

## Introduction

The College of Saint Benedict and Saint John's University are private liberal arts higher education institutions that share a common curriculum and coordinated academic and extracurricular activities. The Sisters of the Order of Saint Benedict founded the College of Saint Benedict in 1913 with an intentional commitment to the education of women. Saint John's University was founded in 1856 by the monks of Saint John's Abbey as a men's university. Both campuses, located six miles apart, have a coeducational atmosphere. The mission of the College of Saint Benedict and Saint John's University is to provide the very best residential liberal arts education in the Catholic Benedictine university tradition. They foster integrated learning, exceptional leadership for change and wisdom for a lifetime.

The College of Saint Benedict (CSB) is a private women's Catholic liberal arts college located in St. Joseph, Minnesota. CSB is a residential campus with approximately 1,668 students of which 1,448 lived on the campus in 26 residence facilities and apartment complexes for 2019. The College of Saint Benedict is closely associated with the Saint Benedict's Monastery. The college and the monastery are separate corporations that work closely together and function as a community. The CSB campus consists of 290 acres with 55 buildings. Approximately 1,668 students, 139 faculty, 154 administrators, 164 support staff, and 103 sisters are members of the college/monastic communities. The monastic community resides on approximately 257 additional acres.

Saint John's University (SJU) is a private, Liberal Arts University for men located in Collegeville, Minn. SJU is a residential campus with 1,368 students residing on campus in 35 residence areas and apartment complexes for 2019. The abbey and university share an 80-acre campus in the midst of a 2,900-acre tract of woodlands and lakes. Approximately 1,629 undergraduates, 98 coeducational graduate School of Theology students, 166 faculty, 199 administrators, 203 support staff, and 120 monks are members of the university/monastic communities. Saint John's Preparatory School, with a 2019 coed enrollment of 280, 63 residing in Prep School campus housing, and a faculty and staff of 51, has facilities sharing the university campus.

CSB/SJU student organizations do not own any off-campus facilities.

## CSB Department of Security - SJU Department of Life Safety

Since no campus is completely free of crime, CSB and SJU have developed a series of policies and procedures relating to campus security. These policies and procedures are designed to ensure that community members are fully aware of safety issues on the campuses and actions to be taken to prevent and report illegal and inappropriate activities. CSB/SJU expressly reserves the right to modify or adopt additional policies or procedures at any time without notice. Such changes may appear in successive issues of this report. The CSB Department of Security and the SJU Department of Life Safety have been established to assist the institutions in this objective. Representatives of the student body, faculty and staff have collaborated over time to develop policies and procedures to assure the well-being of all persons and the safety of their possessions. The effects of these policies and procedures also extend to members of our academic community who live away from the campus.

The CSB Director of Security and the SJU Director of Life Safety maintain close working relationships with the St. Joseph Police Department and the Stearns County Sheriff's Department for assistance with criminal incidents occurring on the campuses and support services for special events. The directors also maintain a close working relationship with all elements of the criminal justice system. Regular meetings are held with

other agencies, both formally and informally, and crime-related reports and statistics are routinely exchanged.

### **CSB Department of Security**

CSB Department of Security, under the administration of the director of security, is responsible for the enforcement of federal, state and local laws as well as college policies and rules. Security officers are responsible for first-response services until emergency assistance is available by local police, fire or medical agencies. Security officers provide a safe environment that enhances the campus learning experience and complements the college's Benedictine values.

The Department of Security is located in the west wing of Mary Hall Commons. A security officer is available 24 hours a day. The security staff consists of non-commissioned professional security officers augmented by student security officers. The staff meets all standards as established by Minnesota state statute to provide routine security services including the escort service as well as emergency response services. Uniformed security officers patrol campus buildings and grounds either in vehicles, on bicycles or on foot, 24 hours daily.

### **Contact CSB Department of Security to request:**

- Escort Service
- Information
- Parking/Traffic Bureau Information
- General Assistance
- Medical Assistance
- Report suspicious behaviors/circumstances
- Report a Crime

### **Emergency fire/medical/crime:**

CSB Department of Security - 5000

Stearns County Sheriff/St. Joseph Police - 911

### **CSB Campus Emergency Phone Locations:**

1. West Apartments
2. Lottie West
3. Lottie South
4. Lot 8 East
5. Lot 8West
6. HAB
7. HCC/Claire Lynch
8. Centennial Commons
9. BAC East
10. Aurora
11. Corona South (by flagpole)

Residence hall card access entries have regular phones for access to Security.

## **SJU Department of Life Safety Services**

SJU Department of Life Safety Services, under the administration of the director of life safety, is responsible for the enforcement of federal, state and local laws as well as college policies and rules. Security officers are responsible for first- response services until emergency assistance is available. Security officers provide a safe environment that enhances the campus learning experience and complements the university's Benedictine values.

The Department of Life Safety Services, located in the lower level of Thomas Hall, operates with a dispatcher and a security officer available 24 hours daily. The security staff consists of non- commissioned professional security officers augmented by students serving as dispatchers and student security officers. The staff meets all standards as established by Minnesota state statute to provide routine security services including the escort service as well as emergency response services. Uniformed security officers patrol campus buildings and grounds either in vehicles, on bicycles or on foot, 24 hours daily.

### **Contact SJU Life Safety to request:**

- Escort Service
- Information
- Parking/Traffic Bureau Information
- General Assistance
- Medical Assistance
- Report suspicious behaviors/circumstances
- Report a Crime

### **Emergency fire/medical/crime:**

SJU Department of Life Safety Services – 2144

Stearns County Sheriff - 251-4240

### **SJU Campus Emergency Phone Locations:**

SJU Blue Light emergency phones with direct connections to Life Safety Services are located in strategic places on the campus grounds:

- 1. Entrance to Science Parking Lot 1
- 2. Entrance to Science Parking Lot 2
- 3. Between Mary and Flagpole parking lots
- 4. North end of Flynntown Lot
- 5. North side of Stephen B. Humphrey Theater Auditorium
- 6. South end of Emmaus Hall
- 7. Prep School parking lot
- 8. South of Vincent Court on the North side of Fruit Farm Rd
- 9. Student beach
- 10. Fruit Farm Road & County Road 159
- 11. Palaestra Lot
- 12. Entrance to Watab Lot
- 13. East side of St. Patrick Hall
- 14. Fire Hall Parking Lot along Saint Thomas Drive
- 15. Mall on east side of Guild Hall

- 16. Liturgical Press Lot
- 17. South side of McNeelly Spectrum
- 18. Intramural field
- 19. South side of Prep School walking path
- 20. Collegeville Institute outside Butler Center

### **Crime Prevention and Reporting**

Because the College of Saint Benedict and Saint John's University operate in collaboration and the fact that persons from either institution may teach, study, work or socialize on both campuses, the two institutions cooperate in establishing and enforcing policies and procedures for security. The shared philosophy to take proactive roles to reduce the opportunities for criminal activity results in programs which attempt to eliminate or minimize criminal opportunities while at the same time encourage students and employees to take responsibility for their own safety and the safety of others. Individuals are urged to act responsibly and take sensible precautions to protect themselves and their possessions. CSB and SJU have also developed comprehensive plans for collaborative management of crisis situations.

Students, employees and guests of CSB and SJU are encouraged to report all criminal activity and other emergencies to campus security. CSB Department of Security and SJU Department of Life Safety Services are the security offices to which all criminal reports are to be processed. Security officers will request assistance from law enforcement, rescue, fire and ambulance as appropriate. CSB and SJU reported crime documentation is forwarded to local law enforcement officials for follow up investigations and victim's assistance. Members of the campus community are strongly encouraged to adhere to all local, state and federal laws and college rules of conduct. Members of the campus community violating laws or college/university policies are referred into the campus judicial system for appropriate action.

Institutional policies are published in CSB's " Bennie Book" and SJU's " J-Book". Both student handbooks are electronically published on the home web sites (<http://www.csbsju.edu>) and include disciplinary policies and rules for their enforcement. An annual review and update serves to inform students of any changes in policies (e.g., resident agreement, alcohol, visitation, sexual harassment, parking violations, etc.) as well as college services (e.g., counseling, health advocates, food service, bus service, etc.). In addition, the on-line location for CSB/SJU Human Rights Policies and Procedures dealing with issues of human rights, sexual misconduct and other related issues are published for future reference and use.

### **Crime Awareness / Alerts**

CSB and SJU use a variety of programs and procedures to alert campus residents, commuter students, employees and campus guests to potential dangers of living/working on a campus, or any, human community. These programs are developed jointly and presented in collaboration between CSB and SJU. The following programs are designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. Some CSB/SJU-specific campus security/personal safety/health education programs are:

#### **Programs**

- Escort service - 24 hours daily
- Campus safety walk
- CERTS (consent-equality-respect-talking-safety)
- Security Ride-along
- Residence hall floor meetings
- Prep School residence hall floor meetings
- Student orientation

- Athlete-to-athlete
- Lifestyle fitness classes
- Campus and Community Watch
- Security tips bookmarks, brochures and other items
- Presentations - faculty meetings, residence hall meetings, staff meetings
- Health Advocate Program
- Health Initiative Program
- 360 Stay Safe Program
- Safety Week
- Towards Zero Deaths
- Special event planning guide

## **Crime Alerts**

When the CSB Department of Security and/or SJU Department of Life Safety Services identifies a crisis situation and/or receives a formal security report indicating a violent crime has occurred on or near their campuses and there is a reasonable potential that the situation presents a threat to students, employees, or guests, "security alerts" will be prepared and posted in campus public areas in a timely manner. The bulletins posted at both campuses provide public information about the crime, along with prevention awareness information. CSB and SJU campuses also participate in, an electronic message notification system that allows security alerts and other messages of importance to be simultaneously transmitted to the recipient's computer (laptop or office workstation) and to their cell phones (voice and text). Additional information regarding Blackboard MyConnect can be found at <http://www.csbsju.edu/ConnectEd.htm>.

## **Publications**

This brochure is published on-line with links from the CSB/SJU main webpage and gives statistical summaries of criminal and security activity incidents as prepared by the CSB Director of Security and the SJU Director of Life Safety Services.

## **Annual Report**

A comprehensive CSB/SJU annual report of crime-related statistical data is compiled, published and distributed in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The CSB Director of Security and the SJU Director of Life Safety Services include local law enforcement statistics in the annual report.

Beginning in 2010, the Annual Report includes a Fire Safety component designed to inform individuals of reports of fires occurring in residential facilities. This portion of the report also details fire safety equipment (sprinkler systems, smoke detectors, CO detectors, etc.) that is installed in residential facilities and discusses fire safety policies and procedures in place to ensure a safe learning/living environment.

## **Campus Facility Access**

All CSB and SJU academic facilities are locked except for normal business hours and authorized events. CSB and SJU have a keying system in place that exceeds industry standards. All keys are controlled according to the Lock/Key Policy. All students living on CSB/SJU campuses are given crime awareness and prevention information at the beginning of each academic year. Residence hall meetings are the prime setting to share information with students and listen to their concerns. Students are instructed to keep their living quarters locked to protect themselves and their possessions. Verbal communications as well as printed materials in the form of brochures and posters are distributed.

CSB residential buildings are locked 24 hours daily. Resident students must utilize an electronic card access system for exterior doors/access into their residential building. Residents must escort their guests during visiting hours. Residents have the responsibility not only for their personal safety, but also for the safety of other members of their community. The effectiveness of the external electronic locking and internal single room key systems are dependent upon residents not holding exterior doors open and immediately reporting lost/stolen access cards and single room keys to the Department of Security and the resident hall staff.

At SJU, the majority of campus residence halls have exterior doors on card access that are locked 24 hours daily. Flyntown Residential Apartments do not have card access, but exterior doors are key-locked. Residents are encouraged to escort their guests during visiting hours. Additional security measures are in place during semester breaks.

