



# ST JOHN'S College

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SANTA FE ♦ ANNAPOLIS

## **Annual Security Report**

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**Calendar Year 2022**

**St. John's College, Santa Fe  
Public Safety Department  
1160 Camino de Cruz Blanca  
Santa Fe, NM 87505  
505-984-6000**



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## A Message from the Director of Public Safety

The foundational elements of public safety are often linked to philosophical tenets inherent in law enforcement's concept of "community policing," and in the federal government's "whole community" approach to preparedness. Both strategies argue that the degree of success in any public safety system is correlated to the efforts of individuals in concert with support from their broader community. At St. John's College, our public safety objective is to embrace the notion we all share equally in ensuring a safe and secure community; this includes shepherding and protecting the health of the adjacent wildland environment. Perhaps one way to view this approach is through the concept of *sousveillance*—the inverse of surveillance, where people within the community make the observations rather than an authority doing the watching. The College has and will continue to invest significant resources to ensure that a robust system of safety and security is in place and enforced. However, like a multistrand cable, our strength lies in our continuity as a community. The Student Handbook reminds us that "our ability to govern ourselves rests on the observance of two principles, those of responsibility and honesty." Let's all do our part and serve as stewards for the wellbeing of one another, and the beautiful environment in which we live.

On behalf of a dedicated team of staff, faculty, and administrators,



**Mike Macey**

Director of Public Safety  
St. John's College  
1160 Camino de Cruz Blanca  
Santa Fe, NM 87505  
505-984-6000

## About the Annual Security Report

This document is a regulatory requirement designed to give an honest and transparent retrospective review of security related issues at St. John's College (SJC), a postsecondary institution. The legislative history is detailed in the Clery Act Appendix (Federal Student Aid Handbook); it states:

In 1990, Congress passed the Crime Awareness and Campus Security Act (CACSA) amendments to the Higher Education Act of 1965 (HEA). Amendments to CACSA in 1998 renamed the law to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in memory of a student who was murdered in her dorm room. In 2013, Congress passed the Violence Against Women Reauthorization Act (VAWA). The Clery Act requires that all postsecondary institutions participating in title IV student financial assistance programs disclose campus crime statistics and other security information to students and the public. The VAWA amendments added requirements that institutions disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault, and stalking among other changes.<sup>i</sup>

The Director of Public Safety at St. John's College is responsible for preparing and distributing the Annual Security Report (Report). The Director collaborates with staff, faculty, and outside agencies to obtain, review, and report campus crime statistics and other security related information.

### Clery Act Requirements

The Clery Act includes a three-part reporting criterion - Part I: Clery Crimes and Reporting; Part II: Clery Geography; and Part III: Reporting, Procedures, Policy, and Notification Requirements.

Part I of the Report addresses the condition wherein "under the Clery Act, a school must report statistics for the three most recently completed calendar years."<sup>ii</sup> Part II of the Report includes reporting requirements for crimes that occurred either "(1) on campus, (2) noncampus building or property, or (3) public property" (i.e., all public property within the same reasonable contiguous geographic area of the institution).<sup>iii</sup> Part III of the Report outlines the required content, notifications, procedures, and policy requirements of the Report.

St. John's College campus maintains on-campus student housing facilities; therefore, the Report includes a Fire Safety Report that provides "statistics on the number of fires and causes of each fire, as well as fire-related injuries, deaths, and/or fire-related property damage for each on-campus student housing facility."<sup>iv</sup>

The Report contains summaries of St. John's College's safety and security policies, and the college's prevention and awareness programs related to sexual misconduct, harassment, and the use of alcohol and drugs. The *St. John's College Title IX Sexual Harassment Policy* and the *St. John's Sexual Misconduct Policy* are listed in their entirety in Appendix A and Appendix B respectively. This Report resides on the SJC website and is available to all members of the community and to prospective students. Hard copies are available from the St. John's College Public Safety Department.

## **Clery Act Part I: Clery Crimes and Reporting**

The Report must disclose crime statistics “for the three most recently completed calendar years [including certain crimes] that occurred on or within its Clery Geography and that are reported to local police agencies or to another official (as determined by the institution) campus security authority.”<sup>v</sup> In counting crimes when more than one offense was committed during a single incident, the college applies the hierarchy rule, counting the most serious offense, except with certain exceptions involving arson and murder, where multiple offenses are counted.

### **Campus Security Authorities (CSA)**

Campus officials with “significant responsibility for student and campus activities” are considered Campus Security Authorities (34 CFR 668.46(a)). Listed below are the individuals who are designated CSA’s at St. John’s College for the purposes of the Clery Act:

- Christine Guevara, Vice President for Student Engagement  
505-984-6128, [Christine.Guevara@sjc.edu](mailto:Christine.Guevara@sjc.edu)
- Mike Macey, Director of Public Safety  
505-984-6125, [Michael.Macey@sjc.edu](mailto:Michael.Macey@sjc.edu)
- Ruben Romero, Assistant Director of Public Safety  
505-984-6025, [Ruben.Romero@sjc.edu](mailto:Ruben.Romero@sjc.edu)
- Senior Residents  
505-984-6000
- Resident Advisors  
505-795-0031
- Public Safety Officers  
505-984-6000

### **Professional Counselors**

Campus professional counselors, when acting as such, are not considered to be campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, when they deem it appropriate, to inform persons in counseling of the procedures to report crimes on a voluntarily basis for inclusion in the annual crime statistics. A professional counselor is an employee of the college, or someone under contract, whose official responsibilities include providing psychological counseling to members of the college community and who is functioning within the scope of his or her license or certification.

### **St. John’s College Crime Statistics—Clery Crime by Definitions by Source**

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 collected and published. Statistics come from the college and the Santa Fe Police Department. Table 1 is a list of the Clery Crimes that must be reported in the Annual Security Report.



