

# Saint Joseph's College

## Policy Guidebook

### Human Resources

**Section Name:** The Work Environment

**Section Number:** 4.03

**Effective Date:** 2/5/2021

### **SUBJECT: Policy on Discrimination, Harassment and Investigation Process for Complaints**

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#### **Purpose:**

Saint Joseph's College does not condone discrimination or harassment directed toward any person or group within its community – faculty, staff, students, or visitors. Every member of the College must refrain from actions that intimidate, humiliate or demean persons or groups, or that undermine their security or self-esteem.

The College maintains two distinct processes to receive, investigate, and remediate reports of discrimination and harassment. These processes are based on the nature of the harassment, and in accordance with legal responsibilities and federal and state workplace discrimination laws, as well as to current Title IX regulations pursuant to the US Department of Education.

Discrimination consists of making job decisions based on membership in a protected class or when the result of neutral job policies has a disproportionate effect on members of a protected class.

Harassment consists of abusive behavior directed toward an individual or group because of race, color, religion, national or ethnic origin, gender, gender identity and expression, sexual orientation, age, physical and mental disabilities, including learning disabilities, mental retardation, and past/present history of a mental disorder, genetic information, veteran status or any other characteristic protected by law.

#### **Applicable to:**

All Faculty, Staff, and Students

#### **Gender-Based, Sexual Misconduct, Harassment, Discrimination, and Violence:**

In accordance with the College's Gender-Based Harassment, Discrimination, Violence & Sexual Misconduct Policy, managers at every level shall work with the Saint Joseph's College Title IX Coordinator, and Deputy Coordinators at the College, to prevent and remedy prohibited conduct concerns occurring in their areas.

All real or apparent cases of gender-based, sexual misconduct, harassment or discrimination shall be reported to the Saint Joseph's College Title IX Coordinator who will identify the appropriate processes given the nature of the matter. All members of the College community are responsible to maintain a social environment in which people are free to work and learn without fear of gender or sexual discrimination and gender or sexual misconduct.

**Procedure:**

All Faculty and Staff are required to report real or apparent cases of harassment that come to their attention to the Saint Joseph's College Title IX Coordinator who will promptly begin remediating the matter in accordance with procedures outlined in the Gender-Based Harrassment, Discrimination, Violence & Sexual Misconduct Policy, and will involve the Duputy Coordinators as deemed appropriate.

**Non-Gender Based Misconduct and other forms of Discrimination and Harassment (race, ethnicity, disability, veteran status, age, religion, etc):**

Any individual who believes he/she has been the object of non-gender based harassment or discrimination (race, religion, ethnicity, disability, veteran status, etc.) should contact Human Resources directly, who will process the complaint according to the department's specified procedures. An investigation will be conducted expeditiously, assuring maximum practicable confidentiality consistent with the concepts of due process.

**Procedure:**

- a) The complaint shall be stated in writing with sufficient specificity and submitted to the Saint Joseph's College Human Resources department.
- b) The person is notified of the complaint filed against them and will be given an adequate opportunity to respond.
- c) The complaint will be promptly investigated by the Director of Human Resources. The investigation may include interviews with the parties involved and/or with individuals who may have observed the alleged conduct or may have relevant knowledge. The investigation may also involve reviewing written documentation and observing the site where the alleged discrimination or harassment is alleged to have occurred.
- d) The investigation will be handled with sensitivity, and confidentiality will be maintained to the extent practicable and appropriate under the circumstances.
- e) If the complaint is believed to be valid, prompt corrective action including appropriate disciplinary action up to and including discharge will be recommended to the appropriate Administrator for disposition under the procedures applicable to the Accused Party.

- a. Where the accused party is a student, the matter will be referred to the Office of Residential Living, and is subjected to the College's expectations and processes outlined in the Student Code of Conduct.
- b. Where the accused party is a faculty member, the matter will be referred to the VP, Chief Learning Officer and will be resolved pursuant to the policies in the Faculty Handbook.
- c. Where the accused party is a non-faculty staff member, the matter will be referred to the Chief Human Resources Officer and will be resolved pursuant to the policies in the Employee Handbook.
- d. Where the accused party is a Leadership Team member (at the level of AVP or above), the matter will be referred to the President.