



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.¹

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,

¹ 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.

or offensive working or learning environment; (ii) has the purpose or effect of unreasonably interfering with a person’s job or academic performance; or (iii) otherwise adversely affects a person’s employment or educational opportunities.

“Harassing conduct” includes but is not limited to epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, sex, religion, national origin, age, disability or handicap, sexual orientation, gender identity 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.

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410-626-2511
joseph.macfarland@sjc.edu

J. Walter Sterling
Dean of the College in Santa Fe
505-984-6070
jwsterling@sjc.edu

Nathan Dugan
Assistant Dean for the Undergraduate
Program
410-626-2512
nathan.dugan@sjc.edu

Michael Golluber
Assistant Dean for the Undergraduate
Program
505-984-6925
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
ally.gontang@sjc.edu

Michael S. Duran
Treasurer/CFO in Santa Fe
505-984-6096
michael.duran@sjc.edu

Lynn Hobbs
Director of Personnel
410-626-2504
lynn.hobbs@sjc.edu

Aaron Young
Director of Human Resources
505-984-6925
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

This is a non-exhaustive list, and may be modified from time to time.

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