**Table 1: Clery Crimes by Definition by Source**

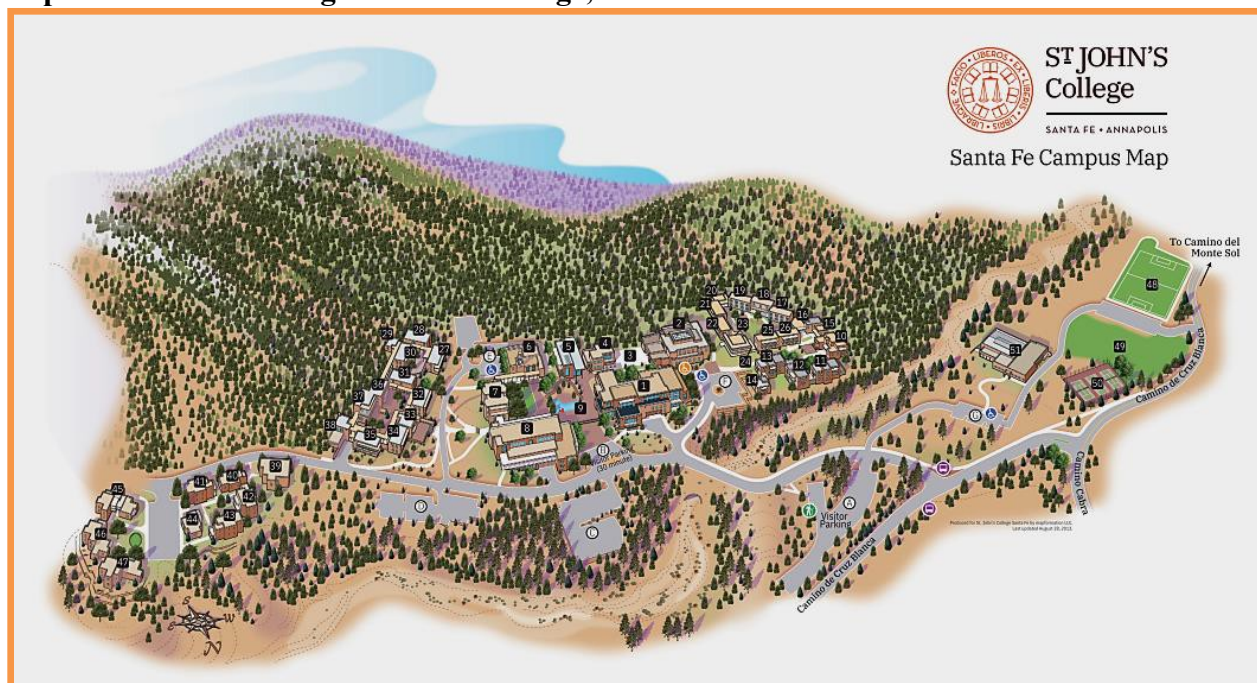
Statistics	On Campus			Public Property			Residence Halls (Subset of On-Campus)		
	Year			Year			Year		
Definitions	2022	2021	2020	2022	2021	2020	2022	2021	2020
Criminal Homicide									
(1) Murder and non-negligent manslaughter	0	0	0	0	0	0	0	0	0
(2) Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses									
(1) Rape	3	2	0	0	0	0	3	2	0
(2) Fondling	1	3	0	0	0	0	1	3	0
(3) Incest	0	0	0	0	0	0	0	0	0
(4) Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	1	0	1	2	3	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
All Hate Crimes	0	0	0	0	0	0	0	0	0
<b>Violence Against Women Act of 1994 (VAWA)</b>									
	2022	2021	2020	2022	2021	2020	2022	2021	2020
Dating Violence	0	2	1	0	0	0	0	2	1
Domestic Violence	0	0	0	0	0	2	0	0	0
Stalking	2	1	3	0	0	0	2	1	2
<b>Arrest</b>									
	2022	2021	2020	2022	2021	2020	2022	2021	2020
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	1	0	0	0	0	0	1
<b>Campus Disciplinary Referrals</b>									
	2022	2021	2020	2022	2021	2020	2022	2021	2020
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	5	1	2	0	0	0	4	1	2
Liquor Law Violations	12	0	3	0	0	0	7	0	3

Note. These statistics reflect the 2020 campus shut down as a result of a Governor Order due to the COVID-19 virus. From March 2020 to August 2021 (Fall Semester), campus population was reduced to only essential workers and small number of international students. The numbers fluctuated throughout the year but remained less than 30 on campus. Clery Act crime definitions are provided in Appendix C.

## Clery Act Part II: Clery Geography

The grounds of St. John’s College span roughly 250 acres with campus buildings and facilities sitting atop much of that acreage. Clery Geography states that the College is required to record crimes by location, specifically, “(1) on campus, (2) noncampus buildings or property, or (3) public property.” The drawing below provides an approximation of the geographic layout of the campus. It is a representative drawing; however, its inclusion in the report offers a geospatial context to the buildings, facilities, parking lots, and real estate that make up the “Clery Geography” footprint of St. John’s College.

### Representative Drawing St. John’s College, Santa Fe



### Geography Location Definitions

**Campus** is defined in 34 CFR 668.46(a) as:

- (i) 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
- (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) 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 other retail vendor).<sup>vii</sup>

**Noncampus building or property** is defined in 34 CFR 668.46 (a) as:

- (i) any building or property owned or controlled by a student organization officially recognized by the institution; or
- (ii) 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.<sup>viii</sup>

Note: No such buildings are owned by St. John’s College, Santa Fe.

**Public Property** is defined in statute as:

All public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes. The regulatory definition of “public property” in 34 CFR 668.46.(a) includes “all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.”<sup>ix</sup>

Note: For this Report, crimes within 0.5 miles of St. John’s College (1160 Camino de Cruz Blanca, Santa Fe, NM) were considered occurring on public property and are recorded in Table 1: *Clery Crimes by Definition by Source*. The crime statistics for public property were supplied through a request made to the local public safety agencies via the Santa Fe Regional Emergency Communications Center.



### **Clery Act Part III: Reporting, Procedures, Policy, and Notification Requirements**

St. John’s College maintains on-campus student housing facilities; therefore, in addition to an Annual Security Report, SJC must also submit an annual Fire Safety Report. The annual Fire Safety Report is incorporated into the Annual Security Report. Listed below are persons to whom students and employees could report Clery Act crimes for the purpose of timely reports and statistical disclosures.

## **Responsible Persons for Reports and Disclosures 34 CFR 668.46(b)**

Christine Guevara, Vice President for Student Engagement  
505-984-6128, [Christine.Guevara@sjc.edu](mailto:Christine.Guevara@sjc.edu)

Aaron Young, Director of Human Resources  
505-984-6140, [Aaron.Young@sjc.edu](mailto:Aaron.Young@sjc.edu)

Mike Macey, Director of Public Safety  
505-984-6125, [Michael.Macey@sjc.edu](mailto:Michael.Macey@sjc.edu)

The remainder of this section (i.e., Clery Act Part III) provides information that is generally or specifically required content of the Clery reporting requirements. For the purpose of delineating policy from programs, Appendix A is *St. John's College Title IX Sexual Harassment Policy*, and Appendix B is *St. John's College Sexual Misconduct Policy*. Often information in an Appendix is auxiliary; however, for the purpose of this Report the information in the Appendices is inclusive and should be viewed as content required or consistent with the intent of the Clery Act.

### **St. John's College - Public Safety Department**

The Public Safety Department is dedicated to providing quality public safety services to the college community in support of the college's academic mission. Every encounter between a St. John's community member and a public safety officer is an educational opportunity. The department is committed to building collaborative partnerships for the betterment of the entire community.

Administrative hours for the Public Safety Department are Monday through Friday, from 9 a.m. to 5 p.m. Operationally, the Department has personnel continually conducting on campus patrols and operations (i.e., 24-hours a day, 7 days a week, 365 days of the year). Campus public safety officers are employees of the college; the public safety officers are unarmed, and their primary responsibility is to *observe, mitigate, and report*.

#### **Contacting Public Safety**

Phone: 505-984-6000, or from a Campus phone dial 0, or email at [PublicSafety@sjc.edu](mailto:PublicSafety@sjc.edu). Emergencies should be reported to public safety by dialing 0 (i.e., from a phone within the campus system) or 505-984-6000. Dial 911 for outside emergency response. It is important to remember that if a situation is life threatening where early reporting is critical, such as a fire, physical threat, or serious medical emergency, community members should immediately dial 911 and report the situation personally. In these situations, please alert the Public Safety Department as soon as possible after calling 911. Persons who dial 911 on a campus phone will be directly connected to the Santa Fe Regional Emergency Communications Center.