### **Facility Design and Maintenance Service**

The CSB Department of Security and facility maintenance managers and the SJU Department of Life Safety Services and physical plant managers review all construction projects, renovation plans and equipment purchases to assure that the most updated safety and security features are considered. Security officers and facility maintenance/physical plant employees perform regular safety and security inspections of campus facilities and grounds. Reported repairs affecting safety and security issues are a priority service request to be completed by facility management/physical plant employees in a timely manner. While routine maintenance is done during normal business hours, emergency maintenance is available 24 hours a day, and can be arranged by contacting campus security.

### **Drug and Alcohol Policy**

CSB and SJU promote the need for responsible behavior in all personal relationships and serious academic endeavors. With this understanding, CSB and SJU expects that all students and employees of the institutions will conduct themselves in a responsible manner that shows respect for others and the local community. CSB and SJU believe that an environment to enable both students and employees to pursue their goals should be fostered, and that this environment should be free from the effects of drug and/or alcohol abuse.

CSB and SJU comply with federal, state and local laws, which regulate the possession, use and sale of alcoholic beverages and controlled substances. Whether on campus or at college/university-sponsored activities, policies prohibit the following:

1. Distribution, possession or use of any illegal drug or controlled substance;
2. Providing alcoholic beverages to individuals under 21 years of age or possession of alcoholic beverages by individuals under 21 years of age;
3. Illegal possession of an open container of an alcoholic beverage, public intoxication, driving while intoxicated and drinking alcoholic beverages in an unlicensed, public place.

Hosts of campus events where alcoholic beverages are to be served must obtain a permit from the appropriate food service director or activities director and accept responsibility for assuring that all guests act responsibly. CSB and SJU campus-wide programs such as employee development, Towards Zero Deaths, student Senate, counseling and Health Promotion offices, career services and other individual residence hall coordinated programs promote education about chemical health and substance abuse. Programs that address alcohol or drug-related issues, and emphasize the clear, statistical relationship between alcohol or drug abuse and many disorderly, unsafe or criminal activities, begin as a part of the first-year orientation. The CSB/SJU counseling offices and the CSB/SJU Health Centers provide assessment, assistance and intervention resources as necessary.

## **Possession of Weapons or Firearms**

No weapons of any kind are allowed in the possession of CSB/SJU students, employees or guest/visitors. Enforcement in the broadest sense applies and includes any weaponry, whether real, toy or facsimile, that can cause bodily harm or threat of harm. Any exceptions to this policy, including those for academic or demonstration purposes, must be approved by the CSB Director of Security or the SJU Director of Life Safety Services.

Weapons use for game hunting or trapshooting must be registered with and securely stored at either CSB Security or SJU Life Safety Services.

No weapons of any kind are allowed on the CSB/SJU campus except those provided by ROTC and weapons for game hunting, including archery and trapshooting equipment that are registered with and stored at CSB Security/Saint John's Life Safety Services. This statement is to include any weapons considered real that can cause bodily harm or threat. This policy specifically includes but is not limited to the prohibition of fireworks, firecrackers, firearms, BB Guns, explosive materials, or knives with blades in excess of four (4) inches. It also includes realistic replicas of real weapons.

## **Missing Person Notification Policy**

The following CSB/SJU/SJP Missing Student Policy has been implemented in accordance with the Missing Student Notification Policy and Procedures 20 USC 1092(j) Section 488 of the Higher Education Opportunity Act of 2008.

Each student living in an on-campus housing facility has the option to identify an individual to be contacted by the College/University/Prep School not later than 24 hours after the time that the student is determined missing. Furthermore, each student living in an on-campus student housing facility has the option to register their personal contact information to be utilized in the event that the student is determined to be missing for a period of more than 24 hours. Contact information provided by students will be registered confidentially and is only accessible by CSB/SJU/SJP Authorized Personnel. These contacts will be collected as part of the annual confirmation of registration survey given to students prior to the start of the term in the fall of each academic year.

If a missing student is under 18 years of age, and not an emancipated individual, the College/University/Prep School is required to notify a custodial parent or guardian of the missing student not later than 24 hours after the determination is made that the student is missing.

All students who have been missing for 24 hours shall be reported to CSB Security (320-363-5000) on the CSB campus and SJU Life Safety Services (320-363-2144) on the SJU campus. CSB Security will notify the St. Joseph Police Department and SJU Life Safety Services will notify the Stearns County Sheriff's Department within 24 hours of the missing student report.

Missing students can also be reported to the following offices, who will in turn report to the appropriate campus security official immediately:

- Dean of Students
- Provost
- Principal (Prep School)
- Headmaster (Prep School)
- Residential Life

CSB/SJU/SJP can commence with initiating the notification procedures as soon as it is determined that a student is missing.

## Human Rights Officer

A. **Policy Statement.** CSB and SJU prohibit harassment and discrimination on the basis of race, religion, color, national origin, sex, sexual orientation, age, marital status, disability, familial status, and status with regard to public assistance, or other legally protected category or characteristic. CSB and SJU will investigate and promptly seek the equitable resolution of allegations of conduct that violates this policy.

B. **Academic Setting.** It is not the purpose or intent of this policy to discourage the open discussion of controversial issues or the free exchange of opinions and ideas occurring within the academic setting. CSB and SJU are committed to the principles of free inquiry and free expression within the context of the Catholic and Benedictine traditions and in accordance with the principles of human rights and dignity. Respect for these principles requires that members of the community are open to the expression of opinions of others though they may not share the same views.

Whatever the boundaries of free inquiry and expression, every member of the community should be attentive to the feelings and sensibilities of others, and should demonstrate the high standards of civility and good taste that reflect mutual respect, understanding and sensitivity among all members of our diverse community. In particular, members of the faculty represent the institutions and have a special role and position of authority with respect to students. They should treat students with respect and dignity and should be particularly sensitive to the impact of their words and opinions.

All members of the academic community have the right to participate in the academic enterprise without discrimination on the basis of race, religion, color, national origin, sex, sexual orientation, age, marital status, disability, familial status, status with regard to public assistance, or other legally protected category or characteristic. Discriminatory harassment on the basis of these categories is not protected expression.

Refer to the [CSB/SJU Human Rights Policy](#) for more information and the names/phone numbers of persons to contact.

## Sexual Misconduct

CSB and SJU are committed to maintaining an environment that is free from the physical and emotional threat of sexual misconduct, including sexual harassment, sexual assault, domestic violence, dating violence, stalking, and other forms of sexual violence. In institutions such as ours, which espouse Catholic and Benedictine values, every community member's awareness of and respect for the rights and human dignity of every other member undergirds community life. These values demand that we strive to create an environment where the sacredness of each person is honored. Sexually assaultive conduct, sexual harassment and other sexual misconduct violate the sacredness of the person, weaken the health of the community, and are antithetical to the mission of our institutions. CSB and SJU have zero tolerance for sexual misconduct in any form.

Sexual harassment, sexual assault, domestic violence, dating violence, stalking and other forms of sexual misconduct are forms of sex discrimination. Not only are they prohibited by CSB and SJU's Joint Sexual Misconduct Policy, but they are also prohibited by various laws, including Title IX of the Educational Amendments of 1972 and the Minnesota Human Rights Act.

The College of Saint Benedict and Saint John's University will investigate and promptly seek the equitable resolution of all allegations of sexual misconduct. Please refer to the [CSB/SJU Sexual Misconduct Policy](#) for more information.



## **In Case of Sexual Assault**

If you have been sexually assaulted, or believe you may have been sexually assaulted, by a stranger or by someone you know, you should:

1. Call 9-1-1 and campus security (CSB Security, 363-5000; or, SJU Life Safety, 363-2144) right away if you are in immediate danger.
2. Call a supportive person, someone from the residential life staff or an advocate from a crisis line.
3. Get medical help. Do not shower or clean yourself in any way after a sexual assault. Important physical evidence can be gathered up to 72 hours after an assault. You may also have physical injuries that need attention as well as concerns about pregnancy and/or sexually transmitted diseases.
4. Decide whether to file a report with the police and/or campus security. Consider meeting with the human rights officer to obtain information about filing a complaint under our Joint Sexual Assault Policy and Procedures. Sexual assault is a violation of the state criminal code and the CSB/SJU sexual assault policy. Violators could face disciplinary action under either or both judicial systems.
5. Seek support and counseling. There are a variety of resources both on and off campus that can assist you.

For more information, contact **Jody Terhaar**, Dean of Students at CSB, (320) 363-5601; **Mike Connolly**, Dean of Students at SJU, (320) 363-3171; or **Chantel Braegelmann**, Deputy Title IX Coordinator, (320) 363-5071.

CSB and SJU will not tolerate sexual harassment or sexual assault in any form on their campuses or at any campus- sponsored event. Individuals identifying themselves as victims are strongly encouraged to report the incident immediately to the human rights officer or campus security.

**Sexual Misconduct Policy**  
**College of Saint Benedict & Saint John's University**

08/12/2020 Approved by the CSB and SJU Boards of Trustees

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*Nothing in this Policy is intended to create a contract between or among the (1) College of Saint Benedict and Saint John's University and (2) any student, employee, independent contract, vendor, or other individual or entity.*

## **I. PURPOSE, NOTICE OF NON-DISCRIMINATION, SCOPE, AND DEFINITIONS**

### **A. Purpose and Notice of Non-discrimination**

The purpose of this Policy is to maintain an environment that is free from the physical and emotional threat of Sexual Misconduct. The College of Saint Benedict (CSB) and Saint John's University (SJU) (collectively, the "institutions") will not tolerate Sexual Misconduct in any form.

This Policy, along with the institutions' Sexual Misconduct Complaint Procedures (the "Procedures"), addresses the institutions' prohibition of Sexual Misconduct, the steps for recourse for those individuals who may have been subject to Sexual Misconduct, and the procedures for determining whether a violation of the institutions' Policy occurred. In accordance with Title IX and its regulations, this Policy applies to the following forms of sex discrimination, which are referred to collectively as "Sexual Misconduct": Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation. Allegations of sex discrimination that do not involve Sexual Misconduct will be handled in accordance with the Human Rights Policy.

CSB and SJU are committed to compliance with all applicable anti-discrimination laws, including Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, and the Americans with Disabilities Act (ADA) and ADA Amendments, and do not unlawfully discriminate on the basis of race, religion, color, national origin, sex, sexual orientation, age, marital status, disability, familial status, status with regard to public assistance, or other legally protected category or characteristic, in their education programs and activities, in their admissions policies, in employment policies and practices, and all other areas of the institutions. Harassment based upon an individual's legally protected status is a form of prohibited discrimination.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The institutions are required by Title IX and its regulations not to engage in sex discrimination in their education program or activity, including admissions and employment. Sex discrimination is conduct based upon an individual's sex that excludes an individual from participation in, denies the individual the benefits of, or treats the individual differently, in an education program or activity. Sexual Harassment is a form of sex discrimination.

As institutions which espouse Catholic and Benedictine values, every community member's awareness of and respect for the rights and human dignity of all persons undergirds community life. These values demand that we strive to create an environment where the sacredness of each person is honored. Sexual Assault, Sexual Harassment, and other Sexual Misconduct violate the sacredness of the person, weaken the health of the community, and are antithetical to the missions of our institutions.

The College of Saint Benedict and Saint John's University will promptly and equitably respond to all reports of Sexual Misconduct, and will take steps to eliminate the misconduct, prevent its recurrence, and to address its effects on any individual or the community.

