations and/or after a review of the disciplinary and/or employee file of the Responding Party.

Both the Complainant and the Respondent 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 Respondent as a result of a violation of this Policy.

The Panel process ordinarily concludes within fifteen (15) days of the date the Panel is convened.

Interim support measures put in place during the investigation may be continued or implemented as part of sanctions. Even if a Respondent is found *not responsible*, in the discretion of the Title IX Coordinator, support measures may remain in place depending on the circumstances.

## **XI. 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 sanction(s) was clearly inappropriate and/or disproportionate to the

prohibited conduct for which the respondent was found in violation.

Generally, the original decision, including sanctions, remains in effect throughout the appeal period.

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

If and when the Title IX 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) business 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.

For cases adjudicated on the Santa Fe Campus, the person reading the appeal (Appeal Officer) will be the Director of Personnel on the Annapolis Campus. For cases adjudicated on the Annapolis Campus, the Appeal Officer will be the Director of Human Resources on the Santa Fe Campus. Parties will not meet with the Appeal Officer and should not communicate with them directly. The appeals process is conducted in writing through the Title IX Coordinator. Therefore, when submitting documents in the appeal process, parties should include any and all information they would like to have considered.

The Appeal Officer will evaluate the appeal based on the record considered by the Panel. Any information or materials that were previously submitted and determined to contain personally identifiable information and/or 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 Panel. 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 Panel to address the appealed aspects of the case; or c) may 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 Officer's decision is final, and no further appeal is permitted.

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

## **XII. 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 Title IX Coordinator reflecting that the student withdrew pending an investigation of disciplinary charges. 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 Title IX Coordinator reflecting that the student withdrew pending disciplinary sanctions. Should a student decide to withdraw and not participate in the investigation or Panel, 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 investigation, 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.

### **XIII. Reinstatement of Students After Disciplinary Suspension for Any Sexual Misconduct**

Any reinstatement following a period of suspension for any violation is conditional. Students who wish to return to St. John's College following a term of disciplinary suspension for Sexual Misconduct must demonstrate that they are prepared to return to the College and meet behavioral expectations. ***Reinstatement is not automatic.***

Students who request to be reinstated following disciplinary suspension for Sexual Misconduct must obtain clearance from the Title IX Coordinator and the Assistant Dean on the campus where they were last enrolled. Such requests must be submitted in writing at least eight (8) weeks prior to the beginning of the semester.

Any student who has outstanding sanctions must complete them prior to reinstatement. Students who are being reinstated after suspension for Sexual Misconduct will have the following requirements:

- Disciplinary probation: Students who are reinstated after suspension will be placed on disciplinary probation for the remainder of their time at St. John College. Students on disciplinary probation are restricted from certain leadership positions/opportunities within the College. Students who violate any policies of the College or exhibit behavior prohibited by the College may face more serious disciplinary sanctions, including immediate dismissal from the College with no reimbursement of fees or tuition.
- Academic work: Any academic work completed elsewhere during the term of suspension will not be transferred into St. John's College.
- Proof of good standing: If a student has attended another institution of higher learning during the period of suspension, they will be required to provide (1) proof of good disciplinary standing from each institution attended; (2) a copy of their student conduct record from each institution attended.
- Financial aid/scholarships: Students who are seeking reinstatement from suspension must

work with the Financial Aid Office to determine, what, if any, impact their suspension may have on any scholarship or financial aid.

- Complaints of sexual misconduct: Prior to reinstatement, a student must notify the College if they have been the subject of any complaints of sexual misconduct during the period of suspension, whether at an educational institution, through law enforcement, employment, or otherwise. Failure to notify the College of any complaints of Sexual Misconduct will result in immediate expulsion should such complaints later come to light.
- Re-entry meeting: Students applying for reinstatement must schedule a meeting with the Title IX Coordinator and the Assistant Dean prior to the desired term of re-enrollment to review the student's progress, assess readiness to return, and discuss expectations for re-entry.
- Check In: Depending on the circumstances, the Title IX Coordinator and/or Assistant Dean may require the returning student to check in periodically to assess the student's transition and compliance.

If at the time of reinstatement the Complainant is still an enrolled student, the Title IX Coordinator or Deputy Title IX Coordinator will promptly notify the Complainant (1) if the Respondent requests reinstatement following a period of suspension for Sexual Misconduct; (2) of the reinstatement decision; and (3) when the Respondent is expected to return to campus.

The Title IX Coordinator or Deputy Title IX Coordinator will be available to meet with the Complainant prior to the student's reinstatement to discuss whether accommodations are required.

The processes and potential for accommodations outlined in this section may differ depending on the wishes of the Complainant concerning receipt of such notifications and the then-current status of the Complainant (i.e., whether or not they remain affiliated with St. John's College) which may affect the ability to implement certain accommodations.

#### **XIV. Record Retention and Academic File Notations**

The Title IX Coordinator will retain records of all reported alleged violations of the Sexual Misconduct Policy regardless of whether or not a Formal Complaint is received. Findings of "In Violation", regardless of the mechanism through which they are resolved, will be used in reviewing any further conduct or developing sanctions. Suspension, expulsion, and withdrawal with charges pending are, in general, permanently recorded in a student's file. The Title IX files of students who have been suspended or expelled from the College are maintained in the Title IX Coordinator's Office indefinitely. Title IX files of students who have not been suspended or expelled are maintained in the Title IX Coordinator's Office for no fewer than seven years from the date of the incident.

