POLICY OF ZERO TOLERANCE FOR HARASSMENT, DISCRIMINATION AND RETALIATION / COMPLIANCE WITH TITLE IX

Federal law and state law, including Title IX of the Civil Rights Act of 1964, prohibit the College from discriminating against students or employees on the basis of protected characteristics, including, but not limited to: sex, sexual orientation or preference, gender, gender identity, race, color, religion, national origin, creed, citizenship status, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, medical conditions including genetic characteristics, mental or physical disability, and veteran status. Mount St. Mary's College is concerned about the safety and well-being of its employees and students, and is committed to providing an environment that is free from harassment, discrimination and retaliation on the basis of these protected characteristics, and any other characteristic protected by federal, state or local law, ordinance or regulation. To this end, the College strictly prohibits all forms of unlawful harassment (including sexual harassment and sexual violence), discrimination or retaliation in any form. Anyone who violates this policy of zero tolerance is subject to appropriate disciplinary action, up to and including immediate termination or dismissal.

- *Unlawful Discrimination Defined*

Unlawful discrimination occurs when an individual's protected characteristic is used as a basis for adverse decisions affecting that individual. Prohibited discrimination includes, but is not limited to sexual harassment and sexual violence. Discrimination encompasses a wide range of conduct. Examples of specifically prohibited conduct include, but are not limited to:

- Terminating an individual's employment based on a protected characteristic;
- Refusing a request for time off based on a protected characteristic;
- Denying housing or other benefits based on a protected characteristic; and
- Assigning an undeserved low grade based on a protected characteristic.

- *Unlawful Harassment Defined*

Unlawful harassment includes all forms of unwelcome verbal, physical and visual conduct and displays that are based on any of the above mentioned protected characteristics and which interfere with performance and/or create an offensive or hostile environment. Harassment can take many forms. Following are some examples that may constitute harassment:

(a) Verbal harassment such as jokes, epithets, slurs and unwelcome remarks about an individual's body, dress, clothing, race, physical appearance or abilities, derogatory comments, discussions of a sexual nature and/or harassing remarks;

(b) Physical harassment such as physical interference with normal activity, impeding or blocking movement, assault, unwelcome physical contact or touching, staring at a person's body, and threatening, intimidating or hostile acts that relate to a protected characteristic; and

(c) Visual harassment such as offensive or obscene e-mails, instant messaging, web blogs, photographs, calendars, posters, cards, cartoons, drawings and gestures, displays with sexually suggestive or lewd objects, unwelcome letters or notes or any other graphic material that denigrates or shows hostility or aversion toward an individual because of the individual's protected characteristics.

The conduct can occur in any school program or activity and can take place in classrooms, school facilities, dorms, or at off-campus locations.

- *Sexual Harassment Defined*

Sexual harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment or the educational relationship; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the effect of unreasonably interfering with a student's right to receive an education free from discrimination, unreasonably interfering with a student's academic performance or an employee's work performance, and creating an intimidating, hostile, or offensive working, educational, or living environment. Sexual harassment also includes sexual violence, which, in addition to violating this zero tolerance policy, is a crime.

Sexual harassment, including sexual violence, encompasses a wide range of conduct. Examples of specifically prohibited conduct include, but are not limited to:

- Promising, directly or indirectly, a student a reward, if the student complies with a sexually oriented request;
- Threatening, directly or indirectly, retaliation against a student if the student refuses to comply with a sexually oriented request;
- Denying, directly or indirectly, a student an education-related opportunity, if the student refuses to comply with a sexually oriented request;
- Engaging in sexually suggestive conversation or physical contact or touching a student;
- Displaying pornographic or sexually oriented materials;
- Telling sexual or "dirty" jokes;
- Engaging in indecent exposure;
- Making unwanted sexual or romantic advances toward a student;
- Spreading sexual rumors or rating other students as to sexual activity or performance; or
- Physical conduct such as assault, touching, or blocking normal movement.

The conduct can occur in any school program or activity and can take place in classrooms, school facilities, dorms, or at off-campus locations.

- *Zero Tolerance*

The College strictly prohibits all forms of unlawful harassment (including sexual harassment and sexual violence), discrimination or retaliation in any form. Anyone who violates this policy of zero tolerance is subject to appropriate disciplinary action, up to and including immediate termination or dismissal.

- *Grievance Procedure and Investigations*

It is the responsibility of each individual to assure that prohibited harassment, discrimination or retaliation does not occur within the College community. *If anyone believes that he/she is being harassed, discriminated or retaliated against, that individual shall immediately report the facts of the incident(s) and the name(s) of the party(s) involved to one of the following College grievance officers: Human Resources Director; Provost and Academic Vice President; Vice President, Student Affairs; Associate Vice President, Student Affairs; Dean, Baccalaureate Program; Dean, Associate in Arts Program; Dean, Graduate Division; President, Faculty Assembly; College Chaplain; Director, Campus Ministry; or to the College's Title IX Coordinator. The reporting individual is strongly encouraged to put the report in writing and include relevant facts, dates and witnesses.*

Reported incidents of harassment, discrimination or retaliation made against any student, employee, or third party will immediately be investigated by the grievance officer, the Title IX Coordinator, or their designee and investigations will be conducted in a discreet manner. Investigations will include interviews of the complaining party, the accused party, and others as appropriate. Such interviews will be aimed at providing both parties an opportunity to present evidence and explain his or her version of the events. Information obtained from the investigation will be disclosed only on a need-to-know basis. At the conclusion of the investigation, the College will determine whether, based upon a preponderance of the evidence, unlawful harassment, discrimination or retaliation has occurred and will communicate its findings in writing to the accused and the complainant. When appropriate and lawful, the College will communicate its findings to other persons who are directly concerned.

Absent unforeseen circumstances, investigations will be conducted and completed within 60 days from the date a formal complaint is made to any of the foregoing College grievance officers or the Title IX Coordinator. The College will provide notice of the outcome, as described above, within 15 days from the date of the conclusion of the investigation. The College retains the right to extend these deadlines as necessary to ensure a thorough investigation.

Any member of the College community who is determined to have violated this zero tolerance policy will be subject to appropriate discipline, up to and including immediate termination or dismissal. Steps will be taken as necessary to prevent any further harassment, discrimination or retaliation.

Any affected individual should immediately report any incident of unlawful harassment, discrimination or retaliation to one of the College grievance officers identified above, or to the

College's Title IX Coordinator (Bernadette Gonzaque Robert, Assistant Vice President for Student Affairs at (213) 477-2571 or BRobert@msmc.la.edu) so that all complaints can be quickly and fairly resolved. Affected employees also may direct complaints to the federal Equal Employment Opportunity Commission ("EEOC") (1-800-669-4000) and/or the California Department of Fair Employment and Housing ("DFEH") (1-800-884-1684). Affected students may direct complaints to the U.S. Department of Education Office for Civil Rights (1-415-486-5555).

- *No Retaliation*

The College takes all complaints of harassment, discrimination and retaliation seriously and wants the opportunity to internally resolve any problems that may arise. No individual will be retaliated against or otherwise disciplined for reporting in good faith an incident of harassment, discrimination or retaliation or for participating in an investigation. The reporting individual and all parties participating in an investigation have the assurance of the College that no reprisals will be taken as the result of the complaint, unless the complaint was filed in bad faith or for an improper purpose. If any individual feels he/she has been retaliated against, he/she should immediately report the retaliatory conduct.

- *Use of Drugs or Alcohol*

The use of alcohol or drugs will never function to excuse behavior that violates this zero tolerance policy.