Questions or concerns regarding Title IX, sex discrimination, or Sexual Misconduct may be directed to the institutions' Lead Title IX Coordinators:

**Kathryn Enke**  
**Chief of Staff**  
**CSB Lead Title IX Coordinator**  
[kenke@csbsju.edu](mailto:kenke@csbsju.edu)  
(320) 363-5070  
37 South College Avenue  
Mary Commons 223  
Saint Joseph, MN 56374

**Patti Epsy**  
**Chief of Staff**  
**SJU Lead Title IX Coordinator**  
[pepsky@csbsju.edu](mailto:pepsky@csbsju.edu)  
(320) 363-2246  
PO Box 2000  
Quad 142A  
Collegeville, MN 56321

Questions or concerns may also be directed to the U.S. Department of Education Office for Civil Rights: Web

Address: <http://www2.ed.gov/about/offices/list/ocr/index.html>  
Mailing Address: US Department of Education Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building 400  
Maryland Avenue SW  
Washington, DC 20202-1100  
Telephone: 800-421-3481  
Fax: 202-453-6012  
TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

## **B. Scope**

This Policy applies to all CSB/SJU community members, including students, faculty, staff, other employees, administrators, trustees, volunteers, vendors, independent contractors, applicants for admission or employment, and visitors of CSB and/or SJU, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity with either institution or on CSB or SJU property. This Policy may also apply to individuals who interact with CSB/SJU community members under certain circumstances. All CSB/SJU community members must abide by this Policy and local, state, and federal law.

This Policy applies to Sexual Misconduct committed by or against a CSB/SJU community member, including conduct that occurs on campus or CSB and/or SJU property, conduct that occurs at CSB and/or SJU-sanctioned events or programs that take place off campus, including but not limited to professional meetings, classes, practica, seminars, and study abroad programs, and off campus conduct that the institutions determine may (1) have continuing adverse effects on either campus, CSB or SJU property, or in a CSB and/or SJU education program or activity, (2) substantially and unreasonably interfere with a CSB/SJU community member's employment, education, or environment on campus, CSB or SJU property, or in a CSB and/or SJU education program or activity, or (3) create a hostile environment for CSB/SJU community members on campus, CSB or SJU property, or in a CSB and/or SJU education program or activity.

This Policy applies to Sexual Misconduct within the scope of Title IX, as well as Sexual Misconduct committed by or against a CSB/SJU community member that does not fall within the scope of Title IX. More information about what Sexual Misconduct falls within the scope of Title IX is provided in the section I(D) Prohibited Conduct below and more information about the process applicable to different types of Sexual Misconduct is provided in the Procedures sections VIII and IX.

This Policy applies regardless of the sexual orientation or gender identity of any of the parties.

### C. Definitions

1. **Sexual Misconduct** as used in this Policy and the Procedures, Sexual Misconduct means the following forms of sex discrimination Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Stalking, Domestic Violence, Dating Violence, and Sexual Exploitation. Some instances of Domestic Violence, Dating Violence, and Stalking may not be sexual in nature. For purposes of this Policy and the Procedures, the term “Sexual Misconduct” encompasses all instances of Dating Violence, Domestic Violence, and Stalking (as those terms are defined in this Policy), regardless of whether there is a sexual component to the behavior.
2. **Complainant** means an individual who is alleged to be the victim of conduct that could violate this Policy.
3. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.
4. **Formal Complaint** is a document filed by a complainant or signed by a Lead or Deputy Title IX Coordinator alleging a violation of this Policy and requesting that CSB and/or SJU investigate the allegation of the Policy violation. A formal complaint begins the Complaint Resolution Process set forth in the Procedures.
5. **Report** means an account of alleged Sexual Misconduct provided to CSB and/or SJU by the complainant, a third party, or an anonymous source.
6. **Complaint Resolution Process** refers to the process used to investigate and adjudicate formal complaints of Sexual Misconduct, from the filing of the formal complaint through determination and appeal, if any.
7. **Policy** refers to the Sexual Misconduct Policy for the College of Saint Benedict and Saint John's University
8. **Procedures** refer to the Sexual Misconduct Complaint Procedures for the College of Saint Benedict and Saint John's University. The procedures can be found at [www.csbsju.edu/sexualmisconductprocedure](http://www.csbsju.edu/sexualmisconductprocedure).
9. **Campus** refers to the entire physical grounds of CSB and SJU.
10. **Title IX Coordinators** are officials of CSB and SJU who have been appointed by their respective institutions to address issues of gender-based discrimination and Sexual Misconduct, including overseeing Complaint Resolution Processes, identifying and addressing any patterns or systemic problems that arise during the review of reports and formal complaints, and assisting in answering any questions related to the Policy and Procedures. The Lead Title IX Coordinators exercise oversight, while the Deputy Title IX Coordinators and others designated by the Lead Title IX Coordinators are responsible for the implementation of the Sexual Misconduct Complaint Procedures and case management. Any Title IX Coordinator or Deputy Title IX Coordinator may appoint a designee to fulfill the functions of the Coordinator under the Policy and Procedures.

When the Policy and Procedures refer to actions of a Lead Title IX Coordinator or Deputy Title IX Coordinator, these actions may be fulfilled by the Lead Title IX Coordinator, a Deputy Title IX Coordinator, or a designee of a Lead Title IX Coordinator or Deputy Title IX Coordinator. In addition, as used in the Policy and Procedures, Lead Title IX Coordinator and Deputy Title IX Coordinator may refer to a single individual or multiple individuals, in cases when multiple individuals share responsibility for the implementation of the Complaint Resolution Procedures. The parties will be informed of who will serve as the Lead and/or Deputy Title IX Coordinator in a particular Complaint Resolution Process. The Lead and Deputy Title IX Coordinators for each institution who have responsibility for Sexual Misconduct formal complaints are listed in the contact information at the end of this Policy and at the end of the Sexual Misconduct Complaint Procedures. See the Sexual Misconduct Complaint Procedures, section II — Responsibility for more information.

- 11. Campus authorities** refer to the Department of Security at the College of Saint Benedict, Life Safety Services at Saint John's University, and/or the Dean(s) of Students or Lead or Deputy Title IX Coordinators.
- 12. Supervisor** refers to administrators, department chairs, faculty, residence directors, faculty residents, resident assistants, staff persons, and others who have the responsibility for faculty, staff, or students' terms and/or conditions of employment, educational and academic opportunities, and living situations.
- 13. Associate** refers to any individual or organization engaging in or conducting activities associated with CSB and/or SJU or doing business at or with CSB and/or SJU, including members of Saint John's Abbey and Saint Benedict's Monastery.

#### **D. Prohibited Conduct**

The institutions prohibit the following forms of Sexual Misconduct: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Exploitation, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as each term is defined below. Aiding others in acts of Sexual Misconduct also violates this Policy.

- 1. Title IX Sexual Harassment**, as used in this Policy, Title IX Sexual Harassment includes conduct on the basis of sex that satisfies one or more of the following definitions, when the conduct occurs (1) in the institutions' education program or activity and (2) against a person in the United States.
  - a. Title IX Quid Pro Quo Harassment:** Title IX Quid Pro Quo Harassment occurs when an employee of either institution, including a student-employee, conditions the provision of an aid, benefit, or service of either institution on an individual's participation in unwelcome sexual conduct. Such unwelcome sexual conduct could include, but is not limited to, sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature.
  - b. Title IX Hostile Environment Harassment:** Title IX Hostile Environment Harassment is unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institutions' education program or activity.

For the purposes of the definition of Title IX Hostile Environment Harassment, reasonable person means a reasonable person in the shoes of the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident.

Multiple instances of the following conduct, or other unwelcome conduct on the basis of sex, may constitute Title IX Hostile Environment:

- **Non-verbal harassment** may include suggestive or insulting sounds, leering, whistling, obscene or sexual gestures, and visual displays;
- **Verbal harassment** may include statements (written or spoken) drawing upon sexual innuendo, suggestive comments, insults, humor or jokes that are sexual in nature, sexual propositions (including repeated unwelcome invitations to social engagements), commentary about an individual's body, gossip about sexual relations, or sexual threats;
- **Physical harassment** may include unwanted kissing, touching, pinching, patting, hugging, or brushing of one's body;
- **Cyber or electronic harassment.**

The determination of what constitutes Title IX Hostile Environment Harassment depends upon the specific facts of each situation in the context in which the conduct occurs. Sexual Harassment may take many forms. It may be subtle and indirect, or blatant and overt. It may be conduct affecting an individual of the opposite sex or conduct affecting an individual of the same sex. It may occur between peers or between individuals in a hierarchical relationship.

The circumstances that may be considered when determining whether conduct was so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institutions' education program or activity include, but are not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the victim's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct was merely a discourteous, rude, or insensitive statement or action;
- Whether the speech or conduct deserves the protections of academic freedom.

- c. **Sexual Assault, Domestic Violence, Dating Violence, and Stalking**, as those terms are defined below, when such conduct occurs (1) in the institutions' education program or activity and (2) against a person in the United States.

For the purposes of the Title IX Sexual Harassment definition, conduct is **unwelcome** when the individual did not request or invite and regarded it as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that he or she welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that he or she objects, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident.

In some cases, consensual romantic or sexual relationships or the attempt to have a consensual romantic or sexual relationship may form the basis for a claim of Title IX Sexual Harassment. These relationships are particularly complex when there is a power imbalance between the individuals involved in the relationship. Such relationships may also affect other members of the campus community adversely and give rise to conflict of interest concerns when there is real or perceived favorable treatment or an unacceptable work environment. Refer to the policies on Consensual Romantic or Sexual Relationships for further information at <https://www.csbsju.edu/human-rights/consensual-romantic-or-sexual-relationships> .

Allegations of a violation of the Consensual Romantic or Sexual Relationship policies will be handled separately from this Policy and are not subject to the Sexual Misconduct Complaint Resolution Process set out in the Procedures.

At a minimum, the institutions' **education program or activity** includes all of the operations of the institutions, including (1) locations on campus or otherwise owned or controlled by the CSB and/or SJU, (2) locations, events, or circumstances over which the CSB and/or SJU exercised substantial control over both the respondent and the context in which the alleged Sexual Misconduct occurred, and (3) any building owned or controlled by a student organization that is officially recognized by CSB and/or SJU. Whether alleged conduct occurred in the institutions' education programs or activities is a fact specific analysis.

## **2. Non-Title IX Sexual Harassment**

While Title IX requires that the alleged conduct meet a certain threshold before it is considered Title IX Sexual Harassment, the institutions also prohibit unwelcome conduct of a sexual nature or based on sex (1) that may not rise to the level of Title IX Sexual Harassment (as defined above), (2) that did not occur in the institutions' education program or activity, but may nevertheless cause or threaten to cause an unacceptable disruption at the institutions or interfere with an individual's right to a non-discriminatory educational or work environment, or (3) that did not occur against a person in the United States.

As used in the Policy, Non-Title IX Sexual Harassment is unwelcome conduct of a sexual nature or based on sex, including sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an



individual's employment or educational experience or submission or rejection of such conduct by an individual is used as the basis of employment decisions or academic or education-related decisions affecting such individual (**Quid Pro Quo Sexual Harassment**); or

- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's work or educational experience or creating an intimidating, hostile, or offensive working, residential, or educational environment (**Hostile Environment Sexual Harassment**).

Examples of Non-Title IX Hostile Environment Harassment may include the same type of conduct listed above for Title IX Hostile Environment Harassment, when such conduct (1) does not rise to the level of being so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institutions' education program or activity; (2) does not occur in the institutions' education program or activity; or (3) does not occur against a person in the United States. The determination of what constitutes Non-Title IX Sexual Harassment depends upon the specific facts of each situation in the context in which the conduct occurs. Sexual Harassment may take many forms. It may be subtle and indirect, or blatant and overt. It may be conduct affecting an individual of the opposite sex or conduct affecting an individual of the same sex. It may occur between peers or between individuals in a hierarchical relationship.

For the purposes of the Non-Title IX Sexual Harassment definition, conduct is **unwelcome** when the individual did not request or invite and regarded it as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that he or she welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that he or she objects, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident.

In some cases, consensual romantic or sexual relationships may form the basis for a claim of Non- Title IX Sexual Harassment. These relationships are particularly complex when there is a power imbalance between the individuals involved in the relationship. Such relationships may also affect other members of the campus community adversely and give rise to conflict of interest concerns when there is real or perceived favorable treatment or an unacceptable work environment. Refer to the policies on Consensual Romantic or Sexual Relationships for further information at <http://www.csbsju.edu/human-rights/consensual-romantic-or-sexual-relationships>. Allegations of a violation of the Consensual Romantic or Sexual Relationship policies will be handled separately from this Policy and are not subject to the Sexual Misconduct Complaint Resolution Process set out in the Procedures.

