

Violence on College Premises

St. Mary's College of Maryland has a zero tolerance policy with regard to violence at the work place. Any employee found to exhibit violent behavior will be disciplined including, but not limited to, termination.

Sexual Harassment

St. Mary's College of Maryland prohibits sexual harassment in the College's workplace and educational programs. Sexual harassment is expressly prohibited by anyone, including College employees, students, visitors, volunteers, contractors, or invitees. The College is committed to cultivating and maintaining a workplace and educational environment that reflects respect for the dignity of each member of its community and is free of sexual harassment (see Attachment C policy prohibiting sexual harassment).

Sexual Harassment Policy and Procedures

St. Mary's College of Maryland prohibits sexual harassment in the College's workplace and educational programs. Sexual harassment is expressly prohibited by anyone, including College employees, students, visitors, volunteers, contractors, or invitees. The College is committed to cultivating and maintaining a workplace and educational environment that reflects respect for the dignity of each member of its community and is free of sexual harassment.

Sexual harassment is a form of illegal discrimination and is always a serious issue. Sexual harassment between faculty and students or supervisor and subordinates exploits the unequal power structure inherent in these professional relationships and will not be tolerated by the College. Sexual harassment may occur between people of the same or different sexes.

In order to deter sexual harassment at St. Mary's College and to impose sanctions when it occurs, this policy is in effect. In determining whether alleged conduct constitutes sexual harassment, St. Mary's College will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from all of the facts on a case-by-case basis. In assessing whether a particular act constitutes sexual harassment prohibited under this policy, the standard shall be the perspective of a reasonable person within the St. Mary's College community. The rules of common sense and reason shall prevail.

Sanctions against College employees for sexual harassment may range from reprimand to termination, depending on the severity of the conduct and the circumstances of the particular case. Likewise, sanctions against contractors, students, volunteers, or invitees at the College for sexual harassment may include, but is not limited to, suspension or expulsion from College programs or premises or termination of a contract.

For the purpose of this policy, the College adapts the sexual harassment definition promulgated by the Equal Employment Opportunity Commission (EEOC) to the academic setting. Unwelcome sexual advances, unwelcome requests for sexual favors, and other behavior of a sexual nature constitute sexual harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment by St. Mary's College or an individual's participation in a St. Mary's College program;

Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or,

Such conduct has the purpose or effect of unreasonable interfering with an individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or work environment at St. Mary's College of Maryland.

Sexual harassment is prohibited by both State and federal laws and may constitute violations of the criminal and civil laws of Maryland and the United States. Complaints of sexual harassment may be processed internally through the College's informal or formal procedures. Also, complaints may be processed externally by the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Education (Office of Civil Rights) (DOE-OER), and the Maryland Commission on Human Relations (MCHR).

Retaliation by College employees, students, volunteers, contractors, or invitees against a person who makes a complaint of sexual harassment, supports a complaint of sexual harassment, or testifies during an investigation of a

complaint of sexual harassment is expressly prohibited. If an individual is found to have engaged in retaliation in violation of this policy, that individual will be subject to disciplinary action.

Any individual who has been a victim of sexual harassment or retaliation shall immediately report such conduct to the College's Compliance Officer or designee. Additionally, students may report such conduct to the vice president and dean of the College or designee.

It is also a violation of this policy for an individual to file a frivolous or bad-faith claim of sexual harassment. The College is committed to protecting the rights of the respondent as well as those of the complainant. Members of the College community should not be discouraged from filing legitimate complaints of sexual harassment. However, an individual found to have filed a frivolous or bad-faith complaint is in violation of this policy and will be subject to disciplinary action.

The informal and formal procedures for filing complaints of sexual harassment are contained in the St. Mary's College of Maryland Procedures for Filing Complaints of Sexual Harassment, which is available from the College's Compliance Officer. A copy of this document is on reserve at the College library, is available in each departmental office on campus, and is posted on the personnel Web site. The procedures for investigations and resolving complaints of sexual harassment by students are contained in the St. Mary's College Student Code of Rights and Responsibilities reproduced in the student handbook, *To the Point*. The College's Compliance Officer or designee is available to answer questions about the College's Policy and Procedures.

(Revised December, 2000; checked for legal sufficiency by the Attorney General's Office)

Sexual Harassment Complaint Procedures

Introduction

Sexual harassment by members of the St. Mary's College of Maryland (the College) community is expressly prohibited. Copies of the College's policy prohibiting sexual harassment, St. Mary's College of Maryland Sexual Harassment Policy (the Policy), are available in each departmental office, on the personnel Web page, and are on reserve at the College library.