### **Public Safety Department Policies and Procedures**

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

As reported in the crime statistics (Table 1), crimes and policy violations have occurred at St.

John’s College. SJC public safety personnel respond to situations on campus and coordinate efforts with local public safety agencies (e.g., Santa Fe Police Department). Public safety personnel collaborate with local public safety agencies to ensure adequate resources and operational expertise are available to match response, mitigation, and recovery efforts with the scope and dynamics of an incident.

All members of the campus community are strongly encouraged to promptly and accurately report any suspicious behavior or activity, crime, acts of violence, or any circumstances that require the attention of public safety. These reports should be made to public safety so they can be assessed, and when necessary, public safety can issue a timely notice to the community about unsafe conditions or activities. A timely warning notice is issued if there is a serious or continuing threat to the campus. Members of St. John’s community should report crimes to any member of the SJC Public Safety Department, the Director of Public Safety, or any available Campus Security Authority (CSA).

### **Senior Resident on Call (Dispatched through SJC switchboard)**

A senior resident from the Student Life Department is on call each day (i.e., after hours), and will be informed of all serious on-campus situations involving students. Senior residents may respond to emergency situations independently or accompanied by public safety personnel.



### **Santa Fe Fire Department, Brian Moya, Fire Chief**

For emergency dispatch, dial 911, and for non-emergency dispatch, dial 505-428-3730. The City of Santa Fe Fire Department’s website reports the following: “there is a career staff of 195 personnel. . . [and] six (6) staffed fire stations located throughout the city.”

### **Santa Fe Police Department (SFPD), Paul Joye, Chief of Police**

For emergency dispatch, dial 911, and for non-emergency dispatch, dial 505-428-3710. SFPD

may respond to a call on campus without informing SJC public safety. Also, public safety officers may request additional support from SFPD for any incident, at any time.

### **Campus Public Safety and the Santa Fe Police Department**

The policy of St. John’s College Public Safety Department is 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 and will be referred to Student Life Department as appropriate. When appropriate, the college monitors and reports 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 Santa Fe Police Department for properties within the Clery geography.

### **Campus Contact Information**

Campus Switchboard / Dispatch	505-984-6000, or Extension 0
Campus Public Safety Cell Phone	505-660-8177
Vice President for Student Engagement	505-984-6128
Director of Public Safety	505-984-6125
Assistant Director of Public Safety	505-984-6025
Psychotherapists	505-984-6420
Student Health Office	505-984-6418
Buildings and Grounds (B&G) Emergencies	505-984-6000 or Extension 0

Note: Dialing 911 from campus phones directs you to Santa Fe Regional Emergency Communications Center.

Voluntary, confidential, and anonymous reports of crimes for inclusion in the college’s annual disclosure of crime statistics may be made to the Public Safety Department. 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. Anonymous reports may be made by contacting any Public Safety Officer, the Director of Public Safety, or the Title IX Coordinator.

### **Monitoring and Recording On-Campus and Off-Campus Crimes**

St. John’s College Public Safety Department is primarily concerned with the safety of our campus community, and is on patrol 24/7 to support our mission. The Public Safety Department’s role in off-campus investigations is limited, but information may be shared between law enforcement agencies for the purpose of mutual cooperation. The St. John’s College Student Handbook and policies follow local, state, and federal laws; however, the college may take disciplinary action, independent of civil authorities, for activities that take place off-campus when the interests of the college are adversely affected. St. John’s College Public Safety personnel will contact the Santa Fe Police Department in all cases that may warrant an arrest.

## **Daily Crime and Fire Logs**

St. John's College Public Safety Department maintains a daily crime and fire log in electronic form, which is available through the Public Safety Department. A physical copy of the fire and crime log can be obtained at the switchboard between the hours of 9 a.m. and 5 p.m.

## **Promoting a Safe Campus—A Community Effort**



## **Crime Prevention, Education, and Awareness**

The crime prevention strategies on the campus are rooted in the idea that good communication and collaboration among members of the community is key to preventing crime. All members of the St. John's College community are encouraged to report incidents to public safety, particularly before they escalate. The college is always evaluating its public safety measures and working to assure they are effective. The Director and Assistant Director of Public Safety assess current best practices in safety and security measures. These practices are passed on to the Public Safety Officers in the form of training and updates. In an effort of continual improvement, all students, staff, administrators, faculty, and visitors are encouraged to share their thoughts and ideas regarding issues of campus safety and security.

Students are educated about public safety at freshman orientation. Additional fire and life safety training opportunities are available throughout the academic year.

## **24-Hour Campus Courtesy Phones**

Three call box telephones are installed on campus: (1) entrance to the Student Activity Center, (2) Parking Lot A (“visitor parking”), and (3) entrance to the Chamisa building. These outdoor phones are directly connected to the switchboard. Community members are strongly encouraged to utilize these phones anytime they feel uncomfortable in a situation or require immediate assistance from public safety.

## **Escorts**

Public safety will escort any student from one campus location to another at any time. These escorts may be activated by calling the Switchboard at 505-984-6000 or dialing 0 from any campus phone.

## **Shuttle Service**

As a form of alternate transportation and to enhance student safety and security, SJC offers a shuttle service for students. This service is free of charge. The shuttle service operates within the boundaries of the City of Santa Fe, and although scheduling fluctuates, the shuttle is generally available on Tuesday, Wednesday, Saturday, and Sunday.

## **Building Security**

Access to campus administrative and academic buildings and grounds is available during normal business hours to students, faculty, and staff. Visitors can access the exterior common areas of the campus (albeit prohibited from access to dorm locations), and the Pritzker Student Center during normal business hours. Except for the residence halls, which are always locked, most campus facilities are open when classes are in session, or by special request. When class is not in session, or when the campus is officially closed, all buildings are secured and only faculty, staff, and students with proper authorization are allowed access. The general public may attend cultural and recreational events on campus; however, their access may be limited to the facility in which the event is being held. Public Safety Officers conduct routine public safety patrols of academic and administrative buildings to monitor activity. Authorization for use of the campus grounds for assembly purposes must be obtained in advance from the Vice President for Student Engagement. Residence halls are locked at all times and access is restricted to students and their authorized guests. Senior residents and resident advisors routinely monitor safety and security concerns inside residence halls, and when necessary, seek assistance from the Public Safety Office.

## **Lockouts**

Students are required to always lock dorm rooms. If a student is accidentally locked out of their room, SJC public safety personnel will grant them admittance after checking their official room assignment and photo identification. Students who lose their room keys should report the loss to the Student Housing Coordinator.

## **Building Check and Maintenance of Campus Facilities**

Daily, SJC public safety officers patrol the campus visually inspecting buildings, grounds, and



surrounding public spaces. Additionally, the public safety officers conduct interior walk-throughs of every building on campus, ensuring that doors are secured, fire safety equipment is operational, safety hazards are mitigated, and offering impromptu public safety education. The goal is to ensure maximum safety and security through reliance on built-in systems (e.g., intrusion alarms, fire sprinkler systems, smoke alarms) and reliance on the public safety officers and the community at large to be curious and resolute in doing their part as stewards of the community's collective wellbeing.