Non-Title IX Sexual Harassment does not include conduct covered under the definition of Title IX Sexual Harassment.

### **3. Sexual Assault**

Sexual Assault is defined as any actual or attempted sexual contact, including but not limited to penetration and contact with any object, with another person without consent. Sexual Assault includes, but is not limited to:

- Rape (the penetration, no matter how slight, of the vagina or anus, with any body part or object, oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without the consent of the victim);
- Fondling (the touching of the private body parts, including the genital area, groin, inner thigh, buttocks, or breasts, of another person for the purpose of sexual gratification, without the consent of the victim);
- Incest (sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law); and
- Statutory rape (sexual intercourse with a person who is under the statutory age of consent; in Minnesota the age of consent is 16).

Sexual Assault is a criminal act under state law. See [Minnesota Statutes Section 609.341 et seq.](#) for applicable criminal law definitions of criminal sexual conduct in Minnesota.

**Sexual contact**, for purposes of this Policy, sexual contact includes, but is not limited to, the intentional touching by an individual of another's intimate parts (including an individual's breasts, inner thighs, buttocks, genitals and/or groin area, whether clothed or unclothed); touching another with any of these intimate body parts, whether clothed or unclothed; the coerced touching by an individual of another's intimate parts, whether clothed or unclothed; and forcing another to touch oneself with or on any of these body parts.

**Consent** means words or overt actions by a person indicating a freely given, present agreement to perform or engage in a particular sexual act with the person initiating sexual contact. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in a mutually agreed-upon sexual activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity.

- a. Consent requires more than the existence of a prior or current social or sexual relationship between the parties. In cases involving prior or current social or sexual relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.
- b. Consent to one sexual act does not, by itself, imply consent to another. Consent has to be specific to the act and persons involved, at the time of the act. Past consent to sexual activity does not imply ongoing future consent.
- c. Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- d. Consent is active, not passive. Simple silence, the lack of a negative response, or failure to resist, in and of itself, is not consent.
- e. Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.

- f. The use or threatened use of force or other forms of coercion or intimidation take away a person's ability to give consent to sexual contact. **Coercion** refers to conduct or intimidation that would compel an individual to do something against his or her will by (1) the use of physical force, (2) threats of severely damaging consequences, or (3) pressure that would cause a reasonable person to fear severely damaging consequences. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone used to obtain consent from another.
- g. A person who is incapacitated cannot give valid consent to sexual contact initiated by another individual. **Incapacitation** means the inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol.

With respect to incapacitation due to the influence of drugs or alcohol, incapacitation requires more than being under the influence of drugs or alcohol; a person is not incapacitated simply because he or she has been drinking or using drugs.

Where drugs and/or alcohol are involved, incapacitation is determined based on the facts and circumstances of the particular situation looking at: (1) whether the individual was able to understand the fact, nature, or extent of the sexual situation, (2) whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent, and (3) whether such condition was known or reasonably known to the respondent or a sober, reasonable person in respondent's position. Use of drugs or alcohol by the respondent is not a defense against allegations of Sexual Misconduct.

- h. A person who has not reached the legal age of consent cannot give consent. The legal age of consent may vary depending on the circumstances and the applicable state law. In Minnesota, the age of consent is 16.
- i. Where there is otherwise credible evidence to support a finding of non-consent, corroborating testimony is not required.

#### 4. Sexual Exploitation

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- a. Intentional and repeated invasion of sexual privacy (e.g., walking into another person's room or private space with the purpose or result of invading sexual privacy);
- b. Prostituting another person;
- c. Non-consensual taking of photographs/images, video recording, and/or audio recording of a sexual activity;
- d. Non-consensual distribution or displaying of photographs/images, video recording, audio

recording, or live streaming of a sexual activity;

- e. Allowing third parties to observe sexual activities or view another's breasts, inner thighs, buttocks, genitals and/or groin area, in a place where that person would have a reasonable expectation of privacy, without consent;
- f. Engaging in non-consensual voyeurism;
- g. Knowingly transmitting a sexually transmitted disease or sexually transmitted infection to another person without the person's knowledge;
- h. Intentional removal or attempted removal of clothing that exposes an individual's bra, underwear, breasts, inner thighs, buttocks, genitals and/or groin area, or that is otherwise sexual in nature, without consent;
- i. Exposing one's breasts, buttocks, genitals and/or groin area in non-consensual circumstances;
- j. Inducing another to expose his/her breasts, inner thighs, buttocks, genitals and/or groin area in non-consensual circumstances;
- k. Ejaculating on another person without consent;
- l. Distributing or displaying pornography to another without that individual's consent.

## **5. Dating Violence**

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined with consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Dating Violence includes, but is not limited to, sexual or physical abuse, such as Sexual Assault, physical harm, bodily injury, or criminal assault, or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is prohibited by state law. See [Minnesota Statutes Section 518B.01; 609.2242](#) for applicable criminal law definitions related to Dating Violence in Minnesota.

## **6. Domestic Violence**

Domestic Violence is violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Minnesota, or by any other person against an adult or youth victim who is protected from that person's acts under domestic or family violence laws. In addition to the relationships described above, Minnesota law defines Domestic Violence to include violence committed between parents and children, blood relatives, persons who are presently residing together or who have resided together in the past, persons

involved in a significant romantic or sexual relationship, and a man and woman, if the woman is pregnant and the man is alleged to be the father.

While not exhaustive, the following are examples of conduct that can constitute Domestic Violence: physical harm, bodily injury or assault; the infliction of fear of imminent physical harm, bodily injury, or assault; terroristic threats; criminal sexual conduct; or interference with an emergency call.

Domestic Violence may also be called domestic abuse or spousal/intimate partner/relationship abuse or violence and is prohibited by state law. See Minnesota Statutes Section 518B.01; 609.2242 for applicable criminal law definitions related to Domestic Violence in Minnesota.

## 7. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.

For purposes of this definition, **course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

**Reasonable person** means a reasonable person in the victim's circumstances.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.

Stalking behavior includes, but is not limited to:

- a. Repeated, unwanted, intrusive, and frightening communications by phone, mail, text, email, and/or social media;
- b. Repeatedly leaving or sending the victim unwanted items, presents, or flowers;
- c. Following or lying-in-wait for the victim at places such as home, school, work, or recreation place;
- d. Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets;
- e. Damaging or threatening to damage the victim's property;
- f. Posting personal information or spreading rumors about the victim on the internet, in a public place, or by word of mouth;
- g. Unreasonably obtaining personal information about the victim.

Stalking is prohibited by state law. See [Minnesota Statutes Section 609.749](#) for applicable definitions of criminal Stalking.

## **8. Retaliation and Interference with Process**

Retaliation and Interference with Process is any act of intimidation, threat, coercion, or discrimination or any other adverse action or threat thereof against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Encouraging or assisting others to engage in retaliation or to interfere with the process are also considered Retaliation/Interference with Process and violate this Policy.

While the institutions do not prohibit the parties from discussing the allegations in a formal complaint, acts that could constitute Retaliation and Interference with Process may include, but are not limited to: acts or comments that are intended to discourage a person from engaging in activity protected under this Policy or that would discourage a reasonable person from engaging in activity protected under this Policy; acts or comments that are intended to influence whether someone participates in the Complaint Resolution Process, including the live hearing; acts or comments intended to embarrass the individual; adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational, and extra-curricular opportunities. Retaliation and Interference with Process may be in person, through social media, email, text, and other forms of communication, representatives, or any other person. Retaliation and Interference with Process may be present against a person even when the person's allegations of Sexual Misconduct are unsubstantiated.

The institutions are committed to protecting the rights of the complainant, the respondent, and anyone else involved in the Complaint Resolution Process. Any conduct constituting Retaliation or Interference with Process is a violation of this Policy, which is subject to disciplinary action up to and including termination of employment or expulsion. Concerned individuals should report acts of retaliation to a Deputy Title IX Coordinator. For more information, see section IX Complaints of Related Misconduct in the Procedures.

## **II. CRIME VICTIM BILL OF RIGHTS**

Victims of crimes in Minnesota have certain rights. The following is a summary of crime victims' rights under Minnesota law.

When a crime is reported to law enforcement, victims have the right to:

- a. Request that their identity be kept private in reports available to the public;
- b. Be notified of crime victim rights and information on the nearest crime victim assistance program or resource;
- c. Apply for financial assistance for non-property losses related to a crime;
- d. Participate in prosecution of the case, including the right to be informed of a prosecutor's decision to decline prosecution or dismiss their case;
- e. Protection from harm, including information about seeking a protective or harassment order at no cost;

- f. Protection against employer retaliation for taking time off to attend protection or harassment restraining order proceedings; and
- g. Assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of domestic abuse also have the right to terminate a lease without penalty. Victims of Sexual Assault have the right to undergo a confidential Sexual Assault examination at no cost, make a confidential request for HIV testing of a convicted felon, and are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency.

Complete information about crime victims' rights can be found at:

<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>. Information about victims' rights is also available from a Deputy Title IX Coordinator or from the Minnesota Department of Public Safety, Office of Justice Programs.

### **III. REPORTING SEXUAL MISCONDUCT**

Individuals have several options for reporting allegations of Sexual Misconduct.

#### **A. Reports of Sexual Misconduct to CSB and/or SJU**

Because of the significant interaction between students and employees of CSB and SJU, the institutions have determined that reports of Sexual Misconduct at one institution shall be shared with the other institution so that each institution can take appropriate measures.

Any individual who believes that he or she has experienced or who knows of Sexual Misconduct in violation of this Policy is strongly encouraged to report the alleged violation to a Deputy Title IX Coordinator, CSB Security, or SJU Life Safety Services as soon as possible. (See contact information at the end of this policy.) CSB and SJU understand that it can be difficult for victims of Sexual Misconduct to come forward. Victims of Sexual Misconduct are NOT to blame for what has occurred.

Reports may be submitted in person, via phone, online, mail, or via email. Reports may be made at any time, including non-business hours by phone, email, mail, or the institutions' website.

The purpose of reporting allegations of Sexual Misconduct is so that CSB and SJU can respond appropriately. This includes providing supportive measures to the complainant and taking other actions as appropriate to stop Sexual Misconduct, prevent its recurrence, and address its effects. Reports to the institutions should include as much information as possible, including the names of the complainant, the respondent, and any other involved individuals, and the date, time, place, and circumstances of the incidents, to enable the institutions to respond appropriately. Reporting a Sexual Assault or Sexual Misconduct incident to CSB Security, SJU Life Safety Services, a Deputy Title IX Coordinator, or law enforcement authorities does not require the complainant to initiate or participate in the Complaint Resolution Process.

An individual who reports an incident of Sexual Assault to CSB or SJU, at his or her request, shall be provided access to the report as it was reported to the institution(s) consistent with state and federal laws governing privacy of education records. Such requests should be made to CSB or SJU Deputy Title IX Coordinator as appropriate.

Although most CSB and/or SJU employees cannot promise confidentiality, the institutions are committed to protecting the privacy of individuals involved in a report of Sexual Misconduct. Allegations of policy violations will be considered private and will only be shared with other CSB and/or SJU employees on a need to know basis, as permitted by law. The institutions will keep confidential the identity of any individual who has made a report or filed a formal complaint alleging a violation of this Policy, as well as any complainant, respondent, and witness, except as permitted by law or to carry out the Complaint Resolution Process pursuant to this Policy and the Procedures.

