

## St. John's College Discrimination and Harassment Policy

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

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

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

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

### I. Policy Statement

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

### II. Applicability and Scope

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

Where - This Policy applies to:

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

What – This Policy applies to

- x All programs and activities of the College as well as its educational policies, student life policies, admission policies, employment policies, and any decisions arising in relation to such policies.
- x All employment decisions, including those affecting hiring, promotion, demotion, discipline, and termination.

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

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

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

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

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

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

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

- ix. Investigators: Neutral and impartial factfinders who gather evidence during the investigation, make determinations about findings, and recommend sanctions. The Policy Coordinator may supervise and advise the investigators when conducting investigations. Investigators need not be employees of the College.
- x. Policy Coordinator The "Policy Coordinator" is the person designated by the College as being responsible for implementing this Policy. The Executive Director, Campus Wellness or designee, will serve in this role most cases unless doing so poses a conflict of interest.
- xi. Preponderance of the Evidence: The "preponderance of the evidence" means it is more likely than not that a policy violation occurred, did not occur, based on the evidentiary record. This is the evidentiary standard used when making determinations under this Policy.

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

- f. Genetic Information: "Genetic information" includes information about a person's genetic tests and the genetic tests of a person's family members, as well as information about the manifestation of a disease or disorder in the person's family members (*ie* family medical history).
- g. Marital Status: "Marital status" means being single, married, widowed, or divorced regardless of the sex of the other person.
- h. Military/veteran status: "Military/veteran status" refers to a person's prior service.

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

- xvii. Retaliation: Any act or attempted act to seek retribution against anyone who has reported an alleged violation of this Policy or against anyone who has participated in an investigation or related proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, and discrimination.
- xviii. Supportive Measures: The term “supportive measures” means measures designed to stop



x For Employees: The Employee Assistance Program

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

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

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

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

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

- x The details of the reported incident;
- x The age of the Complainant;
- x Whether the incident involved threat and
- x 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.

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Anonymous reports of violation of the Policy may be made by calling the College's Compliance Hotline administered by Lighthouse Services at 844-4902 (or for services in Spanish, 800-216-1288). Reports will be forwarded to the Policy Coordinator

Human Rights Bureau.

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Anyone who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action. Similarly, a person who is 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.

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The College encourages reporting and recognizes that a Complainant who has been drinking or using drugs at the time of the incident may be hesitant to make a report or participate in an investigation because of potential consequences for their own conduct. Students who report alleged violations of the Policy, either as a Complainant or a third party with

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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 extracurricular activities; interim suspension and administrative leave

Resolution Process for any of the following circumstances:

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

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

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

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

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

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

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

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

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

#### D. Investigation –

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

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

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

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

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

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

The investigator(s) are responsible for providing the parties with the opportunity to review any documentary 3(he)TJ 0 Tw-2 (nt)-2 d</MCID 74 >he

other documents reviewed by the parties must be kept confidential, and may be used only for the purposes of the proceedings under this Protective Order. Should either party, or third parties on their behalf, whether or not the party is aware of the action of the party, share, post, or otherwise disclose any of the documentary evidence, witness summaries, or other d

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

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

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

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

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

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

If and when the Policy Coordinator receives a timely appeal, the appeal will be shared with the non-

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

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

#### Notice of NonDiscrimination

St. John's College does not discriminate on the basis of ancestry or national origin, color,