Transcript notations/academic file notations will be made for cases that result in suspension or expulsion from the College or in cases where a student withdraws from the College while any aspect of this Policy is in progress, as follows:

- **Suspensions**: Five (5) years after the conclusion of the suspension, or in the case of a sanction imposed and not completed, five (5) years from the date that the sanction was

due, the Title IX Coordinator will consider written requests to remove the transcript/academic file notation.

- Expulsions: Transcript/academic file notations in cases that result in an expulsion are permanent and requests for removal will not be heard.
- Withdrawals: A transcript notation that a student “withdrew with conduct charges pending” may only be removed by completing the disciplinary process.

## **XV. Campus-Specific Considerations: Annapolis**

Within the state of Maryland, student parties in Sexual Misconduct cases are provided with specific rights and access to a licensed attorney, an advocate supervised by an attorney, or a trained advocate to be paid for, at least in part, by the Maryland Higher Education Commission.

Student parties to Sexual Misconduct cases are entitled to have assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate:

- At all meetings, hearings, and interviews associated with the complaint;
- To provide private consultations with the student during hearings, meetings, and interviews, except during question of the student at a hearing; and
- To assist with the student’s exercise of any right during the proceedings.

In addition to assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate, the student is entitled to have a personal supporter of the student’s choice at any hearing, meeting, or interview during the proceedings. Students are not entitled to have more than two people at any hearing, meeting, or interview.

This resource is available to all current and former students who make or respond to a complaint on which a formal sexual assault investigation is initiated and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint. This resource is not a requirement and students can knowingly and voluntarily choose not to have counsel.

Before the start of any formal proceedings under the policy, student Complainants and Respondents will be notified in writing as to the student’s right to the assistance of an attorney or advocate, legal service organizations and referral services available to the student, and the student’s right to have a personal supporter at any hearing, meeting, or interview.

For information on how to retain a licensed attorney, an advocate supervised by an attorney, or a trained advocate, students are encouraged to visit the Maryland Higher Education Commission website [www.mhec.state.md.us](http://www.mhec.state.md.us).

## **XVI. Effective Date**

This Policy will govern any complaints received on or after August 1, 2019.

## APPENDIX 3

This is the Sexual Misconduct Policy of the college, effective August 6<sup>th</sup>, 2018.

### Sexual Misconduct Policy

In case of an emergency, please call 911. You may also contact,

**Annapolis Public Safety at  
x2000 from a campus phone  
or at 443-336-2348**

**Santa Fe Public Safety at  
“0” from a campus phone  
or at 505-984-6000**

**If you have been affected by a violation of this Policy, it is imperative that any and all evidence be preserved. If you are a victim of sexual assault, this includes immediate preservation of physical evidence.**

**In Annapolis, Anne Arundel Medical Center (Emergency Room), 2001 Medical Parkway, Annapolis, MD (443-481-1000) is equipped with Maryland State Police sexual assault evidence collection kits.**

**In Santa Fe, evidence collection kits are available at Christus St. Vincent Regional Medical Center 455 St Michaels Drive, Santa Fe, NM (505-913-3361).**

#### I. Statement of Policy

St. John’s College strictly prohibits Sexual Misconduct on its campuses, on non-campus property owned or controlled by the College, and at College-sponsored events or programs by any member of the College community or third parties. This Policy also applies to any off-campus behavior of students (even if unrelated to a College-sponsored event or program) that has an actual or potential adverse impact on the College or any member of the College community

St. John’s College strives to be a community in which all members readily and safely report acts of Sexual Misconduct and Discrimination or Harassment as defined in this Policy. It is our goal to remove all barriers to reporting.

#### II. APPLICATION

This Policy applies to alleged conduct by College students, faculty, staff, volunteers, administrators, independent contractors, Board members, as well as third parties who are part of or interacting with the College community (“Covered Individuals”).

#### III. INTERACTION WITH OTHER POLICIES

The College also has a Non-Discrimination and Anti-Harassment Policy. That policy addresses discrimination and harassment that does not constitute Sexual Misconduct as defined in Section V of this Policy, and other forms of discrimination which are prohibited by the College, but are not violations of this Policy.

If particular conduct would be prohibited by both this Policy and by the Non-Discrimination and Anti-Harassment Policy, this Policy controls.

#### IV. PROHIBITED CONDUCT

This Policy prohibits Sexual Misconduct, including Sexual Assault, Sexual Harassment, Domestic Violence, Dating Violence, Sexual Coercion, Sexual Exploitation, and Stalking. It further prohibits Retaliation and Intimidation, as those terms are defined in Section V, below.

#### V. DEFINITIONS

- A. **Complainant** is an individual(s) directly affected by a violation of this Policy.
- B. **Confidential persons** are those who are not required to convey a report of misconduct or harassment to a Title IX Coordinator. *Completely* confidential persons to whom reports can be made are the mental health counselors. Such reports will not be shared without the reporter's explicit permission, except in extreme circumstances. *Mostly* confidential reporting persons include physicians, nurse practitioners, and other counselors. Mostly confidential reporting persons will keep reports as confidential as possible, but must share de-identified information with a Title IX Coordinator.
- C. **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. Silence and/or lack of resistance on the part of the Complainant does not imply Consent. A previous relationship or prior consent does not imply consent to future sexual acts. Consent is not indefinite; it can be withdrawn at any time.
- D. **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 all of the following: the Complainant's statement, 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:
  - 1. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - 2. Dating Violence does not include acts covered under the definition of Domestic Violence.
- E. **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. Domestic Violence also includes:
  - 1. An offense that meets the definition of abuse as defined by the laws of the State of Maryland (Md. Code Ann., Fam. Law § 4-501, *et seq.*), as applicable.