## **Weapons and Explosives**

“The possession or use of any weapon or paraphernalia—including, but not limited to, firearms, ammunition, pellet guns, air guns, paintball guns, stun guns, grenades, tasers, smoke devices, bows/arrows (with the exception of archery club during designated and supervised practice sessions on the SAC field), swords, knives (except authorized tools and kitchen utensils), explosives, and fireworks—is prohibited on the college campus because of the potential for personal injury or death, theft, unauthorized use of such items, and the disruptive effect on the campus community. In addition, verbal or written threats by a student indicating they have a prohibited weapon or explosive will be considered and responded to as an actual threat, whether or not evidence of such weapon or explosive exists.”<sup>x</sup>

## **Personal Safety**

- Report criminal activities or emergency situations: For police, fire, or medical emergencies, you can contact public safety (ext. 0 or 505-984-6000), or call 911. If an event is a true emergency (time critical) and 911 is called first, the caller is encouraged to follow up the 911 call with a call to the switchboard. The switchboard operator will dispatch public safety personnel who are on site and are likely to reach the event prior to other responding units (e.g., police department). The campus community is encouraged to report all crimes and safety-related incidents to public safety as quickly as possible.
- Stay alert: Use common sense and consider how your daily routines may need to be altered based on the situation or environment you are in. Do your part to maximize personal safety and minimize risk of victimization from crime.
- If you become aware of a crime, observe a suspicious person or situation, or are a victim yourself, promptly report it to the Public Safety Department. 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 Santa Fe Police Department, college therapists, or area victim support services.
- Avoid walking alone at night. Plan to walk in a group. If you must travel alone at night, stay on well-lit paths and sidewalks. You are also encouraged to call public safety and request an escort.
- Personal Whistle Safety Program: The public safety office has personal safety whistles available. These whistles can signal a need for help, discourage a potential assailant, and alert those nearby to call the police or a public safety officer.

- Keep your room door locked at all times. Locking doors deters thefts and crimes of opportunity.
- Do not prop open exterior doors and close any doors you find propped open. Propped doors greatly increase the chances that you or someone else in your dorm may be victimized. Do not open doors to someone you do not know. Furthermore, wild animals may wander into buildings and rooms through propped doors in search of food or shelter. Although a rare occurrence, bears, mountain lions, poisonous snakes, and scorpions have been sighted on and near campus.
- 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 Public Safety Department and the Student Housing Coordinator.
- Report obscene, annoying or harassing phone calls, e-mails, or social media posts/messages immediately. If possible, save the offending messages or posts.
- Report all public safety-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 Buildings and Grounds office. You can contact the college switchboard to request a work order. Students can also notify their RAs or the Student Housing Coordinator.
- Identify your valuables using operation ID. Students may use an engraver, available through public safety, to mark and identify valuable personal articles as a precaution against theft.
- Park your car in a well-lit area and keep it locked. Keep all valuables out of sight and consider locking them in the trunk of the car.
- Register your bicycle with the Public Safety Department. 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 investing in a quality bicycle lock. Furthermore, public safety encourages using a two-lock method for securing your bicycle.
- Be aware of crimes at or around St. John's College. Additional information regarding campus crime or public safety awareness is distributed by the Public Safety Department based on events occurring on or around the campus community.

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

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

Programs at St. John's College offer educational opportunities on subjects of harassment, domestic violence, dating violence, sexual assault, coercion, and stalking. The programs are culturally relevant, inclusive and cover topics such as: definitions of sexual misconduct (including sexual assault, domestic violence, dating violence, coercion, and stalking), harassment, a definition of sexual consent, a description of safe and positive options for

bystander intervention, information on risk reduction, and information about St. John's policies and procedures. Information is provided on SJC support services and additional area-wide resources are identified.

Primary prevention and awareness trainings are designed to prevent sexual misconduct before it occurs and to foster students' efforts to have healthy, respectful, and positive relationships. Student training is provided to explore bystander intervention strategies and encourages students to reflect on their own behaviors and willingness to intervene when necessary and appropriate. Such training also fosters reflection on the nature of consent. These trainings are conducted in person at freshman orientation and through a range of written materials. Risk reduction training is provided during freshman orientation and available via numerous peer-to-peer outreach activities.

The college's policies and procedures are distributed and available to all students. Resident assistants have been trained in bystander intervention and act as peer educators for other students.

College staff and faculty members with specific responsibilities in respect to the Sexual Misconduct Policy receive additional training through in-person education, online courses, and attendance of workshops and conferences.

### **Sexual Misconduct Policy and Procedures**

Title IX of the Higher Education Act is a federal civil rights law that prohibits all forms of sex discrimination, including sexual assault/offenses and harassment, in federally funded education programs. Title IX was enacted to ensure "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."<sup>xi</sup> In accordance with Title IX, St. John's College policies and practices forbid sex discrimination of any kind, including sexual harassment and sexual assaults or offenses.

St. John's College Title IX Sexual Harassment Policy is in Appendix A. St. John's College Sexual Misconduct Policy is in Appendix B.

### **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 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 to permit disclosure of this information.

Convicted sex offenders are required to register at the college's Public Safety Department prior

to registering for any course or program at St. John's College. Disclosure of information provided to the Public Safety Department will be provided to the Assistant Dean and the Vice President for Student Engagement. Additional campus notifications will be initiated as deemed necessary. Failure to register with the college's Public Safety Department will result in disciplinary action including expulsion.

As the local police authority, SFPD is the contact agency for questions relating to our local sex offender registry. Community members may also access the [New Mexico Department of Public Safety Sex Offender Registry](#) for more information.

### **Program Participation Agreement**

According to our sexual misconduct policy, both the reporting and responding parties shall be notified in writing of the outcome of the sexual misconduct investigation, including any sanction imposed on the responding party as a result of a violation of this policy.

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

St. John's College has regulations pertaining to the possession, use, and distribution of intoxicating beverages and illegal drugs; these policies are fully outlined in the Student Handbook. Each student is required to carefully review these policies as well as the disciplinary penalties for violating them. The latest version of the [St. John's College Student Handbook](#) can be found on the sjc.edu website.

### **Alcohol Policy**

The responsible use of alcohol at St. John's College must be of concern to all segments of the college community. The college recognizes that alcohol is a drug and can impair judgment, cause depression, become addictive, and otherwise interfere with effective functioning.

The college, therefore, makes every effort to inform students of the risks associated with its use. If a case of alcohol dependency is suspected, the individual concerned is strongly urged to seek professional help. A list of crisis hotlines and 12-step programs, as well as risks associated with alcohol/substance abuse, appear in the [Drug Abuse Prevention Program](#) section located in Appendix of the Santa Fe St. John's College Student Handbook.

Attempts to prevent alcohol-related accidents and encourage the responsible use of alcohol are considered to be an obligation of all members of the college community.

The college is committed to the observance of the New Mexico law on the consumption and distribution of alcohol. As a recipient of federal funds, the college is required to certify that we have adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. Failure to comply could mean the loss of all federal funding for the college. Personal and institutional liabilities are also a continuing concern.