- 1. Employee Reporting Obligations.** All CSB and/or SJU employees who are not confidential resources who have observed others experiencing what they believe to be an incident of Sexual Misconduct or who have received a report of Sexual Misconduct are required to report this information to a Deputy Title IX Coordinator. Student employees who receive such information in the course of their work position or duties also must report the information to a Deputy Title IX Coordinator. Such report should be made as soon as possible and should include all relevant details needed to assess the situation. This includes, to the extent known, the names of the complainant, respondent, and others involved in the incident, as well as relevant facts, including the date, time, and location of any incident.

Employees who receive such reports should not attempt to “investigate” the allegation or require the reporting individual to provide all of the details surrounding the alleged Sexual Misconduct. To the extent the reporting individual provides detail, that information should be provided to a Deputy Title IX Coordinator. Upon receiving a report of alleged or possible Sexual Misconduct, the Deputy Title IX Coordinator will evaluate the information received and determine what further actions should be taken consistent with the Complaint Resolution Process and this Policy.

Employees who are not confidential resources and receive a report of Sexual Misconduct should bring the report directly to a Deputy Title IX Coordinator and should not share information about the report with any other individual. If the employee is uncertain whether the information should be reported to a Deputy Title IX Coordinator, the employee should seek guidance from a Deputy Title IX Coordinator before providing the Deputy Title IX Coordinator with any identifiable information regarding the report. Failure of an employee who is not a confidential resource to report allegations of Sexual Misconduct to a Title IX Coordinator may result in disciplinary action.

In addition to the above reporting responsibility, institutional Supervisors (See Section I(C) Definitions) have the further responsibility to use their best efforts to assure that Sexual Misconduct does not occur.

All other community members are encouraged to report any incidents of potential Sexual Misconduct.

- 2. Anonymous Reporting.** Anonymous reports can be made online at <https://www.csbsju.edu/report-sexual-misconduct>. The individual making the report is encouraged to provide as much detail as possible to allow the institution(s) to investigate and respond as appropriate. The institution(s) will likely be limited in their ability to effectively investigate and respond to an anonymous report, unless sufficient information is furnished to enable the institutions to conduct a meaningful investigation.
- 3. Response of CSB and SJU to Reports.** Upon receiving a report of Sexual Misconduct, a Deputy Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint and to explain the process of filing a formal complaint. CSB/SJU will also provide a written explanation of the individual’s rights and options and



procedures and written notification about how to request changes to academic, living, transportation and work situations, and assistance in identifying options and requesting changes.

4. **Obligation to Act in Good Faith.** Reports and formal complaints of alleged Sexual Misconduct should only be made in good faith. Reports and formal complaints that are not made in good faith may be a form of retaliation under this Policy and/or may violation other CSB and/or SJU policies.

An allegation that a person has violated the obligation to act in good faith will be handled through the procedures identified in VIII Complaints of Related Misconduct in the Procedures.

5. **Supportive/Interim Measures.** At any time after a report of a potential violation of this Policy has been received by CSB and SJU, a Deputy Title IX Coordinator will consider whether supportive/interim measures are reasonably necessary or appropriate to protect the parties and the campus community. Such supportive/interim measures will be available without fee or charge to the complainant, respondent, and others adversely impacted by the Complaint Resolution Process, if requested and reasonably available. Such measures will be designed to restore or preserve equal access to the institutions' education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the institutions' educational environment, or to deter sexual harassment.

CSB and SJU are obligated to comply with a student's reasonable request for a living and/or academic situation change and for an employee's reasonable request for a change in work environment following an alleged incident of Sexual Misconduct. CSB and SJU will make appropriate supportive/interim measures available with or without a formal complaint, even when a complainant asks to keep a reported violation confidential, when a request is made to not investigate, and regardless of whether an individual chooses to report to Campus Security Authorities or local law enforcement.

Supportive/interim measures that may be available include, but are not limited to:

- a. connecting the individual with appropriate, fair, and respectful on-campus and off- campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services;
- b. making changes to academic, living, transportation, and/or working arrangements;
- c. providing academic accommodations or providing assistance with academic issues;
- d. establishing a no contact directive prohibiting the parties involved from communicating with each other;
- e. assistance in filing a criminal complaint;
- f. providing information about restraining orders and other available protections and services and providing assistance with respect to obtaining and enforcing such orders; and
- g. for students who choose to transfer to another institution, at the student's request, providing information about resources for victims of Sexual Assault at the institution to which the student is transferring.

CSB and/or SJU also reserve the right to impose various conditions or restrictions on a complainant and/or respondent, including altering or suspending the rights of a student to be present on campus, restricting building and space privileges to attend classes or to participate in extracurricular activities or events.

If the respondent is a CSB and/or SJU student and the respondent will be barred from CSB and/or SJU property, prohibited from residing in a CSB or SJU residence, or otherwise removed from the institutions' education program or activity, in whole or in part, prior to the conclusion of the complaint resolution process, these protective measures will be put in place pursuant to the procedures discussed in the section III(A)(7) above.

Individuals may request such accommodations and protective measures by contacting any official listed in the contact information section IX. below. Such measures will vary based on the particular facts and circumstances, including, but not limited to, the specific need expressed by the individual, the age of the individuals involved, the severity or pervasiveness of the allegations, any continuing effects on the individual, whether the complainant and respondent share the same residence hall, dining hall, class, transportation, or job location, or have a work relationship and whether other measures have been taken to protect the complainant. A Deputy Title IX Coordinator will be responsible for determining what measures will be put in place.

CSB and SJU will strive to maintain as confidential any supportive/interim measures provided to an individual, to the extent that maintaining such confidentiality will not impair the ability of the institutions to provide the accommodations or protective measures. CSB and SJU will only disclose information necessary to provide the accommodations or protective measures in a timely manner. A Deputy Title IX Coordinator will determine what information about an individual should be disclosed and to whom this information will be disclosed based on the facts and circumstances of the specific situation and the accommodation to be provided. CSB and SJU will inform the individual before sharing personally identifying information that CSB and SJU believes is necessary to provide an accommodation or protective measure. CSB and SJU will tell the individual which information will be shared, with whom it will be shared, and why it will be shared.

Additional information regarding resources for immediate and ongoing assistance available to victims of Sexual Misconduct, and what to do if you have been sexually assaulted, is available on the institutions' website:

<https://www.csbsju.edu/human-rights/sexual-misconduct/resources>

<https://www.csbsju.edu/human-rights/sexual-misconduct>

<https://www.csbsju.edu/chp/sexual-assault-survivors-guide>

Any concern about a violation of a supportive/interim measure should be reported to a Deputy Title IX Coordinator promptly. Complaints of a violation of supportive/interim measures will be handled as discussed in Section IX. Complaints of Related Misconduct in the Procedures.

- 6. Waiver of Drug, Alcohol and Open House Policy Violations.** CSB and SJU strongly encourage students to report instances of Sexual Misconduct. Therefore, any student who makes a good faith report about Sexual Misconduct and/or who participates in a Complaint Resolution Process will not be disciplined by CSB or SJU for any violation of the institutions' drug, alcohol, or open house policies in which they might have engaged in connection with the reported incident, except as outlined in this section. CSB or SJU may still require the individual to participate in educational or restorative action. In instances where any other individual is harmed by the conduct constituting a violation of the institutions' drug, alcohol, or open

house policies, a waiver may not be extended and in such cases, the institutions may still pursue disciplinary action for the alleged violation of the institutions' drug, alcohol, or open house policies.

7. **Emergency Removal.** The institutions reserve the right to remove a student respondent, in whole or in part, from the institutions' education program or activity on an emergency basis. Prior to removing the student respondent on an emergency basis, the institutions will undertake an individualized safety and risk analysis and will determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifies removal. If a student respondent is removed on an emergency basis, the institutions will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal.
8. **Administrative Leave.** The institutions reserve the right to place a non-student employee respondent on administrative leave during the pendency of the Complaint Resolution Process. See section VIII(B) Sanctions for Faculty and Staff for more information.

## **B. Reports of Criminal Sexual Misconduct to Law Enforcement**

Some forms of Sexual Misconduct are crimes. Individuals who believe they have been subject to criminal Sexual Misconduct (or who believe that another crime has occurred) are strongly encouraged to notify CSB Security or SJU Life Safety Services and/or local law enforcement authorities immediately. Time is a critical factor for evidence collection and preservation. Victims should be aware of the importance of preserving evidence, which may be necessary to the proof of criminal Sexual Assault, Domestic Violence, Dating Violence, or Stalking, or to obtain an order of protection. Evidence collection does not require you to make a police report, but it does help preserve the evidence if you later decide to file a police report. To obtain a forensic medical exam, go to the St. Cloud Hospital, 1406 6th Ave. N., St. Cloud, MN 56303. For more information about preserving evidence, see the Sexual Assault Survivor's Guide, <https://www.csbsju.edu/chp/sexual-assault-survivors-guide> .

Individuals who would like to report Sexual Misconduct to law enforcement should contact:

### **St. Joseph Police Department**

Emergency: 911 Non-emergency:  
320-363-8250

75 Callaway Street East, St. Joseph, MN 56374 <http://www.cityofstjoseph.com/114/Police-Department>

### **Stearns County Sheriff** Emergency:

911 Non-emergency: 320-259-3700

807 Courthouse Square, Room S100, St. Cloud, MN 56303

<https://co.stearns.mn.us/Government/CountyDepartments/SheriffsOffice>

The Central Minnesota Sexual Assault Center (CMSAC) is a 24-hour crisis intervention agency providing direct services to people affected by any form of sexual violence. The Center's purpose is to offer non-judgmental, confidential, free, direct services to victims of Sexual Assault, their partners, families, coworkers, and friends. Advocates at the Center can also assist individuals with reports to law enforcement and in seeking medical care. The Central Minnesota Sexual Assault Center can be reached 24 hours at (320) 251-4357. An advocate from CMSAC can accompany individuals to make a report to law enforcement if the assault happened in CMSAC's four-county area of Stearns, Benton, Sherburne, or Wright. You always have the right to request an advocate be present with you during a report or interview with law enforcement.

CSB Security and SJU Life Safety Services are available to assist an individual who wants to make a report to law enforcement. In addition, CSB Security, SJU Life Safety Services, or local law enforcement can ensure that the individual has access to appropriate medical treatment and tests, crisis counseling, information, and other

support services. The institutions do not report incidents of Sexual Misconduct to law enforcement without the consent of the complainant unless the incident involves a minor, the disclosure is necessary to protect the health or safety of the complainant or any other individual, or unless compelled to do so pursuant to a subpoena or court order.

Individuals may file a criminal complaint and a Sexual Misconduct formal complaint simultaneously. Reporting an incident of Sexual Misconduct to law enforcement is not necessary for the institutions to proceed with a Complaint Resolution Process under this Policy and Procedures.

To report to law enforcement:

1. Call 911 if there is immediate danger. Help will come to wherever you are.
2. Contact the local law enforcement agency. Ask to speak to an officer regarding a sexual assault. If you are not comfortable indicating the specific reason for the call, you can ask to speak with an officer regarding a possible crime. CSB Security, SJU Life Safety, and the Dean(s) of Students can also assist you in making contact with local law enforcement. In some cases, the law enforcement officer will meet you on campus or another location that is comfortable for you.
  - For incidents that occur on the CSB campus or in the St. Joseph community, contact St. Joseph Police at (320) 363-8250.
  - For incidents that occur on the SJU campus, contact the Stearns County Sheriff's Department at (320) 259-3700.
  - For incidents that occur in St. Cloud, contact the St. Cloud Police at (320) 251-1200.

Helpful information regarding reporting to law enforcement is available here:

<https://cmsac.org/reporting-a-sexual-assault/>

<https://cmsac.org/education-safety-reporting/>

<https://rainn.org/articles/reporting-law-enforcement>

<https://rainn.org/articles/communicating-law-enforcement>

Members of the community who are aware of criminal Sexual Misconduct involving a minor must make reports as required by the Joint Policy on Reporting Suspected Child Abuse:

<https://www.csbsju.edu/human-rights/child-protection/reporting-suspected-child-abuse>

### **C. Restraining Orders, Orders for Protection, Domestic Abuse No Contact Orders, and CSB/SJU No Contact Directives**

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a restraining order or an order for protection from a civil court, a criminal domestic abuse no contact order, or requesting a no contact directive from CSB and/or SJU.

