



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

The Title IX Sexual Harassment Policy 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. Jo 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.

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

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.

The Title IX Sexual Harassment Title IX, the Violence Against Women Reauthorization Act of 2013 (VAWA), and any applicable state Coordinators are:

In Santa Fe: Christine Guevara, Vice President of Student Engagement. Weigle Hall Room 117, christine.guevara@sjc.edu, 505-984-6128.

In Annapolis: Danielle Lico, Vice President of Student Affairs. Mellon Hall danielle.lico@sjc.edu, 410-626-2530.

The College Title IX Coordinator will be informed of all reports or allegations of violations of this policy. The College Title IX Coordinator responsibilities include (but are not limited to):

Reviewing applicable College policies to ensure compliance with Title IX and VAWA;

Monitoring the administration of this policy, any associated policies, and the Consensual Romantic or Sexual Relationships Policy, and all related record keeping, timeframes, and other procedural requirements;
Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this policy and related policies; and
Responding to any formal complaint filed in accordance with this policy. The Title IX Coordinator shall oversee and implement the explanation and provision of any supportive measures. For any formal complaint, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any additional supportive measures, and monitors the administration of any related appeal.

The Title IX Coordinator may delegate certain responsibilities under this policy to designated administrators, who will be appropriately trained.

Questions about this policy should be directed to the Title IX Coordinator on the appropriate campus.

Complainant is a student or employee of the College who is alleged to have been subjected to conduct that could constitute prohibited conduct as defined herein; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute prohibited conduct as defined herein at a time when that individual was participating or attempting to participate in the education program or activity.

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 the 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

In cases where there are allegations of violations of other College policies stemming from the same set of facts alleging a violation of this policy, those allegations may be adjudicated as part of a Title IX Sexual Harassment case.

In determining whether alleged conduct violates this policy, the College will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

The prohibited behaviors listed below are serious offenses and will result in College discipline. Prohibited conduct involving force, duress, or inducement of incapacitation, or where the perpetrator

- c. 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.
- 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 frequency of interaction between the persons involved in the relationship. For the purposes of this definition:
- a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. 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:
- a. 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.
 - b. 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. 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 or more acts. Stalking may be conducted through any method, device or means.
- a. 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.
- G. Retaliation means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in

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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.

Persons covered under this policy who 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 Harassment of any type, the first step is always the same: get to a safe place as soon as possible. If emergency assistance is required, call Public Safety or Local Emergency Services by dialing 911.

-984-6000
-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 Student Health and Wellness 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 t-6 (ubl)5 (e)-4-1984-1000 in 55.08 Lanle ordina6

Student Health and Wellness Center 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-

Members of the Title IX Team, as outlined below,

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).

Dismissal of a Formal Complaint

Under Title IX regulations, colleges are required to distinguish between prohibited conduct that is
must dismiss a Formal Complaint or the part of the allegations in a Formal Complaint, if applicable, where:

employed by the College. or is not

allegations, and Title IX Coordinator declines to initiate a complaint.

The College determines that the conduct alleged in the complaint, even if proven, would not constitute sexual harassment under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein.

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
uct 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 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.

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

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.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons the Title IX Coordinator may initiate a complaint.

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 respond to a report in a meaningful way; the College cannot implement any sanctions against an alleged respondent in these cases.

If the Title IX Coordinator decides to initiate a complaint despite the wishes of the complainant, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable fety of others, including through the provision supportive measures. In cases where the Title IX Coordinator initiates the complaint, the complainant retains all of their rights as if they initiated the complaint.

Formal Complaints with Multiple Complainants or Respondents

In the event that the College receives a formal complaint involving more than two parties (one complainant and multiple respondents, multiple complainants and one respondent, or multiple complainants and multiple respondents) or in cases where there are multiple formal complaints involving the same two parties the College may consolidate the complaints provided the complaints arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Complainants, Respondents, or Witnesses with Disabilities

action against the respondent. However, the College will still seek to provide support for the

College will also consider supportive measures, as appropriate and reasonably available, for the respondent.

