

**Saint Mary's College Policy Prohibiting Discriminatory Harassment
Against Students
January 26, 2012**

Saint Mary's College is committed to upholding standards that promote respect and human dignity in an environment that fosters academic excellence and professionalism. It is the policy of the College to maintain an educational and work environment free from all forms of discriminatory harassment.

To that end, the College prohibits and does not tolerate discriminatory harassment of its students on the basis of race, color, religion, national origin, gender, sexual orientation, age, physical disability, or mental disability. In the areas of admission, housing and athletics, Saint Mary's College will remain exclusive in respect to gender, but not as to any of the other above mentioned characteristics.

The College has separate procedures for complaints of sexual harassment.

All members of the College community are expected to uphold this policy. Engaging in discriminatory harassment will result in appropriate disciplinary action.

The College does not by this non-discrimination statement disclaim any right it otherwise lawfully has to maintain its commitment to its Catholic identity or the teachings of the Catholic Church.

Definitions

Discriminatory Harassment

Harassment includes verbal, physical, or visual conduct when the conduct creates an intimidating, or hostile educational environment for a student based on the student's race, color, religion, national origin, gender, sexual orientation, age, physical disability, or mental disability. Verbal harassment may include but is not limited to epithets, derogatory comments or slurs. Physical harassment may include but is not limited to assault, impending or blocking movement, or any

physical interference with normal work or movement, when directed at an individual because of the individual's characteristics as listed above. Visual harassment may include but is not limited to derogatory posters, notices, cards, calendars, bulletins, cartoons, graffiti, photographs, signs, drawings, or protracted staring or gestures.

Complaint Procedure

The College encourages any student, who believes that she/he has been discriminatorily harassed, or observes or is otherwise aware of an incident of discriminatory harassment of another student, to report the incident promptly. To assist in the investigation, the College requires the complainant to submit a grievance form with a detailed description of the facts giving rise to the complaint, the names of any individuals involved, including any witnesses, and copies of any documents that support or relate to the complaint. Complaints should be made as follows:

- Complaints against Administrators or Staff must be directed to:
 - Director of Human Resources¹
- Complaints against Faculty must be directed:
 - Senior Vice President/Dean of Faculty
- Complaints against Student must be directed to:²
 - Director of Residence Life and Community

With the consent of the complainant, the College will promptly investigate and make every effort to informally resolve a complaint of discriminatory harassment in a fair manner that ensures respect for the rights of both the complainant and the alleged offender and to conduct all processes, to the extent possible, so as to protect the privacy interests of all parties involved.

Formal Investigation and Corrective Action

If a student chooses to move immediately to a formal investigation or if the attempt to informally resolve the complaint fails, the College will pursue the formal investigation.

¹ Staff includes all staff working on the Saint Mary's campus including employees under contract with the College.

² Complaints regarding discrimination and harassment that faculty and staff may have against students are directed to the Director of Residence Life and Community Standards. The procedure handling these complaints is outlined in the Code of Student Conduct available at:

<http://www3.saintmarys.edu/files/code%20of%20student%20conduct.pdf>

Depending on the nature of the allegations, the investigation may include interviews with the reporting party, the individual the complaint is made against and/or witnesses; review of written documentation and relevant policies; and any other steps necessary to thoroughly investigate the allegations. The investigator will attempt to conclude the investigation within 30 working days after notifying the person against whom the complaint was lodged. If the investigation cannot be completed in that time frame, the investigator will contact all parties to provide an estimated time for completion.

If at the conclusion of the investigation it is determined that discriminatory harassment occurred, the College will initiate corrective action, as appropriate under the circumstances and outlined in the Employee Handbook (for staff and administrators) or the Governance Manual (for faculty). A faculty member or staff member who is accused of the discriminatory harassment will be advised of the results of the investigation.

Retaliation

The College prohibits and does not tolerate retaliation against any individual who in good faith files a complaint of discriminatory harassment or is involved as a witness or participant in the complaint or investigation process. Engaging in retaliation can result in disciplinary action, up to and including dismissal from the College.

The College encourages any individual who believes he or she/he has been subject to retaliation, or observes or is otherwise aware of an incident of retaliation in violation of this policy, to report the incident promptly to the Senior Vice President and Dean of Faculty, the Director of Human Resources or the Director of Residence Life and Community Standards as appropriate. The investigation and corrective action procedures set forth above will similarly apply in the case of a complaint of retaliation in violation of this policy.

Bad Faith Complaints

This policy shall not be used to bring a complaint in bad faith. Disciplinary action will be taken against any individual found to have brought a complaint of discriminatory harassment in bad faith for an improper purpose.

Right to Appeal

A faculty or staff member who is found to have engaged in discriminatory harassment or retaliation in violation of this policy shall have the right to appeal the decision.

Administrator/Staff Appeal

An administrator or staff member who is found to have engaged in discriminatory harassment or retaliation in violation of this policy shall have the right to appeal the decision. The appeal must be made to President or the President's designee. The appeal may address the decision of whether discriminatory harassment or retaliation occurred, and it also may address the corrective action imposed.

The appeal must be submitted in writing within ten (10) working days after written notification of the results of the investigation. The appeal should describe with specificity why the finding of discriminatory harassment, retaliation, or corrective action was not reasonably based upon the evidence.

The President or her/his designee may receive or consider additional information if she/he believes such information would aid in the review of the appeal.

The President or her/his designee who is considering the staff appeal will provide the decision to the individual who submitted the appeal within 30 days of receipt of the written appeal. This decision is final.

Faculty Appeal

A faculty member who is found to have engaged in discriminatory harassment or retaliation in violation of this policy may appeal to the Grievance Committee of

the Faculty Assembly. This committee acts as a mediating and investigating committee in all ordinary cases in which a faculty member alleges a grievance

Note:

Student to student harassment and discrimination is outlined in the Code of Student Conduct. Similarly faculty or staff who feel they have been discriminatorily harassed by a student should refer those complaints to the Director of Residence Life and Community Standards. The procedure for hearing those complaints is outlined in the Code of Student Conduct.

Faculty should refer to the Governance Manual for complaints they wish to lodge against faculty and staff.

Staff should refer to the Employee Handbook for complaints they wish to lodge against staff and faculty.

Endorsed by the President's Council on Multicultural Affairs-4/7/10
Approved by the President of the College -4/8/10