2. An offense that meets the definition of assault or battery as defined by the laws of the State of New Mexico (N.M. Stat. Ann. § 30-3-12, *et seq.*), as applicable.

**F. Incapacitation** is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication.

The impact of alcohol and drugs varies from person to person; however, warning signs that a person is incapacitated or approaching incapacitation may include acting confused or incoherent, slurred speech, vomiting, and/or difficulty walking.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's decision-making ability, awareness of consequences, ability to make informed judgments, or capacity to appreciate the nature and the quality of the act. When an investigator or panel is assessing incapacitation, they will look at the issue from the perspective of a Respondent and determine whether a Respondent should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

**G. Intimidation** is any act to deter an individual from making a report of an alleged violation of this Policy or participating in an investigation or related proceeding under this Policy by imposing fear through threats of physical or emotional harm to anyone.

**H. Reporting Party** is an individual(s) making a report that this Policy has been violated. The Reporting Party and the Complainant may or may not be the same individual(s). The report of an engaged bystander can provide critical direction for the investigation of misconduct, even when the misconduct was not directed at the Reporting Party.

**I. Respondent** is an individual(s) accused of violating this Policy.

**J. Responsible Employee** is any administrator, faculty, or staff member employed by the College who is required to report an act of sexual misconduct or sexual harassment. All employees are "responsible employees" except those specifically identified and defined in this Policy in Section X.C as On-Campus and Community Resources. Responsible Employees include senior residents and certain students employed by the College, such as resident assistants (RA's). When a Reporting Party tells a Responsible Employee about an incident of Sexual Misconduct, the Reporting Party has the right to expect the College to evaluate the report and, where warranted, take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

- K. Retaliation** is 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.
- L. Sexual Assault** is conduct of a sexual nature resulting in physical contact with the Complainant without the Complainant's Consent (*i.e.*, an action committed either by force, intimidation, or knowingly making use of the victim's physical or mental helplessness). Sexual Assault specifically includes:
1. An offense that meets the definition of rape, fondling, incest, or statutory rape as defined by the FBI's Uniform Crime Reporting Program.
  2. **Non-consensual sexual contact.** Non-consensual sexual contact means any sexual touching, with any object, by a person upon another person without Consent, or forcing any person to touch a person or another in a sexual manner. It is defined as engaging in any sexual contact other than intercourse with another person without that person's Consent and/or cognizance. It includes any non-consensual sexual contact, including any improper touching of intimate body parts (e.g., genitals, buttocks, groin, or breasts.) and non-consensual removal of another's clothing.
  3. An offense that meets the definition of rape or sexual offenses, as defined by the laws of the State of Maryland (Md. Code Ann., Crim. Law § 3-303, *et seq.*), as applicable.
  4. An offense that meets the definition of rape, aggravated rape, or criminal sexual contact as defined by the laws of the State of New Mexico (N.M. Stat. Ann. § 30-9-11, *et seq.*), as applicable.
- M. 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, the release of sensitive or private information], manipulation, or exploiting a real or perceived power or authority over another). 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.
- N. Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for the individual's own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses. Examples of Sexual Exploitation include, but are not limited to: non-consensual observation or recording of individuals who are undressed or engaging in sexual acts; prostituting another person; going beyond the boundaries of Consent; and knowingly transmitting a STI, STD, or HIV to another.

- O. Sexual Harassment** is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature when (a) submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (*quid pro quo*); or (b) such conduct creates a hostile environment.

A hostile environment is created when unwelcome verbal or physical conduct of a sexual nature (i) is sufficiently severe or pervasive to limit a student's ability to participate in or benefit from an education program or creates an abusive educational environment, or (ii) explicitly or implicitly affects an individual's employment (including a student's employment), unreasonably interferes with an individual's work performance, or creates an abusive or offensive work environment.

- P. 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. Such conduct may include, but is not limited to, acts in which one directly or indirectly follows, monitors, observes, surveils, threatens, or communicates to or about a person in a way prohibited or interferes with a person's property. A "course of conduct" consists of two or more acts. Stalking may be conducted through any method, device or means. Stalking includes activity otherwise defined by the laws of the State of Maryland (Md. Code Ann., Crim. Law § 3-801, *et seq.*) and the State of New Mexico (N.M. Stat. Ann. § 30-3A-3, *et seq.*), as applicable.
- Q. Sexual Misconduct** includes Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, Sexual Coercion, Sexual Exploitation, and Stalking as defined herein.

## **VI. REPORTING POLICY VIOLATIONS**

Any member of the College community who believes that they have witnessed, experienced, or are aware of conduct that constitutes Sexual Misconduct in violation of this Policy is encouraged to report the violation, seek immediate medical attention, and take steps to preserve pertinent information and tangible materials.

Information regarding the nearest medical providers that collect forensic evidence is available in Section X.C of this Policy.

A complaint of Sexual Misconduct may be made to a variety of employees of the College, including, but not limited to:

- any Title IX Coordinator,
- a Dean,
- an Assistant Dean,
- an Associate Dean,



- a Treasurer,
- a senior resident,
- a resident assistant,
- a public safety officer,
- health center/student health office personnel, or
- personnel or human resources staff members or the employee's supervisor.

Any Responsible Employee to whom the first complaint is made is expected to consider the physical and emotional needs of the Complainant, 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 Complainant 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 employee first approached will assist the Complainant in bringing the matter to the attention of a Title IX Coordinator in order to initiate the procedures described below.