The range of supportive measures include, but are not limited to:

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Appeals for cases on the Annapolis Campus will be reviewed by Christine Guevara, VP for Student Engagement and Title IX Coordinator in Santa Fe. Appeals for cases on the Santa Fe Campus will be reviewed by Danielle Lico, VP for Student Affairs and Title IX Coordinator in Annapolis. Appeal decisions will be communicated within three (3) business days.

The College is committed to providing a prompt and impartial investigation and adjudication of all complaints alleging violations of this policy. During the informal resolution and grievance processes, both parties have equal rights to participate.

Conflict of Interest

All individuals who have responsibilities in administering the informal resolution and grievance processes under this policy must be free of any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Parties will be notified at the appropriate juncture of the identities of the individuals serving as a facilitator for an Informal Resolution, an investigator, or a Hearing Officer. The names of people hearing appeals are included in the policy.

A party who has concerns that one or more of the individuals performing one of the previously mentioned roles has conflicting interest or is biased must report those concerns to the Title IX Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether or not the identified individual(s) can fulfill their duties in an impartial way. If the Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

In order to address issues of potential conflicts of interests, the College utilizes external, third-party entities as investigators and Hearing Officers. Depending on the specific allegations, the College may also use an external third-party entity as a facilitator for Informal Resolution or to replace an appeal officer otherwise identified within this policy.

Responsibility to Review Reports and Formal Complaints

In order to protect the safety of the campus community, the Title IX Coordinator may review reports of violations of this policy even absent the filing of a formal complaint or even if a formal complaint has been withdrawn. The Title IX Coordinator may need to themselves file a complaint and proceed with an investigation even if a complainant specifically requests that the matter not be pursued. For additional information about the factors the Title IX Coordinator will consider when determining whether or not to file a complaint, refer to Section IV.

This policy differs from Maryland and New Mexico criminal law. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

Presumption of Good Faith Reporting

The College presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

Presumption of Non-Responsibility

The respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

Honesty and Cooperation during Grievance Process

It is expected that all members of the community to be honest and cooperative in their official dealings with the College under this policy. While the College will not compel the participation of any individual, it is expected that members of the community will respond to outreach in a timely fashion.

Advisors and Support Persons

Throughout the grievance process, each party may have an adviser of their choice and/or a support person of their choice, provided that person(s) agrees to serve in this capacity; parties may change their adviser or support person at any time during the informal resolution or grievance process. An adviser is

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.

Inadmissible Evidence/Information

The parties sexual interests or prior sexual behavior are not relevant and should not be raised during an Informal Resolution and will not be accepted as evidence during grievance process, unless offered to prove the source of the injury, prove prior sexual misconduct, support a claim that a student has an

conduct at issue. Any questions posed during a hearing are expected to adhere to these same standards.

Any records that are otherwise protected by federal or state law or evidence provided to a confidential employee, including records that are maintained by a physician, psve(f)m((r)7 (ec))-8 pro(r)(c)-8 (o)4 (nd)5 (uc)-6 (t)-5or

finding of responsibility against the Respondent. Once a complaint has been resolved through an informal resolution process, the matter will be closed.

In all cases, the Title IX Coordinator will have the discretion to determine whether an informal resolution is appropriate to the circumstances. An informal resolution may include mediation for some limited types of Prohibited Conduct. Informal resolution is not permitted for any allegations of Sexual Assault.

The College will generally allow only one informal resolution per Respondent. Informal resolutions are not permitted between students or between a student and an employee or a Respondent.

Notice of Request for Informal Resolution

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In certain instances, the Title IX Coordinator may compile the responses of both parties into one document.

The informal agreement is reached when both parties independently and voluntarily come to an agreement on terms. The above process may be repeated as reasonably necessary to come to a final agreement. Upon agreement and signature (in hard copy or electronically) by both the Complainant and Respondent, the complaint is considered resolved and closed.