Alcoholic beverages may not be sold or served on campus property, even under the guise of a coupon or donation scheme, by anyone other than a licensed dispenser. Students and their guests are not permitted to bring alcohol into college sponsored events.

It is illegal in New Mexico to have open containers of alcohol in a moving vehicle. Violation of this provision in a college-owned vehicle puts the college at substantial risk and is considered to be a particularly serious violation of the alcohol policy.

Outings sponsored by the Athletics and Outdoor Programs Offices are governed by the relevant provisions delineated in the Student Handbook, even though such outings might not be held on college property. Refusal to cooperate with officers or representatives of the Athletics and Outdoor Programs Offices shall entail disciplinary action to be determined by the Vice President for Student Engagement.

If college officials, including public safety officers, have reason to suspect that any of these provisions is being violated in a dormitory or any other unauthorized place on college property, they shall have the authority to enter dormitories and private dwellings to investigate accordingly and to report their findings to the Director of Public Safety and the Vice President for Student Engagement.

With these concerns in mind the college has adopted policies and procedures related to the responsible use of alcoholic beverages. For example, the Santa Fe St. John's College Student Handbook states the following:

In accordance with the Spring 1990 Faculty Resolution, the college does not permit parties at which alcohol is consumed on Sunday through Thursday, except with the President or Dean's permission, and alcohol can be provided only at events college officials host. . . . The College allows alcohol to be consumed on campus for student events, if appropriate procedures, laws, and policies are followed. Persons of legal age shall be permitted to consume alcoholic beverages at any College function where approval has been obtained by the reserving party. All persons using and/or possessing alcoholic beverages on campus must comply with the procedures for alcohol events, College policies, and state/local laws.

Alcoholic beverages may be consumed responsibly only by those of legal age in campus residences and in the lower portion only of upper and lower common rooms and the adjacent courtyards. In addition, alcoholic beverages may be consumed responsibly only by those who are 21 or over at the few events the college itself hosts or co-hosts. Alcoholic beverages may not be consumed in academic buildings, the Peterson Student Center [Pritzker Student Center], the Student Activities Center, Chamisa, or on the playing fields, unless it is done in conjunction with an approved event or other public event the college hosts or co-hosts.

No beer kegs are allowed anywhere on campus unless approved as part of a sanctioned college event. No hard alcohol is permitted without special permission from the Vice President for Student Engagement. Additionally, no alcohol is allowed in the seminars during Senior Prank. Alcohol will be limited to 3 beverages at events. . . . Each event is required to have student hosts on alcohol patrol. Their job is to ensure that no alcohol is brought into the event and to assist the senior residents. Violations are to be reported to public safety. Members of the alcohol patrol are subject to disciplinary action for disregard of their duties.

## **Illegal Drugs**

The college regards a student's enrollment as a commitment not to use illegal drugs. Regarding college policies on student use of illicit drugs, the college must abide by the law while at the same time encourage students to seek help regarding personal problems of abuse or addiction. The college mental health therapists and the college's certified nurse practitioner are available for counseling and/or referral to community agencies and programs for those who wish information, advice, or counseling on problems of substance abuse or addiction. Such consultations would, of course, be confidential. (The confidentiality of informal counseling is not protected by law.)

Credible reports of a violation on campus of federal, state, or local laws concerning illegal substances, made to college officials outside the confidential therapeutic or medical relationship, shall be investigated at once by the college. Such investigation may involve inspecting the student's on-campus residential premises and any personal belongings, baggage, or containers located on the premises, including but not limited to sealed or locked containers and vehicles. Students found violating those laws are subject to immediate dismissal without refund of fees. Any illegal drugs or drug-related paraphernalia discovered during the investigation shall be turned over to local law enforcement officers, with whom the college will cooperate in their investigation.

Our first objective is the safety of our students, and we do not want the fear of disciplinary action to deter students from seeking professional medical help for themselves or on behalf of another student. Seeking help will not be a cause in itself for a student to be disciplined. Even so, disciplinary action will be taken for violations that would be punished regardless of the presence of drugs or alcohol, such as assault or vandalism.

Names and telephone numbers of agencies and treatment programs are listed in the Appendix of the Student Handbook – [Drug Abuse Prevention Program](#).

## **Ethics and 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 and students 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  
ethical violations

theft  
embezzlement  
falsification of contract, reports,  
and/or records  
vandalism and sabotage

violation of the law  
violation of college policy  
improper conduct  
fraud

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: [lighthouse-services.com/SJC](http://lighthouse-services.com/SJC)
- Email: [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**

Persons reporting missing students may make their first contact with the SJC Public Safety Department. Said reports may come from parents, fellow students, tutors, resident assistants, or others. Regardless of the source or the office contacted first, the Public Safety Department will be immediately notified of all missing-student reports.

If the student resides in an on-campus student housing facility and is determined missing for 24

hours, the following steps should be taken immediately:

- If the student has designated a missing person contact, notify that contact person within 24 hours.
- If the student is under 18 years of age and is not emancipated, notify the student's custodial parent or guardian and any other designated contact person within 24 hours.
- Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, public safety will inform the local law enforcement agency that the student is missing within 24 hours of initial report.

Public safety personnel will interview any members of the community who might have information about the missing student's whereabouts. Such interviewees may include, but will not be limited to, resident assistants, faculty and staff members, roommates, friends, and family members. Particular attention will be given to possible locations of the missing student and their most recent mental state and/or personal problems. SJC public safety reserves the right to enter student rooms in search of missing persons. SJC public safety personnel will determine the last campus access card transaction completed by the student in question and request to be alerted to any further transactions that are attempted.

All missing student reports must be relayed promptly to the Director of Public Safety, the Assistant Dean, and the Vice President for Student Engagement. The Director of Public Safety will determine which other college officials need to be notified. The local police authorities will be regularly updated on the progress of the investigation and may become involved at their discretion. If it is determined by the local police or SJC public safety that the entire college community is at risk, SJC public safety will be responsible for communicating that danger to the campus via any medium that the Director of Public Safety shall deem appropriate. After the situation is resolved, the Director of Public Safety should prepare a detailed report to be provided to the municipal authorities, the Assistant Dean, and the Vice President for Student Engagement.

## **Emergency Operations Plan**

In the event of a serious incident that poses an immediate threat to members of the college community, emergency procedures and policies are contained in the Emergency Operations Plan, which is reviewed annually. For mass notifications, the college incorporates the Omnilert campus communications and automation platform for communicating emergency information quickly to the entire campus.

The campus emergency alert system is composed of a siren warning system in conjunction with text, email, and desktop notification. The siren issues a warning to provide notice to the community that an emergency exists. Upon confirmation by public safety of a significant emergency or dangerous situation that threatens the health or safety of the community, an immediate notification may be sent via the Omnilert and/or by mass e-mail distribution. For faculty, staff, and contractors working at SJC, the Omnilert campus emergency alert system is optional. The Policy at the time of writing this Report is that student email addresses are



automatically entered into the Omnilert system. Although not recommended, students can request their email address be removed from the Omnilert database. The college regularly tests its emergency response and evacuation procedures, at least annually, through announced and unannounced testing.