- 1. Harassment restraining orders and orders for protection** are legal orders issued by a state court that forbid someone from harassing and/or making contact with another. A harassment restraining order is a civil court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member. CSB and SJU do not issue such orders, however, petition forms to apply for harassment restraining orders or to seek an order for protection are available at the Court Administration Office located at the Stearns County District Courthouse, 725 Courthouse Square, St. Cloud, MN 56303 or online from the Minnesota Judicial Branch website, <http://www.mncourts.gov/GetForms.aspx?c=17#subcat39>. The telephone number for the Court Administrator is (320) 656-3620. More information about writing and filing a petition for an order for protection is available at: <https://co.stearns.mn.us/LawPublicSafety/CrimeVictimServices/OrdersforProtection>. More information about writing and filing a petition for a restraining order is available at: <https://co.stearns.mn.us/LawPublicSafety/CrimeVictimServices/HarassmentRestrainingOrders>. Domestic abuse no contact orders are legal orders issued by a court against a defendant in a criminal proceeding for domestic abuse, harassment or Stalking of a family or household member, violation of an order for protection, or violation of a prior no contact order. A domestic abuse no contact order may be issued before the end of the criminal case or following a conviction. An order of protection, harassment restraining order, and/or a domestic abuse no contact order can be enforced by contacting local law enforcement. CSB and SJU will fully cooperate with any such order issued by a criminal, civil, or tribal court. For more information and assistance, individuals should contact the CSB or SJU Deputy Title IX Coordinator.
- 2. No Contact Directives** are institution-issued directives that prohibit one or both parties from communication or contact with another. No Contact Directives generally are issued under this Policy in cases involving allegations of Sexual Misconduct and/or to address safety concerns; No Contact Directives are not issued based on dislike of or discomfort with another individual alone. CSB and SJU No Contact Directives are issued under the authority and procedures of the institution(s) and violations are addressed by a Deputy Title IX Coordinator and could result in further restrictions. No Contact Directives may be mutual or one-sided. Generally, No Contact Directives issued prior to the conclusion of the Complaint Resolution Process will be mutual and serve as notice to both parties that they must not have verbal, electronic, or written communication with one another, or communication through another on a party's behalf. To request a No Contact Directive from CSB or SJU, students should contact a CSB or SJU Deputy Title IX Coordinator. An institutional No Contact Directive may be enforced by contacting a CSB or SJU Deputy Title IX Coordinator, CSB Security, or SJU Life Safety Services. CSB and SJU are responsible for honoring requests for information about available options for orders for protection, harassment restraining orders, and No Contact Directives and will comply with and enforce such orders.

#### **D. Confidential Resources**

An individual who is not prepared to make a report, but who still seeks information and support, is encouraged to contact a confidential resource. Confidential resources include professionals at CSB and SJU and in the community, including designated staff members in Counseling and Health Promotion and CSB Health Services, ordained clergy (when bound by the seal of sacramental confession), the Central MN Sexual Assault Center (320-251-4357), the Employee Assistance Program (Vital WorkLife at 800-383- 1908), and care providers at the St. Cloud Hospital. Conversations with confidential resources are privileged, meaning that they cannot be disclosed to another without the reporter's consent, except in certain limited circumstances such as allegations involving the physical or sexual abuse of a person under 18 or an immediate and serious threat to any person or property. Confidential resources may submit non-

identifying information about violations of the Policy to CSB Security and/or SJU Life Safety Services for purposes of anonymous statistical reporting under federal and state law. See Section VI Confidentiality or Request for No Action in the Procedures for additional information on confidentiality.

Confidential Resources include:

**CSB/SJU Counseling and Health Promotion**

[www.csbsju.edu/chp](http://www.csbsju.edu/chp)

CSB Campus	SJU Campus
Lottie Hall, Lower level	Mary Hall #10
320-363-5605	320-363-3236

**CSB Health Services**

[www.csbsju.edu/chp/csb-health-services](http://www.csbsju.edu/chp/csb-health-services) Lottie Hall, Lower Level  
320-363-5605

**Central MN Sexual Assault Center**

[www.cmsac.org](http://www.cmsac.org)  
15 Riverside Drive NE Saint Cloud, MN 56304  
320 251-4357 or 1-800-237-5090

**CSB/SJU Employee Assistance Program**

<https://www.csbsju.edu/about/at-a-glance/family-friendly-resources/eap>

**Vital WorkLife**

800-383-1908

**St. Cloud Hospital** [www.centracare.com/locations/centracare-st-cloud-hospital/](http://www.centracare.com/locations/centracare-st-cloud-hospital/) 1406 6th Ave N  
Saint Cloud, MN 56303  
320-251-2700

**Ordained Clergy, when bound by the seal of sacramental confession**

Note that conversations with clergy members outside the seal of confession are not confidential.

A person who speaks to a confidential resource should understand that if the person does not report the concern to the institutions, the institutions will be unable to provide certain supportive/interim measures, conduct an investigation into the particular incident, or pursue disciplinary action. Individuals who first speak with a confidential resource may later decide to file a formal complaint with the institutions or report the incident to local law enforcement.

**E. Clergy Act Reporting and Timely Warning**

CSB and SJU may also be required to share information with individuals or organizations outside the institutions under reporting or other obligations under federal and state law, such as reporting of Clergy Act crime statistics. Clergy Act reporting and disclosures such as the annual security report and daily crime log will not include names or other information that may personally identify either the complainant or the respondent. To ensure that a complainant's personally identifying information will not be included in

publicly available recordkeeping, the Director of CSB Security or Director of SJU Life Safety describes the alleged incidents by removing the complainant's and respondent's names and any other identifiers that would enable the public to identify the complainant or respondent in the context of the incident report. In addition, if there is a criminal investigation or civil lawsuit related to the alleged misconduct, CSB and/or SJU may be subject to a subpoena or court order requiring the institutions to disclose information to law enforcement and/or the parties to a lawsuit. In such cases, personally identifying information will not be reported to the extent allowed by law and, if reported, affected students will be notified consistent with the institutions' responsibilities under the Family Educational Rights and Privacy Act, as allowed by law.

In addition, the Clery Act requires the institutions to issue a crime alert (timely warning) to the campus community about certain reported offenses which may represent a serious or continuing threat to students and employees. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future. The timely warning will not include any information that identifies the complainant.

Minnesota law, Minn. Stat. 135A.15, requires institutions to collect statistics, without inclusion of any personally identifying information, regarding the number of reports of Sexual Assault received by an institution and the number of types of resolutions. Data collected for purposes of submitting annual reports containing those statistics to the Minnesota Office of Higher Education under Minn. Stat. 135A.15 shall only be disclosed to the complainant, persons whose work assignments reasonably require access, and, at the complainant's request, police conducting a criminal investigation. Nothing in this paragraph is intended to conflict with or limits the authority of the institutions to comply with other applicable state or federal laws.

#### **IV. EQUITABLE TREATMENT OF THE PARTIES**

##### **A. Rights of Parties Involved in Sexual Misconduct Incident**

CSB and SJU recognize that community support for both the complainant and the respondent is essential to an equitable response to a Sexual Misconduct report. Therefore, CSB and SJU strive to provide parties involved in a Sexual Misconduct incident the following:

1. Privacy and treatment of sensitive information in a confidential manner, to the extent possible based on applicable law and institution policy;
2. Treatment with dignity, respect, and sensitivity;
3. Meaningful support from CSB and SJU departments and individuals, as appropriate (i.e., counseling, campus ministry, residential life, dean of students, department chairs, etc.);
4. Equitable procedures that provide both parties with a prompt and equitable Complaint Resolution Process conducted by officials who receive annual training on conduct prohibited by the Policy;
5. An explanation of the Complaint Resolution Process for Sexual Misconduct formal complaints;
6. Written information about available support and resources and an opportunity to discuss those resources;

- 7.** Notice of the allegations and defenses and an opportunity to respond;
- 8.** The ability to participate or not participate in a Complaint Resolution Process regarding a formal complaint of Sexual Misconduct and an explanation of potential consequences if a party chooses not to participate;
- 9.** An equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the formal Complaint Resolution Process;
- 10.** Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings at which the party's participation is invited or expected, with sufficient time for the party to prepare to participate;
- 11.** Timely notice of meetings that are part of the complaint resolution process at which the complainant or respondent may be present;
- 12.** The opportunity to speak on his or her own behalf as part of the Complaint Resolution Process;
- 13.** A Complaint Resolution Process conducted by officials, selected in accordance with Procedures, who do not have a conflict of interest or bias for or against complainants or respondents generally or for or against a complainant or respondent in the Complaint Resolution Process;
- 14.** The right to be free from retaliation, as defined in this Policy;
- 15.** Written notification about the outcome of any Complaint Resolution Process, including the outcome of any appeal;
- 16.** The opportunity to appeal the outcome of a Complaint Resolution Process under certain conditions, as discussed in the Procedures;
- 17.** The complainant and respondent have the right to the assistance of campus personnel (during and after the complaint process), in cooperation with the appropriate law enforcement authorities, in shielding the complainant or respondent, at their request, from unwanted contact with the complainant or respondent, including but not limited to an institution issued no-contact directive, transfer to alternative classes or to alternative institution-owned housing (if alternative classes or housing are available and feasible), change in work location or schedule, or reassignment (if available and feasible); and to receive assistance with academic issues;
- 18.** The complainant has the right to decide when to repeat a description of an incident of Sexual Misconduct, and the respondent has the right to decide when to repeat a description of a defense to such allegations;
- 19.** The complainant and respondent have the right to the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident;
- 20.** The complainant and respondent have the right to the assistance of campus authorities in preserving materials relevant to a campus complaint proceeding;
- 21.** The complainant and the respondent have the right to be provided access to their description of



the incident, as it was reported to the institutions, including if the individual transfers to another post-secondary institution, subject to compliance with FERPA, the Clery Act, Title IX, and other federal or state law. Requests for an individual's description of the incident should be made to a Deputy Title IX Coordinator.

## **B. Additional Rights in Cases Involving Allegations of Title IX Sexual Harassment**

In cases involving allegations of Title IX Sexual Harassment the following additional rights will be afforded to the complainant and the respondent:

1. The parties have the right to be accompanied to any Complaint Resolution Process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The institutions will not limit the choice or presence of the advisor for either the complainant or respondent in any meeting related to the Complaint Resolution Process. See the Procedures for additional information and requirements regarding the conduct of advisors.
2. The parties will be provided an equal opportunity to inspect and review a copy of any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, as set forth in the Procedures.
3. The parties will be provided a copy of the investigation report for their review and written response, as set forth in the Procedures.
4. The complaint resolution process will include a live hearing, at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions, as set forth in the Procedures.

In addition, a complainant who alleges Title IX Sexual Harassment has the following rights:

- a. The right to be informed by the institutions of options to notify proper law enforcement authorities, including on-campus and local police, of a Sexual Assault incident, and the right to report to law enforcement at any time or to decline to notify such authorities;
- b. The right not to be treated in a manner that suggests she or he is at fault for the Sexual Assault or violence or that she or he should have acted in a different manner to avoid becoming a victim;
- c. The right not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove that someone other than the respondent committed the alleged Sexual Misconduct;
- d. The right to be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services;
- e. The right to the prompt assistance of campus authorities, at the request of the complainant, in notifying the appropriate law enforcement officials and CSB and/or SJU officials of a Sexual Assault incident;
- f. The right to the complete and prompt assistance of campus authorities, at the complainant's

request, in filing criminal charges with local law enforcement officials in Sexual Assault cases;

- g. The right to assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety;
- h. For students who choose to transfer to another post-secondary institution, the right to receive information, upon request, about resources for victims of Sexual Assault at the institution to which the victim is transferring.