#### **A. Reports for Investigation**

The procedures set forth in this Policy are initiated when a report of Sexual Misconduct is delivered to a Title IX Coordinator (by a Reporting Party, the Complainant, a Responsible Employee, or another party). Accordingly, Complainants interested in pursuing an investigation under this Policy are encouraged to meet with a Title IX Coordinator if they believe that a violation of this Policy has occurred. (Of course, in cases of safety emergencies, the College encourages also immediately notifying public safety and/or the Annapolis or Santa Fe Police Departments, respectively).

#### **B. Confidential Reports**

The College understands that Reporting Parties may wish to make reports of Sexual Misconduct 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. The College makes every effort to apply this Policy in accordance with a Complainant'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, are Responsible Employees and, therefore, are obligated to share reports of Sexual Misconduct with a Title IX Coordinator, regardless of a request for confidentiality by the Reporting Party. However, when such reports reach a Title IX Coordinator, the Complainant's request for confidentiality is considered in applying this Policy. See Requests for Confidentiality at Section VIII.E, below.

If a Reporting Party wants to make a confidential report, the report may be made in completely confidential or mostly confidential settings. "Completely confidential" reporting persons are mental health counselors. "Mostly confidential" persons to who reports can be made include physicians, nurse practitioners, and other counselors. Mostly confidential reporting persons must share de-identified information with a Title IX Coordinator.

Campus-specific confidential reporting locations are set forth in Section X.C of this Policy, below.

### **C. 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. Anonymous reports made through LiveSafe are received by a Title IX Coordinator.

### **D. Timeframe for Reporting**

Reports of Sexual Misconduct may be made to the College at any time. It is best to report the alleged act of Sexual Misconduct immediately and, if at all possible, prior to the last date of enrollment or employment of the Respondent. Prompt reporting allows evidence to be preserved, witnesses to be interviewed, and any disciplinary/resolution process to move forward most effectively. The ability to investigate a report and take action against a Respondent becomes more limited as time goes on.

A Complainant or Reporting Party may report a violation of this Policy to external law enforcement at any time.

### **E. Amnesty for Students Reporting Sexual Misconduct**

The College encourages reporting. The College recognizes that a student who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. A student who reports Sexual Misconduct will, therefore, 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 Sexual Misconduct 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.

## **VII. INTERIM RELIEF AND REMEDIAL MEASURES**

Interim relief and remedial measures may be requested and/or offered and instituted at any time following a report of Sexual Misconduct in order to ensure the safety and well-being of members of the College community. The Title IX Coordinator or Deputy Coordinator handling the report (the "Managing Coordinator") will ensure that all parties have been fully informed of the variety of support services available, both on campus and in the community. Campus-specific information on support services is set forth in Section X.C, below.

### **A. Examples of interim relief measures may include, but are not limited to:**

1. For students: changes or modifications to academic, living, transportation, and working situations; obtaining on-campus escort services from Public Safety; campus "area restrictions."

"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. Prior to issuing a no-contact order, the Title IX Coordinator will assess the particular circumstances and potential impact on the parties to determine whether there is a threat to the health and safety of the College community warranting the issuance the order. “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 a sense of security and well-being for all members of the community.

2. For non-students: assistance in working situations; protective measures such as transfer, suspension, an order to avoid or restrict contact; changes in work schedules; administrative leave with or without pay.
- B.** Long-term remedial measures that may be implemented to remedy the effects of Sexual Misconduct may require changes or exceptions to the College’s services or policies.

The Managing Coordinator will provide every party with a written statement of the party’s rights and options, with respect to the complaint process and with respect to available interim measures and other resources.

## **VIII. COMPLAINT & INVESTIGATION PROCEDURES**

### **A. Scope of Reporting**

Any allegation of Sexual Misconduct involving a member of the College community or occurring on College property should be reported to a Title IX Coordinator, whether or not the Respondent is also a member of the College community. The College’s primary concern is safety.

### **B. Law Enforcement**

The College encourages (but does not require) Complainants to pursue criminal action for incidents of Sexual Misconduct that may also be crimes under applicable law. The Title IX Coordinator will inform the Complainant of the possibility of bringing criminal charges. 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 off-campus.

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 (Complainant, Reporting Party, Respondent, and/or witnesses) 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.

### **C. Preservation of Evidence**

The Title IX Coordinator will inform the Complainant of the importance of preserving evidence in the event that 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 in Section X.C, below. At the request of the Complainant, the College will provide or arrange for safe transport for the Complainant to the nearest resource equipped with sexual assault evidence collection kits.

### **D. Requests for Confidentiality**

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, Complainant, and the Respondent and to investigate complaints of violations of this Policy in accordance with the procedures set forth below.

If the Complainant requests confidentiality or requests that the complaint not be pursued, the Title IX Coordinator will discuss the scope of the Complainant's request for confidentiality. The Title IX Coordinator will inform the Complainant that such a request may limit the College's ability to respond to the complaint.

In evaluating requests for confidentiality, the Title IX Coordinator will consider the following factors: the seriousness of the violation alleged, the age of the Complainant, whether there have been other complaints or reports of Sexual Misconduct involving the Respondent, the right of the Respondent to receive information about the Complainant and about the allegations, if a formal proceeding with sanctions may result.

While rare, the Title IX Coordinator may determine that certain aspects of the Complainant's request for confidentiality may not be complied with, or an investigation must move forward over a Complainant's or Reporting Party's (if different) objection in order to ensure the safety of all members of the College community.

The Title IX Coordinator will inform the Complainant of the determination regarding a request for confidentiality.