Serious threats warranting Omnilert messaging may include weather, health, or personal safety situations. Based on the nature of the emergency the responsibility for assessing the severity of the threat begins with the Emergency Operations Team. Upon a determination that a significant or continuing threat exists, the Director of Public Safety or the Vice President for Student Engagement should determine the appropriate segment(s) to receive the message.

### **Timely Warnings**

Timely warnings are typically issued for the following Uniform Crime Reporting classifications: major incidents of arson, aggravated assault, and criminal homicide, robbery, and sex offenses. Cases of assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by public safety and the Vice President of Student Engagement. Again, all alerts are sent via Omnilert and/or campus wide email.

### **Lockdown Procedures**

In some emergency situations, evacuating the building/facility is not preferable, and lockdown/shelter-in-place procedures are the best courses of action. A lockdown would typically be called for when some criminal element is threatening the campus, such as an active shooter or hostile intruder. If a lockdown or shelter-in-place command has been ordered, take the following actions:

Stay inside the building you are in, even if you do not normally work or reside in that building. If you are in an outdoor location, proceed to the nearest building or other source of shelter. Close and lock exterior and interior doors to the greatest extent possible to maximize public safety. Also, close windows, blinds and drapes, and stay away from any objects that could fall or otherwise become projectiles. Block the doors if an active shooter situation exists. Terminate any on-going teaching activities (instruction, lab experiments, etc.), and turn-off all lighting, fans, fume hoods, and silence cell phones. Stay out of the line of sight from outside or hallways.

Be prepared to go to more secure locations, as directed by appropriate college personnel, and do not leave the building or secured area until and unless told to do so by authorities.

### **Fire Safety Report**

St. John's College maintains on-campus housing facilities. Therefore, a Fire Safety Report is required; "the report must include statistics on the number of fires and causes of each fire, as well as fire-related injuries, deaths, and/or fire-related property damage for each on-campus student housing facility."<sup>xii</sup>

## Wildland Urban Interface

St. John's College has repeatedly been listed as one of the most beautiful campuses in America, and an important component of the cumulative aesthetics is the campus' proximity to the Santa Fe National Forest. The SJC community represents a stewardship, of and for, its neighbors. In the case of the National Forest, it carries a capacity of both responsibility and risk. St. John's College is in a "very high fire severity zone." In essence, a wildland fire adjacent to the College has the potential to spread quickly, erratically, and with high heat intensity. It is imperative that the SJC community remain vigilant towards, and knowledgeable about, what is occurring in the wildland urban interface. Students, staff, faculty, and visitors are reminded that within their sphere of control are the actions they take and actions they allow others to engage in. A careless act in the wildland environment can quickly be destructive to St. John's College and destroy what nature has built over time. The SJC community has a responsibility to protect its neighboring environment and ecosystem. Additionally, the community must recognize there are individual and collective roles and responsibilities that must occur in the event of an impending wildland fire. Although there are routine and emergency operational plans in place, it is not uncommon at the early stages of fast-moving wildland fire for the speed of unfolding events to outpace official communications. Therefore, members of the SJC community must be prepared to initiate aspects of the plan (e.g., evacuation) in advance of official notification.



## A Philosophy of Fire and Life Safety

Fire and life safety is one of the most important *safety* considerations at St. John's College. It is not just a minor program managed by a single administrative department. Rather, it is a complex system that concerns itself with the design and maintenance of the many structures that make up the college campus, as well as the behaviors of every student, employee, and visitor. Risk

reduction and fire prevention efforts often involve the elements of (1) education, (2) engineering, and (3) enforcement. The philosophy of fire and life safety at St. John’s College adheres to the three Es; education is key to knowledge, logic, and prudent decision making; engineering includes the built-in fire and life safety systems (e.g., residential fire sprinkler systems, smoke alarms, fire resistive construction, panic hardware, emergency lighting; door locks); and enforcement involves maintaining code compliance (e.g., International Fire Code), and mitigating illegal activity or behavior (e.g., removal of a smoke alarm for a dormitory).

Note: Students who choose to tamper with fire safety equipment in any building, including their residential room, will immediately be subject to a \$300 fine and will proceed through the community standards process, even for a first offense.<sup>xiii</sup>

## **Campus Fire Fatalities**

Historically, the majority of civilian fire deaths in the United States occur in the home. In 2020, home structure fires accounted for “74 percent”<sup>xiv</sup> of the total civilian fire death as reported by occupancy type. Dormitories represent a home-away-from home, and to highlight the concern consider the findings from the U.S. Fire Administration’s report on Campus Fire Fatalities in Residential Buildings (2000-2015):

During the last 16 academic years from 2000 through 2015, there have been 85 fatal fires in dormitories, fraternities, sororities and off-campus housing, resulting in 118 fatalities — an average of approximately seven per school year. An astonishing 94 percent of fatal campus fires examined took place in off-campus housing. Smoke alarms were either missing or had been tampered with (disconnected or battery removed) in 58 percent of fatal campus fires. Fire sprinklers were not present in any of the 85 fatal campus fires. A disproportionate number of fatal campus fires occurred on the weekend — 70 percent on Friday, Saturday, and Sunday. Males were more likely than females to die in campus fires, accounting for 67 percent of all victims. Alcohol was a factor in 76 percent of all fatal campus fires — fires where at least one of the students was drinking and, according to reports, legally drunk, which is at or above 0.08 percent blood alcohol concentration (BAC). Smoking (29 percent) was the leading cause of fatal fires in campus housing, followed by intentional actions (16 percent), electrical (11 percent) and cooking (9 percent), with 18 percent of the fires classified as cause undetermined. The adage “nothing good happens after midnight” rings true for fatal campus fires, with 73 percent occurring between midnight and 6 a.m. (p. 1)

## **Smoking Policy**

St. John’s College recognizes its leadership role in promoting a healthy and safe environment for all members of the community; this includes acknowledging the ingredients and chemicals commonly found in tobacco products can pose a significant health hazard to the community. In addition, cigarettes are routinely recognized as the initial ignition source for many fires. As noted, smoking was the leading cause of fatal fires in campus housing (2000-2015).

Additionally, SJC abuts a national forest, an environment in which history has demonstrated the potential destructive nature of a wildfire caused by a single lit cigarette left unmanaged. All

college faculty, staff, students, agents, contractors, and all visitors are required to adhere to the conditions outlined in St. John’s College Smoke, Tobacco, and Nicotine- Free Areas Campus Policy.

Smoking is defined as the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind, including electronic smoking devices (e.g., e-cigarette, e-cigar, e-pipe, e-hookah, vape pen).

The smoking or use of any tobacco and nicotine product (including but not limited to the use of e-cigarettes, juuls or other vaping devices) is limited to three areas on Campus. The designated smoking areas are in the faculty/staff parking lot (parking lot C), the student parking lot (parking lot D), and the staff parking lot (parking lot F). Listed below are the penalties for non-compliance with the Policy.

**SJC Smoke, Tobacco, and Nicotine-Free Areas Campus Policy (fine schedule)<sup>xv</sup>**

Type of Offense	Response
First offense	\$100 fine
Second offense	\$200 fine & meeting with student life
Third offense	\$300 fine & community standards process
In/On building (even for a first offense)	\$300 fine and community standards process

**Fire and Life Safety Systems**

A priority for St. John’s College is the continual enhancement to fire and life safety systems throughout the campus including the dormitories. What follows is an explanation of items that represent components of various fire protection systems. The list is not all inclusive.