**C. Additional Rights in Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, or Stalking *Occurring Outside* of the Education Program or Activity or Against a Person *Outside* of the United States**

In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the following additional rights will be afforded to the complainant and the respondent:

1. The parties have the right to be accompanied to any Complaint Resolution Process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The institutions will not limit the choice or presence of advisor for either the complainant or respondent in any meeting related to the Complaint Resolution Process. See the Procedures for additional information and requirements regarding the conduct of advisors.
2. The complainant and respondent have the right to timely and equal access to information that will be used during informal and formal disciplinary meetings during the adjudication phase of the complaint resolution process, as set forth in the Procedures.

In addition, a complainant who alleges Sexual Assault, Domestic Violence, Dating Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States has the following rights:

- a. The right to be informed by the institutions of options to notify proper law enforcement authorities, including on-campus and local police, of a Sexual Assault incident, and the right to report to law enforcement at any time or to decline to notify such authorities;
- b. Not to be treated in a manner that suggests she or he is at fault for the Sexual Assault or violence or that she or he should have acted in a different manner to avoid becoming a victim;
- c. Not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove that someone other than the respondent committed the alleged Sexual Misconduct;
- d. The right to be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services;
- e. The right to the prompt assistance of campus authorities, at the request of the complainant, in notifying the appropriate law enforcement officials and CSB and/or SJU officials of a Sexual Assault incident;

- f. The right to the complete and prompt assistance of campus authorities, at the complainant's request, in filing criminal charges with local law enforcement officials in Sexual Assault cases;
- g. The right to assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety;
- h. For students who choose to transfer to another post-secondary institution, the right to receive information, upon request, about resources for victims of Sexual Assault at the institution to which the victim is transferring.

## V. COMPLAINT PROCEDURE

When CSB and/or SJU receive a formal complaint of a violation of this Policy, CSB and/or SJU will generally apply the complaint resolution procedures from the Sexual Misconduct Complaint Procedures that are in effect at the time that the formal complaint is made and generally will apply the Sexual Misconduct definitions from the Sexual Misconduct Policy that was in effect at the time the alleged misconduct occurred. For cases involving allegations of Title IX Sexual Harassment, CSB and/or SJU will apply the definitions from the policy that is in effect at the time the formal complaint is made to determine what procedures apply and the definitions from the policy that was in effect at the time the alleged misconduct occurred to determine whether a policy violation occurred.

## VI. SANCTIONS AND REMEDIES

Upon a finding that a violation of the Policy has occurred, disciplinary action may be imposed pursuant to the procedures set forth in the Sexual Misconduct Complaint Procedures

<https://www.csbsju.edu/human-rights/sexual-misconduct/sexual-misconduct-complaint-procedures>

Each of the following sanctions and other sanctions may be imposed alone or in combination for a respondent found responsible for Sexual Misconduct.

### A. Sanctions for Students

The purpose of sanctions will be to ensure the health and safety of our campus communities by preventing the recurrence of problematic behavior and addressing its effects including the effects of the violation on the complainant. In recommending or determining sanctions, the Title IX Hearing Panel or Deputy Title IX Coordinator may consider a variety of factors, including but not limited to, the type and severity of misconduct, the weight of the evidence, and the respondent's complete disciplinary record. Possible sanctions can include any one or more of the following, as well as other sanctions:

1. **Expulsion:** the permanent separation from the College of Saint Benedict or Saint John's University. The college/university may notify parents if their student is expelled to the extent allowable under state and federal law.
2. **College/University Suspension:** a sanction imposed for a specific period of one semester to five years based on the severity of a violation, the accumulation of violations, or failure to complete or comply with other sanctions previously administered. Students placed on College/University Suspension are not permitted to engage in any of the privileges, courses, organizations, events, or activities associated with being a student at CSB or SJU. College/University Suspension includes the immediate disenrollment from all courses not already completed. Students sanctioned with College/University Suspension may not be present on the premises of the College of Saint Benedict or Saint John's University during the period of the suspension without the express permission of the Dean of Students, and may be subject to other sanctions/conditions as well.

Following the period of College/University Suspension, a student is eligible to apply for readmission. Readmission requirements for suspended students may include behavioral contracts, required attendance at educational programs, demonstrated rehabilitation, conditions upon the individual's presence on campus or at institution events, required assessment and/or recommended counseling. Suspension is also an interim measure that may be taken while an investigation is being conducted, as discussed in section III(A)(7) Emergency Removal above. To the extent allowable under state and federal law, the college/university may notify parents if their student is placed on College/University Suspension.

- 3. Disciplinary Suspension:** a sanction imposed for a specific period of one semester to five years based on the severity of a violation, the accumulation of violations, failure to complete or comply with other sanctions previously administered, or as an interim measure while an investigation is being conducted. Students placed on Disciplinary Suspension may be permitted on campus only for the purpose of completing academic requirements such as attending class, labs, or required academic experiences such as speakers or performances, and to take care of normal administrative functions related to being a student. Students placed on Disciplinary Suspension may be restricted from campus residence halls and apartments, dining areas, fitness centers, and other campus facilities or events. While on Disciplinary Suspension, a student may not participate in any co-curricular activities or events or represent the college/university in any way. Additional sanctions/conditions may also be imposed with Disciplinary Suspension. Further violations occurring while on Disciplinary Suspension will initiate a review of the student's status at CSB or SJU and could result in College/University Suspension or Expulsion. To the extent allowable under state and federal law, the college/university may notify parents if their student is placed on Disciplinary Suspension.
- 4. Disciplinary Probation:** A probationary status imposed as a sanction on a student for a specific period of time from one semester to five years with specific conditions. Disciplinary Probation is administered for serious violations, the continued accumulation of violations, or for failure to complete or comply with other sanctions previously administered. Students on Disciplinary Probation are not in good standing with the college/university. Students on Disciplinary Probation may be prohibited from participating in study abroad and/or from representing the college/university in activities such as athletic teams, student organizations, performances, recognition, campus delegations, etc. During the period of probation, any further violations will initiate a review of the student's status at CSB or SJU, and could result in Disciplinary Suspension, College/University Suspension, or Expulsion. To the extent possible, the college/university may notify parents if their student is placed on Disciplinary Probation.
- 5. Other sanctions may include, but are not limited to:** no contact or limited contact directive, required assessment and/or counseling, required attendance at educational programs, restitution, community service hours, restriction of privileges, conditions upon presence on campus or at CSB and/or SJU events, revocation of admission to CSB or SJU, restrictions on re-enrollment at CSB or SJU, withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions, temporary or permanent revocation of degree, administrative referrals, behavioral contracts, reflection paper, and/or written warning.

When an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, staff/faculty committee) has committed or promoted behavior involving Sexual Misconduct, the organization may be sanctioned. Sanctions to the organization may include, but are not limited to, loss of CSB and/or SJU privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of CSB and/or SJU facilities), educational requirements for organization members, required additional oversight of organization activities, temporary loss of

organization recognition and/or funding, and permanent loss of organization recognition, in addition to individual members of the organization who are determined responsible for a Policy violation being subject to the sanctions listed above. All campus organizations/departments are responsible for the actions of its members when they are operating on behalf of the organization/department.

## **B. Sanctions for Faculty and Staff**

The purpose of sanctions will be to ensure the health and safety of our campus communities by preventing the recurrence of problematic behavior and addressing its effects including the effects of the violation on the complainant. In determining sanctions, the Human Resources Director and appropriate administrator (or designees) may consider a variety of factors, including but not limited to, the type and severity of misconduct, the weight of the evidence, and the respondent's employment/disciplinary record. Sanctions may include a variety of institutional responses or requirements and can include any of the following, as well as other sanctions: verbal warning, written warning, written reprimand, required training, no-contact directives, suspension, suspension of promotion and salary increments, suspension or withdrawal of faculty privileges, reassignment, probation, demotion, and dismissal.

For a faculty member, sanctions will be implemented in accord with this Policy and Procedure. This Policy supersedes the Faculty Handbook as to allegations of Sexual Misconduct. Before taking action, the President will consult with the Provost as to the level of sanction to be imposed.

For a staff member, sanctions will be implemented in accord with the Disciplinary Action section of the Administrative and Support Staff Handbook. Before taking action, the employee's supervisor will consult with the Human Resources department and the appropriate Vice President as to the level of sanction to be imposed.

**Suspension as a sanction for faculty and staff:** Suspension is a sanction that may be used for faculty or staff. Suspension may last for a specific period of one day up to one year based on the severity of a violation, the accumulation of violations, or failure to complete or comply with other sanctions previously administered. Employees sanctioned with suspension may not be present on the premises of the College of Saint Benedict or Saint John's University during the period of the suspension without the express permission of the Human Resources Director or Provost, and may be subject to other sanctions/conditions as well. Following the period of suspension, an employee may be eligible for reinstatement contingent upon meeting reinstatement requirements. Reinstatement requirements for suspended employees may include one or more of the following: behavioral contracts, required attendance at educational programs, demonstrated rehabilitation, conditions upon the individual's presence on campus or at institution events, and/or required assessment or counseling. It is also an interim measure that may be taken while an investigation is being conducted.

- 1.** For a faculty member, suspension as an interim measure refers to a temporary suspension of work duties. Pending the results of the investigation, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the college [university], to its students, or to other individual members of the college [university] community is threatened by continuance. Before implementing a suspension as an interim measure, the President will consult with the Provost as to the length, and the other conditions of the suspension. Salary and benefits will continue during the period of the suspension.

For a faculty member, suspension as a sanction will be implemented in accord with this Policy and Procedures. Again, the President will consult with the Provost as to the length, and the other conditions of the suspension.

2. For a staff member, suspension as an interim measure is termed an Involuntary Leave of Absence and refers to a temporary suspension of work duties when the staff member is the subject of an investigation or when the staff member's presence poses an immediate threat of harm within the institution. This interim measure will be implemented in accordance with the Involuntary Leave of Absence section of the appropriate Administrative and Support Staff Handbook. Before imposing the involuntary leave, the employee's supervisor will consult with the Human Resources department and the appropriate Vice President as to the length, and the other conditions of the suspension. Salary and benefits will continue during the period of the suspension.

For a staff member, suspension as a sanction will be implemented in accord with the Disciplinary Action section of the Administrative and Support Staff Handbook. Before imposing the suspension as a sanction, the employee's supervisor will consult with the Human Resources department and the appropriate Vice President as to the length, and the other conditions of the suspension.

### **C. Remedies**

Remedies for the complainant are designed to restore or preserve equal access to the institutions' education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. Remedies, accommodations, and protective measures for the complainant may include implementing or extending all or some of the following actions, without limitation:

- A mutual or one-sided no-contact order;
- Prohibiting an individual involved from being on CSB and/or SJU property;
- Prohibiting an individual involved from participating in CSB and/or SJU-sponsored events;
- Changing an individual's on-campus residency, working location, dining, or transportation arrangements, or prohibiting an individual from residing in a CSB and/or SJU residence;
- Special parking arrangements;
- Assistance in finding alternative housing;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Providing a temporary cell phone;
- Access to counseling and medical services;
- Making information about protective orders and criminal no-contact orders available to a complainant; and/or

- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

Remedies designed to address the CSB and SJU community include increased monitoring, supervision, and/or security at locations or in connection with activities where the prohibited conduct occurred or is likely to reoccur and targeted or broad-based educational programming or training for relevant persons or groups.

The Deputy Title IX Coordinators are responsible for effective implementation of any remedies.

Any concern about a violation of an imposed sanction should be reported to a Deputy Title IX Coordinator.

## VII. RECORDKEEPING

The Lead Title IX Coordinators, in coordination with the Director of Human Resources and the Deputy Title IX Coordinators as appropriate, are responsible for maintaining records relating to Sexual Misconduct reports and formal complaints. The Lead Title IX Coordinators will maintain records of all incidents reported and all formal complaints made under this Policy, as well as their outcomes in order to track patterns and systemic concerns.