Violations of the Informal Resolution

The Complainant and Respondent must identify and agree upon the consequences for violating the terms of the informal resolution. The Title IX Coordinator will ensure the proposed consequences are permissible under College policy and otherwise aligned with the sanctions for similar infractions, as appropriate. Agreeing to consequences is a requirement of the Informal Resolution process; if the consequences for violating the informal resolution are not determined, the Informal Resolution process will end and the matter will continue in the grievance process.

No Right of Appeal

The informal resolution is grounded in the voluntary participation of the Complainant and Respondent. For this reason, there is no right of appeal associated with the informal resolution process.

Time Frame for the Informal Resolution Process

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 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. A general timeframe could be as follows:

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 Grievance Process.

If the Title IX Coordinator has determined, following an initial assessment

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 College will strive to complete all investigations within sixty (60) business days; should an extension be required the parties will be notified. This does not include the time afforded to the parties to review and respond to investigative documents and/or the time afforded to the parties to engage in an informal resolution process.

Collection of Evidence

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. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The burden is on the investigator not the parties to conduct an investigation that gathers sufficient evidence to determine whether a violation of College policy(ies) occurred. Although formal rules of evidence will not apply, the investigator will not consider character evidence or other inadmissible evidence as defined within this policy.

During the investigation, the parties will have an equal opportunity to share information, submit evidence, and request that witnesses be interviewed. The parties will *not* be interviewed together or be required to meet. Parties and witnesses are expected to provide all available relevant evidence to the investigator during the investigation. If a party or witness fails to provide available relevant evidence during the investigation, such evidence may, at the discretion of Hearing Officer, be excluded from consideration at the hearing.

The investigator may decline to gather information if:

- 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.

witnesses, site visits (if any), methods used to gather other information, and the hearing). The Hearing Officer may rely on the information included in the final investigation report as documentation of the procedural steps taken from the receipt of the formal complaint through the start of the Hearing;

Findings of fact supporting the determination;

Conclusions regarding the application of this policy to the facts;

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

working environment will be implemented; and

Relevant appeal information for the parties.

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

The College will not discipline a party, witness, or others participating in these grievance procedures for making a false statement based solely on the determination of whether a policy violation occurred or for engaging in consensual sexual conduct.

Sanctions

If the Hearing Officer determines that a violation has occurred, they will 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 prohibited conduct 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).

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, academic adjustments, adjustments or limitations to work environments, or restrictions on campus-access based upon the facts developed during the investigation and the conclusions reached in the case. Transfer of campuses may not be imposed as a sanction in any circumstances.

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 residence halls (if the person is a student residing on campus); suspension or expulsion from the College, with or without the refund of fees, in the

person responsible for violating the Policy, the college will move forward and implement the sanction(s) even though the student is not enrolled at the time the sanction(s) are implemented (subject to before the sanctions are implemented).

Should an employee Respondent decide to resign or otherwise leave the College and not participate in an investigation, the College may opt to proceed with the investigation without the employee. Alternatively, the College may dismiss the complaint and bar the former employee from campus.

Any reinstatement following a period of suspension for any violation is conditional. Students who wish Harassment must demonstrate that they are prepared to return to the College and meet behavioral expectations. *Reinstatement is not automatic.*

for re-entry.

Check In: Depending on the circumstances, the Title IX/Sexual Misconduct Coordinator and/or transition and compliance.

If at the time of reinstatement the Complainant is still an enrolled student, the Title IX/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 Title IX/Sexual Misconduct Coordinator will be available to meet with the Complainant prior to the

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) ability to implement certain support measures.

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).

Within the state of Maryland, student parties in Title IX Sex-based 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

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 provided with information about campus support organizations and referral services available to them. A trained advocate or support person will be available as a support person at any hearing, meeting, or interview.

The assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate is a benefit offered to Complainants and Respondents by the State of Maryland. Should a Complainant or Respondent be unable to retain the services of such a person, the College will not provide a similar resource.

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 mhec.maryland.gov.