**Smoke/Heat Detectors**

These devices must be free to monitor the condition of ambient air without obstruction. They should never be tampered with in a fashion that impairs their monitoring capabilities.

**Sprinkler Systems/Heads**

Automatic fire sprinklers and their associated piping should not be obstructed in any fashion. Additionally, do not hang items from a fire sprinkler head or associated piping. Hanging an item from a sprinkler head could cause the fusible link to break and result in the release of water from the sprinkler head.

**Fire Extinguishers**

There are roughly 130 portable fire extinguishers located throughout the campus. It is important to take note of their location and to understand how and when to use a fire extinguisher.

**Audible/Visual Fire Alarms**

As the name implies, fire alarm systems can incorporate both an audible and visual means of notifying building occupants. The alarms signal the need to evacuate the building.

## **Fire Alarm Pull Stations**

Use the pull station if you see fire or smoke in a building, and the fire alarm system has not already activated.

## **Exit Signage**

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

## **Fire Doors**

Fire doors are designed to limit the spread of fire; therefore, do not prop open or obstruct a fire door, thereby impairing its ability to close during a fire.

## **Combustible/Other Storage Practices**

The best approach is to simply maintain one's working and living spaces in an orderly fashion and minimizing combustible storage.

## **Standards for Electrical Items Permitted**

"All electrical items must be Underwriters Laboratory (UL) listed and in good operating condition; Appliances may not have open flames or exposed heating elements and must be rated for 1,500 watts (maximum power draw) and/or approved for a 15-amp circuit; the only cooking related items permitted in campus housing are coffee pots, electric kettles, microwaves, and popcorn poppers. All of these items must have an automatic shut-off feature in use." <sup>xvi</sup>

## **Use of Electrical Items**

"Students should distribute appliances within a room or apartment to reduce the load on individual outlets; mini-fridges, microwaves, hair dryers, and other such appliances should be plugged into the outlet directly rather than a power strip; irons must have a 10-minute automatic shut-off mechanism; items such as irons, microwaves, and ovens must always be monitored while in use the same standards apply to the student apartments and suites, except that they may have additional cooking items in their kitchens that meet the standards above. Personal items permitted in the apartments and suites are blenders, toasters, hot pots, pressure cookers, rice cookers, and electric grills." <sup>xvii</sup>

## **Refrigerators and Microwaves**

"Students may have a personal mini-fridge (no more than four cubic-foot capacity) and/or a personal microwave in their residence hall, suite, or apartment if desired. The student is responsible for any damage the items cause and is expected to keep these items sanitary and well-maintained at all times. If the items cause damage to college property or become a health concern, the college reserves the right to remove them." <sup>xviii</sup>

## **Prohibited Items**

“Any item that was not mentioned above as approved is prohibited. Examples include: electric blankets; air conditioning units; sun and heat lamps; personal heaters; torchiere-style halogen lamps or other lamps at risk of causing fire; crock pots; hot plates; personal home-brewing kits; kegerators; toasters; grills, etc.”<sup>xix</sup>

## **Restricted Hazardous Articles**

The following hazardous articles are restricted from use/storage in all living and working spaces on campus: candles, incense, hookahs, propane, camping stove fuel, strong cleaning solvents, and paint thinner. Additionally, fireworks are prohibited as well as building a fire on campus property (exception: approved on-campus fireplaces). In short, “Students may not possess or use materials or articles that can create hazardous conditions on campus, [and] a hazardous condition is one that poses a threat to building facilities and/or the occupants.”<sup>xx</sup>

## **Responses to Fire Alarms (In General)**

A fire alarm system can be activated for a number of reasons. One often hears the term “false alarm” when in fact the alarm system operated properly. For example, smoke from burnt toast that activates a smoke alarm is not a false alarm—the smoke alarm activated as designed.

Modern fire alarm systems, such as those at SJC are known as intelligent systems—seldom do they actually produce a “false alarm.” Thus, every alarm should be viewed as a legitimate need for concern and action, and the action required is to evacuate the building. It can take several minutes for public safety personnel to respond and identify the source that initiated the alarm, and if there is no threat the alarm will be silenced and reset. Once reset, public safety personnel will issue an all clear and allow occupants to reenter the building.

It is important to understand the operational events that follow the activation of an alarm. When an alarm is activated, a signal is sent to an alarm company, the alarm company calls the Santa Fe Fire Department and SJC public safety. Both the SFFD and public safety respond to the building and take mitigating action. One of the many reasons maliciously tampering with fire alarm systems is so dangerous is that it places firefighters and the public at risk as fire units respond code three (i.e., displaying lights, siren, expediency) to the campus. The college commits considerable resources toward installing, upgrading, and maintaining fire detection and suppression equipment on campus. Fire and life safety systems are there for your safety; built-in systems (e.g., fire sprinkler systems) are on duty 24/7/365.

## **Role of Resident Advisor (RA)**

RAs must communicate to the students they are advising as to where their respective “Rally Point”<sup>xxi</sup> is so that a common gathering point is identified for accountability purposes.

## **Building Coordinators and Employees**

Similarly, department directors should communicate to the employees they represent as to where their respective rally points are so that a common gathering point is identified for accountability purposes.

It is incumbent upon the employees in charge of the academic or administrative function to evacuate students to the building’s rally point and communicate the location accordingly to those students/employees in their care/supervision in an emergency.

**Open Flame**

Sources of open flame such as lanterns and candles are not permitted in residence hall rooms at any time.

**Procedures for Students and Employees to Follow in Case of a Fire**

Immediately evacuate the building, and as you evacuate the building, activate a pull station if a fire alarm has not already sounded. Once outside, immediately report the fire to campus public safety or by calling 911. If you call 911 first, follow that phone call with a call to campus public safety. Proceed to your predesignated rallying point.

**Student Housing Evacuation Procedures in Case of Fire**

All dormitories evacuate to Pritzker Student Center, unless that building is compromised. The gathering place if Pritzker is compromised will be the Student Activity Center (SAC).<sup>xxii</sup>

**Fire Statistics 2020-2022**

Listed below are fire statistics provided by the Santa Fe Fire Department. Additionally, a “fire log” is available for review through the Public Safety Department.

**Fire Statistics 2020-2022**

<b>Total Unintentional Fires by Cause</b>			
<b>Year</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>
Cooking	0	0	0
Smoking Materials	0	0	0
Open Flames	0	0	0
Electrical	1	0	0
Heating Equipment	0	0	0
Hazardous Products	0	0	0
Machinery/Industrial	0	0	0
Natural	0	0	0
Other	0	0	0
Intentional Fire	0	0	0
Undetermined Fire	0	0	0

## **Responsibility for Fire Safety**

Fire and life safety at St. John's College is the responsibility of every student, faculty, staff, administrator, and visitor—individual fire and life safety responsibilities cannot be abrogated. Safety is a keystone to our campus life, and failure to follow the guidance contained in this document can put lives at risk.