Any individual who has been a victim of sexual harassment or retaliation shall immediately report such conduct to the College's Compliance Officer or designee. Additionally, students may report such conduct to the vice president and dean of the College or designee.

As set forth in the policy, both informal and formal procedures for resolving a complaint of sexual harassment are available for use by employees of the College, students, or volunteers. Students include full, part-time, and continuing education students who are currently enrolled at St. Mary's College.

For purposes of these procedures, the complainant is the person filing the complaint. The respondent is the person who is accused of violating the policy. Wherever "days" are referenced to in these procedures, "working days" are meant, unless otherwise indicated. A list of the persons assigned to the duties, offices, and positions described in these procedures and a list of external agencies which handle sexual harassment complaints is attached as an addendum to the procedures. This addendum may be periodically updated.

Complaint Against A Student

A complaint of an incident of sexual harassment in which the person alleged to have violated this policy is a student shall be reported to the vice president and dean of the College or designee within thirty (30) days following the alleged incident of sexual harassment or within a reasonable period of time following the date on which the complainant knew or should have known of the alleged sexual harassment. The procedures for investigating and resolving complaints of sexual harassment by students are contained in the St. Mary's College Student Code of Rights and Responsibilities, reproduced in the student handbook, *To the Point*, which is published annually.

Complaint Against A College Employee, Volunteer, or Contractor

A complaint of an incident of sexual harassment in which the person alleged to have violated the policy is a College employee, a volunteer, or a contractor shall be reported to the College's Compliance Officer within thirty (30) days after the complainant knew or reasonably should have known of the alleged violation that is the basis of the complaint. Any College employee who receives a report of sexual harassment or is advised of a sexual harassment incident shall immediately notify the Compliance Officer. If the Compliance Officer is not available, then reports of incidents or complaints can be brought to the Director of Public Safety or his designee.

The Compliance Officer shall promptly contact and inform the complainant of the College's policy prohibiting sexual harassment and of the sexual harassment complaint procedures available to resolve a complaint of sexual harassment. Complainants, respondents, witnesses, and persons involved in making, investigating, or resolving a complaint of sexual harassment shall use their best efforts to keep confidential information relating to a complaint. The Compliance Officer shall consult with appropriate officials of the College and the Office of the Attorney General for the State of Maryland.

Informal Procedures for Resolving a Complaint of Sexual Harassment

Upon notice of a complaint of sexual harassment, the Compliance Officer shall initiate an investigation of the complaint, which will include a discussion with the complainant and the respondent, as well as consultation with the Office of the Attorney General. While a written complaint is not required in order to initiate an investigation under the informal procedures, the complainant is strongly encouraged to file the complaint in writing. Witnesses relevant to the investigation may also be consulted. Within thirty (30) days after the complaint is received, the Compliance Officer will make reasonable efforts to promptly and informally resolve the complaint to the satisfaction of the College, the complainant, and the respondent.

Formal Procedures for Filing and Resolving a Complaint of Sexual Harassment

A person who wants to process a formal complaint of sexual harassment shall comply with the following

procedures:

Filing Complaint

A written complaint shall be signed by the complainant and include the following: (1) the allegations, including when and where the alleged conduct occurred; (2) the names of the person(s) alleged to have violated the policy; (3) the names of witnesses to the incident, and (4) the relief requested. The Compliance Officer shall promptly provide the respondent with a copy of the complaint. The respondent shall submit to the Compliance Officer a written response to the allegations within ten (10) days upon receipt of the complaint.

Investigation of Complaint

Upon receipt of a formal complaint of sexual harassment, the Compliance Officer shall immediately consult with the Office of the Attorney General prior to taking action to investigate or resolve the complaint. The Compliance Officer shall, within thirty (30) days from the receipt of a formal complaint, conduct and conclude an investigation of the allegations that will include an interview with the complainant, the respondent, and witnesses as well as the collection of relevant documents, if any.

Decision of Compliance Officer

Within five (5) days from the conclusion of the investigation, the Compliance Officer shall deliver the final decision to the complainant and the respondent by either certified mail, return receipt requested, overnight, two-day mail, or by hand-delivery with a copy sent by first class mail setting forth the following: (a) a statement of the facts which occurred; (b) a determination of whether the conduct which occurred constitutes sexual harassment prohibited by the College's policy; and (c) what discipline, if any, will be imposed. Disciplinary action may include, but is not limited to, a letter of reprimand, instructions to draft and send a letter of apology, termination of a contract, demotion, termination of employment, or expulsion from College programs. The decision of the Compliance Officer shall also advise the complainant and the respondent of the right to appeal the decision.