### **E. Evaluating Whether to Conduct an Investigation**

The Managing Coordinator will review the complaint and, if appropriate, speak with the Complainant to determine whether a sufficient basis exists to institute an investigation under this Policy. A sufficient basis exists where the Complainant's allegations, if true, could represent a violation of the Policy applicable at the time the alleged conduct occurred. The Managing Coordinator will ordinarily make this determination within seven (7) days.

If the Title IX Coordinator determines that, even if it should be true, the Complainant's complaint would not represent a violation of this Policy, the Title IX Coordinator will notify the Complainant

in writing of the decision that an insufficient basis exists to institute an investigation. The Complainant may then appeal this decision in writing within ten (10) days of being notified of the Title IX Coordinator's decision not to institute an investigation. If the initial report is heard and managed by the Director of Student Services or Residential Life, then appeal is directed to the Dean of the College; if the initial report is heard and managed by the Director of Personnel or Human Resources, then appeal is directed to the Treasurer.

Joseph Macfarland  
Dean of the College in Annapolis  
410-626-2511  
[Joseph.Macfarland@sjc.edu](mailto:Joseph.Macfarland@sjc.edu)

J. Walter Sterling  
Dean of the College in Santa Fe  
505-984-6070  
[jwsterling@sjc.edu](mailto:jwsterling@sjc.edu)

Ally Gontang  
Treasurer in Annapolis  
410-626-2516  
[agontang@sjc.edu](mailto:agontang@sjc.edu)

Michael S. Duran  
Treasurer/CFO in Santa Fe  
505-984-6096  
[msduran@sjc.edu](mailto:msduran@sjc.edu)

The party hearing the appeal may accept the Managing Coordinator's decision or may remand the matter to the Managing Coordinator with the instruction that the Title IX Coordinator direct the Investigators to institute an investigation consistent with the following terms of this Policy. This decision, which is ordinarily made within thirty (30) days of the appeal, is final, and no further appeal regarding whether to conduct an investigation is permitted.

If a sufficient basis exists, the Managing Coordinator will refer a reported violation of this Policy to Investigators in the following cases: if the Complainant requests that the matter be investigated; if the Complainant makes a confidential report, but the Complainant provides Consent that the College investigate the matter to the best of its ability consistent with the request for continuing confidentiality; or if the Managing Coordinator has determined that, because of safety concerns, the report should be investigated despite the Complainant's request that an investigation not be conducted.

## **F. Investigators**

The Managing Coordinator will assign two investigators from among the following persons: the Assistant Dean, the Director of Public Safety, the Director of Library Services (in Annapolis), or other designated investigator (which may include a trained investigator from outside the College). The Investigators shall receive appropriate training annually on issues related to Sexual Assault, Domestic Violence, Dating Violence, Stalking, Sexual Coercion, Sexual Exploitation, Sexual Harassment, Title IX, and how to conduct an investigation that protects the safety of all parties, promotes accountability, and is equitable.

Investigations typically conclude within thirty (30) days of the time when the College becomes aware of the complaint. This timeframe may be extended for good reason, as determined by the College, such as where the College is directed to temporarily delay the fact-finding portion of its investigation by the police, when witnesses are unavailable (such as when the investigation crosses the summer or winter break periods), or for complex or factually intricate investigations. This list is not exhaustive. The Investigators will inform the parties in writing if a delay is anticipated and the

reason for such delay.

### **G. Investigation Process**

Once an investigation is instituted, the Investigators will provide the Respondent the written complaint against them. The complaint shall ordinarily include the identities of the parties involved, the Policy violation alleged, the conduct allegedly constituting the Policy violation, and the date and location of the alleged incident. Depending on the nature and severity of the complaint, and after an individualized assessment of each case, the College reserves the right to suspend the Respondent and otherwise restrict their access to campus during the course of the investigation.

The investigation shall be conducted in a fair and impartial manner by the Investigators.

The Investigators will notify all parties 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 (48) 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 (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 meeting/proceeding, speak on behalf of the person being advised, or communicate with anyone other than the person being advised. The support advisor may not be a witness in the case. Such communication must be limited to emotional and logistical support, not substantive discussion or presentations. There may be no recording or electronic note taking. Advisors who fail to comply with these rules will be asked to leave and will not be permitted to attend future meetings/proceedings.

Both the Complainant and the Respondent 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 made available for inspection to both the Complainant and Respondent before such a determination is reached.

While neither party is entitled to be present for witness interviews of others, the Investigators will provide each party with the opportunity to review 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). The parties may review documentary evidence and written summaries in the presence of the Investigators at a mutually-agreeable time and location. The parties are permitted to retain copies of documentary evidence and written summaries, subject to the execution of a nondisclosure agreement. The Investigators will endeavor to provide documentary evidence and written summaries to the parties for inspection within three business days of completing interviews. 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 determined, in the Investigators' sole discretion, to be 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, and may speak to others for the purposes of seeking, obtaining, or presenting evidence, or otherwise preparing for the meetings and proceedings described in this Policy. The parties are reminded that, in addition to this Policy's prohibition on retaliation, the College's civility policy remains 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.

## **H. Anti-Retaliation and Intimidation Statement**

The College prohibits Retaliation against or Intimidation of those who make or are the subject of a complaint or third-party report of Sexual Misconduct or participate in the investigation or disciplinary/resolution process. However, if an investigation results in a finding that the Reporting Party or Complainant knowingly accused another falsely of an act of Sexual Misconduct, the Reporting Party will be subject to appropriate sanctions, which may include termination of employment or, in the case of students, dismissal from the College.