“Our ability to govern ourselves rests on the observance of two principles, those of responsibility and honesty.” – Student Handbook



## **Appendix A: 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](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 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:
  - Danielle Lico, Executive Director Campus Wellness  
[Danielle.Lico@sjc.edu](mailto:Danielle.Lico@sjc.edu)

410-626-2530

- Deputy Title IX Coordinators
  - Sue Gelenter, Director Human Resources  
[Sue.Gelenter@sjc.edu](mailto:Sue.Gelenter@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
  - 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.

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 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 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.

- 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 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.

- B. 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).

**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. 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:
  - The conduct alleged does not meet the definition of Title IX Sexual Harassment;
  - The alleged conduct did not occur in the University’s education program or activity; or,
  - 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.

**E. 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 Complainant(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; and
- A copy of the Formal 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 name(s) of the investigators will be provided as soon as investigators are assigned.

The Complainant will also be provided with a copy of the Notification of Investigation/Charge Letter. The name(s) of the investigators will be provided as soon as investigators are assigned.

**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 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.

**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 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 intermly 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, either through the Managing Coordinator or independently, 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 parties will also be notified of their right to have an advisor of their choice present at any meeting or other proceeding under this Policy.

Parties will have 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, each party will be given 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, except at the request of a party. 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 those who participate in the hearing. 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.

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 (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.

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 Managing Coordinator.

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.

#### **H. 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 a formal document signed by the parties and the Title IX Coordinator that summarizes the incident that led to the complaint, any disciplinary and/or administrative sanctions and remedies agreed

- to, and any other information relevant to the resolution of the complaint.
- The administrative remedies and disciplinary sanctions will have the same force and effect as though they were imposed following a review panel.
  - Transfer of campuses is not permitted as a remedy unless approved by the Title IX Coordinators on both campuses.
  - 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 statements. Closing statements are not permitted.
- 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 ten (10) 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 will 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:
  - The advisor will ask a question of the applicable participant.
  - 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).
  - 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.

- 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.
- 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.
- 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.
- 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).

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. 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 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.

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 Human Resources 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 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 Human Resources 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 under this Policy. If a student Respondent withdraws after a panel 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).

### **Effective Date**

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

## **Appendix B: 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 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 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 185, [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 and offensive conduct, which need not be severe or pervasive, when the conduct is based on the basis of a person's sex (including on the basis of their gender, gender identity and expression, or sexual orientation) that consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when:

- a. submission to the conduct is made either explicitly or implicitly a term or condition of employment or other educational decisions about an individual;
- b. submission to or rejection of the conduct is used as a basis for employment or other educational decisions affecting the individual; or
- c. based on the totality of the circumstances, the conduct unreasonably creates a working or learning environment that a reasonable person would perceive to be abusive or hostile.

- 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:
  - Sue Gelenter, Director Human Resources  
[Sue.Gelenter@sjc.edu](mailto:Sue.Gelenter@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:
  - 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.

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 Human Resources 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 Complainant(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; and
- A copy of the Formal 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 name(s) of the investigators will be provided as soon as investigators are assigned.

The Complainant will also be provided with a copy of the Notification of Investigation/Charge Letter. The name(s) of the investigators will be provided as soon as investigators are assigned.

**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 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.
- The complaint does not involve allegations that an employee sexually harassed a student.

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 intermily 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, except at the request of a party. 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.

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 and the draft Summary of Evidence.

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 Managing Coordinator.

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.

#### **H. 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.
- Transfer of campuses is not permitted as a remedy unless approved by the Sexual Misconduct Coordinators on both campuses.
- Non-hearing resolutions cannot be appealed.

*Referral to a Sexual Misconduct Hearing Panel*

If the Sexual Misconduct 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 statements. Closing statements are not permitted.
- 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 ten (10) 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 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 will 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:
  - The advisor will ask a question of the applicable participant.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.

### **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 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.

#### **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 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).

## **XVI. Effective Date**

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

## Appendix C: Definitions

The Clery Act requires the inclusion of four general categories of crime statistics (1) criminal offense, (2) Hate Crimes, (3) Violence Against Women Act (VAWA) Offenses and (4) Arrests and Referrals for Disciplinary Action. Also, each category requires specific definitions. For example, “Under the Clery Act, for the purpose of counting and disclosing Criminal Offense, Hate Crime, arrest and disciplinary referral statistics you must do so based on definitions provided by the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting (UCR) program.”<sup>xxiii</sup> The definitions below were obtained from: Department of Education: The Handbook for Campus Safety and Security Reporting, 2016 Edition. U.S. Department of Education: Office of Postsecondary Education. The Handbook for Campus Safety and Security Reporting: 2016 Edition

### Crime Definitions

**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.

**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.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft.

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

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

**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 Crime:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

**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.

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

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**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 putting the victim fear.

**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.

## **Sex Offense Definitions**

**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. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**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 who shares a child in common; by a person who is cohabiting 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.

**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.

**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.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

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

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

**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.

**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.

**Weapons: Carrying, Possessing, Etc., Violation:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

## Endnotes

- <sup>i</sup> Clery Act Appendix for FSA Handbook, 2022, p. 1
- <sup>ii</sup> Clery Act Appendix for FSA Handbook, 2022, p. 2
- <sup>iii</sup> Clery Act Appendix for FSA Handbook, 2022, p. 5
- <sup>iv</sup> Clery Act Appendix for FSA Handbook, 2022, p. 7
- <sup>v</sup> Clery Act Appendix for FSA Handbook, 2022, p. 2
- <sup>vi</sup> Clery Act Appendix for FSA Handbook, 2022, p. 6
- <sup>vii</sup> Clery Act Appendix for FSA Handbook, 2022, p. 4
- <sup>viii</sup> Clery Act Appendix for FSA Handbook, 2022, pp. 4-5
- <sup>ix</sup> Clery Act Appendix for FSA Handbook, 2022, p. 5
- <sup>x</sup> Santa Fe St. John's College Student Handbook
- <sup>xi</sup> Title IX U.S. Department of Education, 2022 p. 1 <https://sites.ed.gov/titleix/>
- <sup>xii</sup> Clery Act Appendix for FSA Handbook, 2022, pp. 7
- <sup>xiii</sup> St. John's College Smoke, Tobacco, and Nicotine-Free Areas Campus Policy
- <sup>xiv</sup> Ahrens, M., & Evarts, B., Fire Loss in the United States During 2020, (September 2020), p.7, [Fire Loss in the United States During 2020 \(nfpa.org\)](https://www.nfpa.org/fire-loss-in-the-united-states-during-2020)
- <sup>xv</sup> St. John's College Smoke, Tobacco, and Nicotine-Free Areas Campus Policy
- <sup>xvi</sup> Santa Fe St. John's College Student Handbook
- <sup>xvii</sup> Santa Fe St. John's College Student Handbook
- <sup>xviii</sup> Santa Fe St. John's College Student Handbook
- <sup>xix</sup> Santa Fe St. John's College Student Handbook
- <sup>xx</sup> Santa Fe St. John's College Student Handbook
- <sup>xxi</sup> Emergency Response Plan: St. John's College, 2019, p. 38
- <sup>xxii</sup> Santa Fe St. John's College Student Handbook
- <sup>xxiii</sup> Department of Education: The handbook for Campus Security Reporting, 2016 Edition, p. 3-3.