

Saint Joseph's College

Policy Guidebook

Human Resources

Section Name: The Work Environment

Section Number: 4.03

Effective Date: 2/5/2021

Last Revised Date: 10/27/2022

SUBJECT: Policy on Gender-Based Misconduct, Violence and Discrimination and Investigation Process for Complaints

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 a process to receive, investigate, and remediate reports of discrimination and harassment. This process is 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

Process:

In accordance with the College's Gender-Based Misconduct, Violence & Discrimination 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 members of the College community are responsible to maintain a social environment in which people are free to work and learn without fear of discrimination, harassment and/or misconduct.

Procedure:

All Faculty and Staff are required to report to the Title IX Coordinator real or apparent cases of discrimination, harassment and/or misconduct that come to their attention. The Title IX Coordinator will promptly begin remediating the matter in accordance with procedures outlined in the Gender-Based Misconduct, Violence & Discrimination Policy, and will involve the Deputy Coordinators as deemed appropriate.

Typically within 5 business days of receiving a request to move forward with a formal complaint, the Title IX Coordinator will initiate the adjudication process by issuing a formal notice of complaint:

- a) The complaint shall be stated in writing with sufficient specificity and submitted to the Saint Joseph's College Title IX Coordinator.
- 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 through the Title IX process. 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 Leadership Team member for Student Affairs, 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 Leadership Team member for Academics, 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 Leadership Team member for Human Resources, 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.

Confidential Resources:

A Confidential Resource is a designated professional who, under Maine law, is prohibited from disclosing without an individual's written permission (including data related to services rendered), information gathered within the scope of the provision of professional services. Except in very limited situations such as when failure to disclose information would result in imminent danger to an individual or others, **a Confidential Resource is legally compelled to protect disclosures of gender-based violence and as such are exempt from reporting such incidents to the Title IX Coordinator or law enforcement.** Conversations with a Confidential Resource do not constitute a report to the College and will not prompt an investigative response. Confidential resources can provide information about reporting options on and off-campus; direct individuals to resources on and off-campus, including accommodations, advocacy, counseling, and medical care; and provide individuals with immediate and long-term support.

On-campus Confidential Resources include:

- Athletic Trainers
- Counseling Center staff
- Health & Wellness Center staff