Consistent with Title IX, the College will take steps to prevent Retaliation and Intimidation, and will take strong responsive action if Retaliation or Intimidation occurs. Any Retaliation, Intimidation, or reprisal directed toward any party or witness as a result of their role in the investigation process is strictly prohibited, is itself a violation of this Policy, and should be reported immediately to the Investigators.

## **IX. THE SEXUAL MISCONDUCT REVIEW PANEL**

The Sexual Misconduct Review Panel is responsible for evaluating the information gathered by the Investigators and determining whether a violation of this Policy occurred and the appropriate sanction.

### **A. Panel Quorum**

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, Sexual Harassment, Sexual Exploitation, Title IX, and how to conduct the Panel process in a way that ensures safety and promotes accountability.

Campus-specific information regarding the current pool of personnel from each campus from which the Title IX Coordinator selects a Sexual Misconduct Review Panel, and alternate personnel who may be chosen in the event of a conflict of interest, scheduling conflicts, or any other reason which prevents personnel 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.

## **B. Challenging Panel Members**

Either party may challenge a Panel member for an alleged lack of fairness or objectivity. A party challenging a Panel member must submit a written challenge to the Managing Coordinator stating the reasons for the challenge. The challenge must be submitted within forty-eight (48) hours after a party is notified of the names of the Panel members. The merits of the challenge will be decided by the Dean of the College or the Treasurer, depending on the Managing Coordinator supervising the complaint (the Director of Student Services/Residential Life, or the Director of Personnel/Human Resources, respectively). The Dean or Treasurer may ask the Panel member(s) to evaluate whether they are able to serve with fairness and objectivity, and provide an explanation. The Dean or Treasurer shall evaluate and communicate a final decision on bias in writing to the party challenging the Panel member.

## **C. Information Provided to the Panel**

The Investigators shall present all relevant information obtained in their investigation, including the statements of the parties and any witness statements or documentary evidence, to the Sexual Misconduct Review Panel. 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 or retain (provided the nondisclosure agreement has been signed) by contacting the Managing Coordinator.

The Managing Coordinator will inform each party that they may provide a written statement to the Panel no later than five (5) days before the date the Panel is convened. Each party's statement, redacted if required by FERPA, 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. If either party does not want to be in the same room with the other party, the parties may listen to one another's statements to the panel via teleconference from another room. Parties called before the Panel have the right to be accompanied by a support advisor of their choice. The parties shall address the Panel and may not address one another directly. However, a party may request that the Panel pose additional questions to the other party. The Panel shall determine, in its sole discretion, whether to ask the questions requested.

Other than the parties, and absent extraordinary circumstances, no other witnesses may be called to appear before the Panel. New or additional information will not be accepted or considered by the Panel at the meeting unless it was unavailable during the investigation or the Panel determines in its sole discretion that the 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 provided to both parties for review at the Panel meeting. The parties will be given adequate time to review the additional information (which will depend on the scope and subject matter of the additional information) and may challenge or respond to the additional information through a statement to the Panel.



#### **D. Determinations & Sanctions**

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 using the preponderance of the evidence standard. If the Panel determines that a violation has occurred, the Panel shall then determine 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, but are not limited to: 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 the refund of fees, in the case of students; suspension with or without pay or termination of employment, in the case of employees; commencement of procedures to terminate appointment by reason of "failure to perform teaching duties in a satisfactory manner" or for "moral turpitude," as provided in Polity Article IV (6) (a) (i) and (ii), in the case of tutors; disciplinary probation; no-contact orders or prohibitions from entering certain parts of campus or attending certain campus events; and mandatory education on issues related to Sexual Misconduct, including, but not limited to, prevention and awareness, victims' rights, and appropriate behaviors.

If either party (or their surrogates) is found to have engaged in Retaliation or Intimidation, 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 Complainant and the Respondent 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 Respondent as a result of a violation of this Policy.

The Panel process ordinarily concludes within thirty (30) days of the date the Panel is convened.

#### **E. Appeals**

If either party is dissatisfied with either the outcome or the sanction(s) in the Panel's decision, they may file a written appeal, via the Managing Coordinator, to the President of the Campus within ten (10) days of being notified of the Panel's decision. The President on either campus will designate that campus's Dean, Treasurer or other officer (the "Officer") to review and decide the appeal. 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 appeal will be shared with the non-appealing party who may, but need not, provide a written response within ten (10) days of receiving a copy of the appeal.

The Officer will evaluate the appeal based on the record considered by the Panel. New or additional evidence will not be accepted for consideration by the Officer unless it was unavailable during the

investigation and Panel proceedings. In the event new or additional information is accepted by the Officer for consideration, the information will be made available to both parties for inspection within five (5) days of the Officer's decision to accept the new or additional information. A party may submit a written response to the new or additional information to the Officer via email within ten (10) days of the Officer's decision to accept the information. The Officer may accept, reject, or modify the Panel's decision with respect to the finding and/or sanction(s) or remand the matter for further investigation or consideration by the Panel. The Officer's decision will be made based on the preponderance of the evidence standard.

Both parties will be notified in writing of the outcome of the appeal and the rationale of the Officer in reaching the outcome. The Officer's decision is final, and no further appeal is permitted. The appeal process ordinarily concludes within thirty (30) days of the date the non-appealing party provided a written response to the appeal (or indicates that no response will be provided).

The foregoing procedures shall constitute the College's grievance procedures with respect to matters involving allegations of Sexual Misconduct. The Non-Discrimination and Anti-Harassment Policy set forth in Appendix B shall not be used.

