

# St. Mary's College of Maryland

at Historic St. Mary's City

## **POLICY PROHIBITING 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.

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:

- A. 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;

- B. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or,
- C. 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-OCR), 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 AA/EEO Officer or Director of Human Resources. Additionally, students may report such conduct to the Dean of Students or Associate Dean of Students.

It is also a violation of this policy for an individual to file a 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 bad-faith complaint is in violation of this policy and may 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 AA/EEO Officer. A copy of this document is on reserve at the College's library and available in each departmental office on campus and is posted on the personnel web page. 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 AA/EEO Officer or designee is available to answer questions about the College's Policy and Procedures.

# SEXUAL HARASSMENT COMPLAINT PROCEDURES

## I. 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, 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 AA/EEO Officer or the Director of Human Resources. Additionally, students may report such conduct to the Dean of Students or the Associate Dean of Students.

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 Dean of Students or Associate Dean of Students 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 AA/EEO 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 AA/EEO Officer. If the AA/EEO Officer is not available, then reports of incidents or complaints can be brought to the Office of Human Resources.

The AA/EEO 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 AA/EEO Officer shall consult with appropriate officials of the College and the Office of the Attorney General for the State of Maryland.

## **II. INFORMAL PROCEDURES FOR RESOLVING A COMPLAINT OF SEXUAL HARASSMENT**

Upon notice of a complaint of sexual harassment, the AA/EEO 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 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 AA/EEO Officer will make reasonable efforts to promptly and informally resolve the complaint to the satisfaction of the College, the Complainant, and the Respondent.

## **III. 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:

### **A. Filing A 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 AA/EEO Officer shall promptly provide the Respondent with a copy of the complaint. The Respondent shall submit to the AA/EEO Officer a written response to the allegations within ten (10) days upon receipt of the complaint.

### **B. Investigation of Complaint**

Upon receipt of a formal complaint of sexual harassment, the AA/EEO Officer shall immediately consult with the Office of the Attorney General prior to taking action to investigate or resolve the complaint. The AA/EEO 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.

### **C. Decision of AA/EEO Officer**

Within five (5) days from the conclusion of the investigation, the AA/EEO Officer shall deliver the final decision to the Appellant and the Appellee 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 AA/EEO Officer shall also advise the Complainant and the Respondent of the right to appeal the decision.

## **IV. FILING AN APPEAL**

The Complainant or Respondent may appeal the decision of the AA/EEO Officer by filing a written appeal with the Office of Human Resources within ten (10) calendar days of the date of receipt of the written decision of the AA/EEO Officer. The person taking the appeal shall be called the Appellant. The AA/EEO Officer shall be called the Appellee. After receipt of the appeal, an Appeal Panel will be appointed in accordance with the procedures in the applicable 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.

## ADDENDUM

### A. CONTACT LIST OF PERSONS ASSIGNED TO DUTIES, OFFICE, AND POSITIONS

#### Dean of Students:

Laura A. Bayless  
143 Campus Center  
Ext 4208  
240-895-4208

#### Vice President for Business and Finance:

Thomas J. Botzman  
115 Calvert Hall  
Ext 4413  
240-895-4413

#### Provost:

Larry E. Vote  
104 Calvert Hall  
Ext 4389  
240-895-4389

#### Associate Dean of Students:

Joanne A. Goldwater  
102 Anne Arundel Hall  
Ext 4207  
240-895-4207

#### Director of Human Resources:

Sally A. Mercer  
Cobb House  
Ext 4309  
240-895-4309

#### Assistant Director of Human Resources AA/EEO Officer:

Melvin A. McClintock  
Cobb House  
Ext 4309  
240-895-4309

To reach the above persons via U.S. Mail, please use the Name, Title, and the College mailing address of St. Mary's College of Maryland, 18952 East Fisher Road, St. Mary's City, Maryland 20686-3001.

### B. EXTERNAL AGENCIES

There are strict time frames in which complaints of sexual harassment complaints must be filed with external state or federal agencies. To preserve the ability of the external agencies to act on the Complainant's behalf and to protect the right to file a private lawsuit, one must adhere to the external agency's time frames and associated procedural guidelines when filing a charge. A person wishing to file a complaint with an outside agency should contact an attorney of their choice or these external agencies directly and promptly to determine the appropriate time frames and procedures for filing a complaint.

**The following external agencies handle sexual harassment complaints.**

**U.S. Equal Employment Opportunity Commission (EEOC) (main office)**

1801 L Street, N.W.  
Washington, D.C. 20507  
800-669-4000  
202-663-4900

**EEOC (Baltimore district office)**

City Crescent Building  
10 South Howard Street  
3rd Floor  
Baltimore, MD 21201  
410-962-3932

**Maryland Commission on Human Relations (MCHR) (main office)**

Schaefer Towers  
6 St. Paul Street, Suite 900  
Baltimore, MD 21202  
410-767-8600

**MCHR (Southern Maryland office)**

Joseph P. Carter Center  
23110 Leonard Hall Drive  
Post Office Box 653  
Leonardtown, MD 20650  
301-475-4118

**U.S. Department of Education, Office for Civil Rights (DOE/OCR)**

(main office) Mary E. Switzer Building  
330 C Street, SW  
Washington, DC 20202  
202-205-5413  
1-800-421-3481

**DOE/OCR (local office)**

Wanamaker Building, Suite 515  
100 Penn Square East  
Philadelphia, PA 19107  
215-656-8541