Filing an Appeal

The complainant or respondent may appeal the decision of the Compliance Officer by filing a written appeal with the Office of Personnel Service within ten (10) calendar days of the date of receipt of the written decision of the Compliance Officer. The person making the appeal shall be called the Appellant. The Compliance Officer shall be called the Appellee. After receipt of the appeal, an Appeal Panel will be appointed in accordance with the procedures in the employee handbook.

The Appeal Panel shall, within fifteen (15) days of receipt of the Appeal, conduct a hearing to determine whether (a) the facts alleged occurred; (b) the conduct that occurred constitutes sexual harassment prohibited by the College's policy; and (c) the disciplinary action is appropriate. At the hearing, the Appellant and Appellee may be represented by counsel and may present opening and closing statements, call and cross-examine witnesses, and introduce documentary evidence. The Panel members may call and question witnesses, request documents, and exclude non-probative and unduly repetitious testimony. The hearing shall, at the College's option, either be tape-recorded or recorded by a court reporting service.

Within fifteen (15) days following the conclusion of the hearing, the Appeal Panel shall submit a written final decision containing (a) a statement of the facts which they have found to have occurred; (b) whether the conduct which occurred constitutes sexual harassment prohibited by the College's policy; and c) the disciplinary action, if any, that will be imposed. The final decision will be delivered to the Appellant and the Appellee by either certified mail, return receipt requested, overnight, two-day mail, or hand-delivery with a copy sent by first class mail.

(Revised December, 2000; checked for legal sufficiency by the Attorney General's Office)

Substance Abuse/Drug Testing

The College is committed to the development and maintenance of a drug-free environment and, in accordance with the Drug-Free Workplace Act of 1988, will not tolerate the unlawful possession or use of controlled substances on its premises. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in and on property owned or controlled by the College.

The use of alcohol on College premises, except as specifically authorized by College administration, is also prohibited. This prohibition includes, but is not limited to, driving vehicles while under the influence of alcohol or any other consumption of alcohol on College property.

Compliance with the provisions of this policy shall be a condition of employment. Disciplinary action up to and including termination of employment and/or satisfactory participation in a drug rehabilitation program may be required of any employee who is found to be in violation of this policy.

In compliance with the Drug-Free Workplace Act of 1988, an employee must notify the associate vice president of Human Resources within five calendar days of a conviction of any criminal drug statute violation that has occurred in or on the workplace premises.

Additionally, in compliance with the College's drug-testing policy, all College employees may be subject to drug testing for reasonable cause. Further, applicants hired into "sensitive" positions will be subject to drug testing prior to appointment. The College's drug-testing policy is available for review in the Office of Personnel Services. The College's efforts to establish and maintain a drug-free workplace include dissemination of drug awareness information, as well as implementation and strict enforcement of this policy. The Office of Personnel Services can provide appropriate referrals for assistance. Please refer to attachment D for memoranda detailing the circumstances under which drug testing may be conducted.

The College's efforts to establish and maintain a drug-free workplace include dissemination of drug awareness information, as well as implementation and strict enforcement of this policy. The Personnel Services Office can provide appropriate referrals for assistance.

Pets and Other Animals

Pets and other animals are not permitted in any College building. Due to health and safety concerns, the state prohibits animals inside state buildings. Since all of the College's buildings are state buildings, animals are not permitted in any of the buildings on campus. This policy applies to all students and all (administrative, faculty, and staff) employees of the College. However, students are allowed to house non-meat-eating fish and non-venomous reptiles in closed aquariums within their personal rooms in the College's residence halls.

Students and employees should exercise common and professional courtesy in bringing pets to campus to visit. "Visiting pets" are not allowed inside College buildings. Owners are responsible for the clean-up of any mess left on the College campus by these pets. Students and employees should make their visitors aware of the state policy to prevent misunderstandings for visitors who may wish to bring their pets to campus.

Service animals as defined by the Americans with Disabilities Act (ADA) are permitted on campus. Persons bringing service animals onto the College campus should contact the College's Compliance Officer for assistance and further guidance. The Compliance Officer can be reached at 240-895-4911. The Compliance Office is located in the Public Safety building.