## **X. CAMPUS-SPECIFIC INFORMATION**

### **A. Title IX Coordinators and Sexual Misconduct Investigators**

#### **1. Annapolis**

Title IX Coordinators

Lynn Hobbs, Director of Personnel [Lynn.Hobbs@sjc.edu](mailto:Lynn.Hobbs@sjc.edu)  
410-626-2504

Taylor Waters, Director of Student Services [Taylor.Waters@sjc.edu](mailto:Taylor.Waters@sjc.edu)  
410-626-2512

Sexual Misconduct Investigators\* Nathan Dugan, Assistant  
Dean

Robert Mueck, Director of Public Safety Catherine Dixon, Director of Library  
Services

#### **2. Santa Fe**

Lead Title IX Coordinator

Christine Guevara, Executive Director of Campus Health and Wellness  
[Christine.Guevara@sjc.edu](mailto:Christine.Guevara@sjc.edu)

Title IX Coordinators

Matt Johnston, Director of Residential Life  
[Matt.Johnston@sjc.edu](mailto:Matt.Johnston@sjc.edu) 505-984-6925

Aaron Young, Director of Human Resources [Aaron.Young@sjc.edu](mailto:Aaron.Young@sjc.edu)  
505-984-6925

Sexual Misconduct Investigators\*

Frank Loera, Campus Safety Manager Andrea D'Amato, Bookstore Director

\* Non-exhaustive list, and may be modified from time to time. For the current list, please contact a Title IX Coordinator

**B. Sexual Misconduct Review Panels\***

1. Annapolis

Members

Ben Baum, Director of Admissions

Molly Burnett, Director of Events and Community Outreach Catherine Dixon, Director of Library Services

Jaime Dunn, Director of Career Service

Emily Langston, Associate Dean of the Graduate Program Susan Jenkins, Director of Web Initiatives and Social Media Chris Krueger, Athletics and Recreation Coordinator

Alternate Members

Director of Personnel Director of Student Services

Former Assistant Deans and Deans, provided each remains employed by the College

2. Santa Fe

Members

Jennifer Sprague, Library Director

Alternate Members

Associate Dean of the Graduate Programs Director of Human Resources

Director of Residential Life

Former Assistant Deans and Deans, provided each remains employed by the College

\* Non-exhaustive list, and may be modified from time to time. For the current list, please contact a Title IX Coordinator.

## **C. On-Campus and Community Resources**

### **1. Annapolis:**

Harrison Health Center at x2553 from a campus phone or 410-626-2553 Counseling Services at x2552 from a campus phone or 410-626-2552

Community services listed in the front of the Handbook, including, Anne Arundel County sexual assault hot line at 410-222-7273 Anne Arundel Medical Center at 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) located at 2001 Medical Parkway, Annapolis, MD

### **2. Santa Fe:**

Student Health Office at x6418 from a campus phone or 505-984-6418

Therapy Services at x6419 from a campus phone or 505-984-6419; or at x6421 from a campus phone or 505-984-6421

Community services:

Solace Crisis Treatment Center at 505-986-9111

Christus St. Vincent Regional Medical Center at 505-913-3361

The nearest community resources equipped with sexual assault evidence collection kits are:

Solace Crisis Treatment Center at 505-986-9111

Christus St. Vincent Regional Medical Center at 505-913-3361

Revised August 6, 2018

## Non-Discrimination and Anti-Harassment Policy

St. John's 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. The College 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>

### I. 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 or expression, 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.

### II. DEFINITIONS

- A. **Complainant** is an individual(s) affected by a violation of this Policy.
- B. **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 or expression, genetic information, marital status, protected activity (*i.e.*, opposition to prohibited discrimination or participation in an authorized complaint process), or any other classification protected by law.
- C. **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 or expression, 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

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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, including Sexual Harassment. Accordingly, the procedures set forth in this Discrimination and Harassment Policy shall not be used in such cases.

identity or expression, 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.

- D. Intimidation** is any act to deter an individual from making a report of an alleged violation of this Policy or participating in an investigation or related proceeding under this Policy by imposing fear through threats of physical or emotional harm to anyone.
- E. Reporting Party** is an individual(s) making a report that this Policy has been violated. The Reporting Party and the Complainant may or may not be the same individual(s).
- F. Respondent** is an individual(s) accused of violating this Policy.
- G. Retaliation** is 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.

### III. PROCEDURES

**A.** Students and faculty members should report discrimination and harassment to the Dean of the College or the Assistant Dean.

Joseph Macfarland  
Dean of the College in Annapolis  
410-626-2511  
[Joseph.Macfarland@sjc.edu](mailto:Joseph.Macfarland@sjc.edu)

J. Walter Sterling  
Dean of the College in Santa Fe  
505-984-6070  
[jwsterling@sjc.edu](mailto:jwsterling@sjc.edu)

Nathan Dugan  
Assistant Dean for the Undergraduate Program  
410-626-2512  
[Nathan.Dugan@sjc.edu](mailto:Nathan.Dugan@sjc.edu)

Michael Golluber  
Assistant Dean for the Undergraduate Program  
505-984-6925  
[Michael.Golluber@sjc.edu](mailto:Michael.Golluber@sjc.edu)

Other employees should report to their supervisor, the Treasurer, or the Director of Personnel / Director of Human Resources.

Ally Gontang  
Treasurer in Annapolis  
410-626-2516  
[agontang@sjc.edu](mailto:agontang@sjc.edu)

Michael S. Duran  
Treasurer/CFO in Santa Fe  
505-984-6096  
[msduran@sjc.edu](mailto:msduran@sjc.edu)

Lynn Hobbs  
Director of Personnel  
410-626-2504  
[Lynn.Hobbs@sjc.edu](mailto:Lynn.Hobbs@sjc.edu)

Aaron Young  
Director of Human Resources  
505-984-6925  
[Aaron.Young@sjc.edu](mailto:Aaron.Young@sjc.edu)

**B.** 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.

**C.** 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.

**D.** 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 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 Complainant may choose not to participate in informal intervention and may ask that the College institute an investigation.

**E.** 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 of the College 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 a conflict of interest, scheduling conflicts, or any other reason, the foregoing individuals are unavailable, the Dean may select another College employee or an appropriately trained investigator from outside the College 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.

**F.** 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 redundant, 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). Parties may not select an attorney to serve as their support advisor.

**G.** The investigator shall use a preponderance of the evidence standard in determining whether a violation of this Policy occurred (*i.e.*, whether it is more likely than not that the discrimination or harassment occurred).

**H.** At the conclusion of the investigation, the investigator will make a determination of whether a violation of this Policy occurred. Then, in consultation with the appropriate authority

(the Dean of the College, a supervisor, the Treasurer, or the Director of Personnel, as appropriate depending on a Complainant's status), the investigator will determine 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.

Sanctions include, but are not limited to: 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 the refund of fees, in the case of students; suspension with or without pay or termination of employment, in the case of employees; commencement of procedures to terminate appointment by reason of "failure to perform teaching duties in a satisfactory manner" or for "moral turpitude," as provided in Polity Article IV (6) (a) (i) and (ii), in the case of tutors; disciplinary probation; no-contact orders or prohibitions from entering certain parts of campus or attending certain campus events; and mandatory education on issues related to Discrimination and Harassment, including, but not limited to, prevention and awareness, victims' rights, and appropriate behaviors.

**I.** 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.

**J.** Both the Complainant and the Respondent shall be notified in writing of the outcome of the investigation, which includes the rationale of the investigator in reaching the outcome, the determination, and any proposed sanctions or remedial measures. Investigations typically conclude within thirty (30) 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 or when witnesses are unavailable).

**K.** Consistent with applicable law, the College will take steps to prevent retaliation, and will take strong responsive action if retaliation occurs. Any Retaliation or Intimidation directed toward either party or any witness as a result of the filing or investigation of a complaint of Discrimination or Harassment is strictly prohibited and should be reported immediately to the investigator or the Dean of the College.

#### **IV. APPEAL PANEL**

**A.** If dissatisfied with the outcome of the investigation, either the Complainant or the Respondent may file a written appeal to a Title IX Coordinator within ten (10) 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 (10) days of receiving the appeal. In the event new or additional information is accepted by the 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.



B. The 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 pool of personnel from each campus from which a Title IX Coordinator selects an Appeal Panel, and alternate personnel who may be chosen in the event of a conflict of interest, scheduling conflicts, or any other reason which prevents personnel from serving, is provided below. If, due to conflicts of interest, scheduling conflicts, or any other reason insufficient members of the Panel or alternate members are available for a 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 Panel.

C. 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 directly. However, a party may request that the Panel pose additional questions to the other party. The Panel shall determine, in its sole discretion, whether to ask the questions requested.

D. The 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 and absent extraordinary circumstances, the 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 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 Panel's decision is final, and no further appeal is permitted. The appeal process ordinarily concludes within thirty (30) days of the date the non-appealing party provides a written response to the appeal (or indicates that no response will be provided).

V. Appeal Panel Members\*

A. Annapolis

Members

Ben Baum, Director of Admissions

Molly Burnett, Director of Events and Community Outreach Catherine Dixon, Director of Library Services

Jaime Dunn, Director of Career Services

Susan Jenkins, Director of Web Initiatives and Social Media Emily Langston, Associate

Dean for the Graduate Program Christopher Krueger, Athletics and Recreation Coordinator

Alternate Members

Assistant Dean Director of Personnel

Director of Student Services

Former Assistant Deans and Deans, provided each remains employed by the College

**B.**            Santa Fe

Members

Jennifer Sprague, Library Director

Alternate Members

Assistant Dean

Associate Dean for the Graduate Program   Director of Human Resources

Director of Residential Life

Former Assistant Deans and Deans, provided each remains employed by the College

\* Non-exhaustive list, and may be modified from time to time.

Revised August 6, 2018



### **Notice of Non-Discrimination**

St. John's College does not discriminate on the basis of race, sex, color, national or ethnic origin, age, religion, disability, marital status, sexual orientation, gender identity and expression, genetic information, or other legally protected classification in the administration of any of its programs and activities or with respect to admission or employment. The Executive Director of Campus Wellness and Mental Health, Danielle Lico, has been designated as the Title IX Coordinator to ensure compliance with Title IX of the Education Amendments of 1972, as amended. Ms. Lico has also been designated as the Section 504 Coordinator to ensure compliance with Section 504 of the Rehabilitation Act of 1973, as amended. Ms. Lico can be reached at 60 College Ave., Annapolis, MD 21401, tel. (410) 626-2530. Inquiries concerning the application of Title IX or Section 504 may be made to Ms. Lico or to the Office of Civil Rights of the Department of Education. The college is authorized under Federal Law to enroll non-immigrant, alien students.

**Hard copies of this Annual Security and Fire Report are available in the Public Safety office (Pinkney Hall), Business Office (Randall Hall) and the Assistant Dean's office (Mellon Hall).**