When a formal complaint is pending, each official having a role in the Complaint Resolution Process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the formal complaint will be provided to the Lead Title IX Coordinator, who will maintain such records in accordance with the institutions' record retention requirements and applicable law. Records related to Sexual Misconduct reports and formal complaints will be treated as confidential and shared only on a need-to-know basis, as required by law, or to conduct a Complaint Resolution Process.

## VIII. EXTERNAL COMPLAINTS

Nothing in the Policy or the Procedures is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR). If you filed a complaint under the Policy and believe the institution(s)' response was inadequate, or you otherwise believe you have been discriminated against by the institution(s), you may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education based in Chicago or the Educational Opportunities Section (EOS) of the Civil Rights Division of the U.S. Department of Justice.

Questions or concerns may also be directed to the U.S. Department of Education Office for Civil Rights: Web

Address: <http://www2.ed.gov/about/offices/list/ocr/index.html>  
Mailing Address: US Department of Education Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building 400  
Maryland Avenue SW  
Washington, DC 20202-1100  
Telephone: 800-421-3481  
Fax: 202-453-6012  
TDD: 800-877-8339  
Email: [CR@ed.gov](mailto:CR@ed.gov)

**IX. CONTACT INFORMATION**

<b>College of Saint Benedict</b>	
Chief of Staff Lead Title IX Coordinator	Kathryn Enke <a href="mailto:kenke@csbsju.edu">kenke@csbsju.edu</a> , 320-363-5070
Vice President for Student Development Deputy Title IX Coordinator	Mary Geller <a href="mailto:mgeller@csbsju.edu">mgeller@csbsju.edu</a> , 320-363-5601
Dean of Students Deputy Title IX Coordinator	Jody Terhaar <a href="mailto:jterhaar@csbsju.edu">jterhaar@csbsju.edu</a> , 320-363-5270
Senior Human Resources Partner Deputy Title IX Coordinator	Chantel Braegelmann <a href="mailto:Cbraegem001@csbsju.edu">Cbraegem001@csbsju.edu</a> , 320-363-5071
Security Director	Darren Swanson <a href="mailto:dswanson@csbsju.edu">dswanson@csbsju.edu</a> , 320-363-5000
<b>Saint John’s University (including School of Theology and Seminary)</b>	
Chief of Staff Lead Title IX Coordinator	Patti Epsky <a href="mailto:pepsky@csbsju.edu">pepsky@csbsju.edu</a> , 320-363-2246
Interim Vice President for Student Development Deputy Title IX Coordinator	Michael Connolly <a href="mailto:mconnolly@csbsju.edu">mconnolly@csbsju.edu</a> , 320-363-3171
Senior Human Resources Partner Deputy Title IX Coordinator	Chantel Braegelmann <a href="mailto:cbraegelm001@csbsju.edu">cbraegelm001@csbsju.edu</a> , 320-363-5071
Life Safety Services Director	Shawn Vierzba <a href="mailto:svierzba@csbsju.edu">svierzba@csbsju.edu</a> , 320-363-2144
Dean, School of Theology and Seminary Deputy Title IX Coordinator	Dale Launderville, OSB <a href="mailto:dlaudervill@csbsju.edu">dlaudervill@csbsju.edu</a> , 320-363-3389

As changes are made in the persons holding these positions, current information will be available on the CSB/SJU Title IX website <https://www.csbsju.edu/joint-student-development/title-ix>



Sexual Misconduct Complaint Procedures College of  
Saint Benedict and Saint John's University

Revised and Updated August 14, 2020

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*Nothing in this Policy is intended to create a contract between or among the (1) College of Saint Benedict and Saint John's University and (2) any student, employee, independent contract, vendor, or other individual or entity.*

**I. INTRODUCTION**

It is the policy of the College of Saint Benedict (CSB) and Saint John's University (SJU) to promptly and equitably investigate and adjudicate formal complaints of Sexual Misconduct, as defined in the institutions' Sexual Misconduct Policy (the "Policy").

The Sexual Misconduct Complaint Procedures (the "Procedures") shall be the exclusive process for handling Sexual Assault and other Sexual Misconduct formal complaints and supersedes all other processes. If a formal complaint implicates the Policy and another CSB and/or SJU policy, the complaint of a violation of the Policy will be handled under the Sexual Misconduct Complaint Procedures and the institutions may, at their discretion and unless an applicable handbook provision states otherwise, consider the other alleged policy violations under the Sexual Misconduct Complaint Procedures or conduct separate proceedings. Allegations of sex discrimination that do not involve Sexual Misconduct will be handled in accordance with the Human Rights Policy.

## **II. RESPONSIBILITY**

At CSB and SJU, the Chief of Staff to the President of each institution serves as the Lead Title IX Coordinator. The Lead Title IX Coordinator(s) shall exercise oversight for issues related to Sexual Misconduct and sex discrimination, the Sexual Misconduct Policy and Sexual Misconduct Complaint Procedures, and maintain institutional records of reports and formal complaints. The Deputy Title IX Coordinator(s) or others designated by the Lead Title IX Coordinators are responsible for the implementation of the Sexual Misconduct Complaint Procedures and case management.

- A.** The Dean(s) of Students, who serve(s) as Deputy Title IX Coordinators for Sexual Misconduct complaints involving students, are responsible for the implementation of the Sexual Misconduct Complaint Procedures in cases involving a student.
- B.** The Associate HR Director, who serves as a Deputy Title IX Coordinator for Sexual Misconduct complaints involving faculty and staff, is responsible for implementation of the Sexual Misconduct Complaint Procedures in cases involving a faculty or staff member.
- C.** If a complaint involves both a student and a faculty or staff member, the Dean(s) of Students and Associate HR Director shall share responsibility for implementing the Sexual Misconduct Complaint Procedures.
- D.** If a complaint involves an associate or third party, the Dean(s) of Students and Associate HR Director will determine who should be responsible for implementing the Sexual Misconduct Complaint Procedures.
- E.** The Lead Title IX Coordinators are responsible for implementation of the Sexual Misconduct Complaint Procedures regarding appeals.
- F.** In all cases, the Lead and Deputy Title IX Coordinator(s) will function as (a) neutral party (parties) in implementing the Sexual Misconduct Complaint Procedures.

Any Title IX Coordinator or Deputy Title IX Coordinator may appoint a designee to fulfill the functions of the Coordinator under the Policy and Procedures. When the Policy and Procedures refer to actions of a Lead Title IX Coordinator or Deputy Title IX Coordinator, these actions may be fulfilled by a Lead Title IX Coordinator, a Deputy Title IX Coordinator, or a designee of a Lead Title IX Coordinator or Deputy Title IX Coordinator. In addition, as used in the Policy and Procedures, Lead Title IX Coordinator and Deputy Title IX Coordinator may refer to a single individual or multiple individuals, in cases when multiple individuals share responsibility for the implementation of the Complaint Resolution Procedures. The parties will be informed of who will serve as the Lead and/or Deputy Title IX Coordinator in a particular Complaint Resolution Process.

## **III. POLICY STATEMENT**

CSB and SJU are committed to maintaining an environment that is free from the physical and emotional threat of Sexual Misconduct. CSB and SJU will not tolerate Sexual Misconduct in any form. As institutions which espouse Catholic and Benedictine values, every community member's awareness of and respect for the rights and human dignity of all persons undergirds community life. These values demand that we strive to create an environment where the sacredness of each person is honored. Sexual Assault, Sexual Harassment and other Sexual Misconduct violate the sacredness of the person, weaken the health of the

community, and are antithetical to the missions of our institutions. For

more information, see the Policy.

#### **IV. DEFINITIONS AND PROHIBITED CONDUCT**

For definitions applicable in these Procedures, see section I(C) of the Policy. For a list of prohibited conduct, see section I(D) of the Policy.

#### **V. INSTITUTIONAL RESPONSE**

CSB and SJU have a moral imperative and legal obligation to take prompt and appropriate action in response to information received regarding an alleged violation of the Sexual Misconduct Policy. Making a report to a Deputy Title IX Coordinator, the CSB Department of Security or SJU Life Safety Services does not require a reporting party to initiate or participate in a Complaint Resolution Process. However, based on information gathered, one or both institutions may determine that the institution(s) have a responsibility to initiate a Complaint Resolution Process (even without the participation of the complainant). See section VI Confidentiality and Request for No Action below for more information.

When a formal complaint involves parties from only one of the institutions, the procedures outlined herein will be addressed by the institution where the parties are students, staff and/or faculty. While the other institution will not be directly involved in responding to the formal complaint in such matters, in keeping with both institutions' goals under the Policy, the Lead Title IX Coordinator of the institution addressing the formal complaint will apprise the Lead Title IX Coordinator of the other institution of the existence and outcome of all such formal complaints, while respecting privacy of the parties.

#### **VI. CONFIDENTIALITY AND REQUEST FOR NO ACTION**

CSB and SJU have an obligation to respond to reports made under this Policy and to take reasonable steps to prevent Sexual Misconduct. Therefore, strict confidentiality cannot be guaranteed. When a report is made to CSB and SJU, CSB and SJU will strive to ensure confidentiality to the extent possible, subject to CSB's and SJU's need to respond to such complaints and to report campus crimes in accordance with applicable law. CSB and SJU will protect a complainant's confidentiality to the extent possible even if the complainant does not specifically request confidentiality.

If a complainant or reporting party asks a Deputy Title IX Coordinator or another appropriate official that his or her name or other identifiable information not be revealed or that the institution(s) take no action, CSB and/or SJU will evaluate the request in the context of their responsibility to provide a safe and nondiscriminatory environment for all students, faculty and staff. CSB and SJU strive to honor any request that a complainant may make to keep any such report confidential or for CSB and SJU not to investigate or respond to such report, but complying with any such request will limit the ability of CSB and/or SJU to look into and respond to a report. CSB and/or SJU will likely be unable to conduct an investigation into the particular incident or to pursue disciplinary action against the respondent and also maintain confidentiality.

Thus, CSB and/or SJU will weigh the request for confidentiality or for no action to be taken against the following factors: the seriousness of the alleged conduct, the respective ages and roles of the complainant and respondent, whether there has been other discrimination, harassment, Sexual Misconduct, or retaliation complaints about the same individual, whether the respondent has a history of arrests or records from a prior school indicating a history of Sexual Misconduct, whether the respondent threatened further Sexual Misconduct or other violence against the complainant or others, whether the Sexual Misconduct was committed by multiple respondents, whether the Sexual Misconduct was perpetrated with

a weapon, whether CSB and/or SJU possess other means to obtain relevant evidence of the Sexual Misconduct (e.g., security footage, eyewitness, physical evidence), whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol, at a given location, or by a particular group), and the extent of any threat to the CSB and/or SJU community. The determination of whether to honor the request for confidentiality or for no action will be made by a Deputy Title IX Coordinator.

The presence of one or more of the factors above could lead the institutions to move forward with a Complaint Resolution Process (even without the participation of the complainant). If a Deputy Title IX Coordinator determines that the institutions cannot maintain a complainant's confidentiality or request for no action, a Deputy Title IX Coordinator will inform the complainant prior to starting a Complaint Resolution Process. In such cases, a Deputy Title IX Coordinator may communicate to the respondent that the complainant asked CSB and/or SJU not to investigate and that CSB and/or SJU determined they needed to do so. A complainant can choose not to participate in any Complaint Resolution Process.

In instances where CSB and/or SJU move forward with a Complaint Resolution Process without the participation of the complainant, the complainant will have the same rights as provided to a complainant under this Policy and the Procedures, even if the complainant did not sign the formal complaint.

Anyone with concerns about confidentiality issues is encouraged to speak with a Deputy Title IX Coordinator.

## **VII. GENERAL PROVISIONS**

When CSB and/or SJU receives a formal complaint of a potential Policy violation, the institutions will promptly and equitably respond to the formal complaint pursuant to the guidelines and procedures set forth below. The institutions will provide a fair and impartial Complaint Resolution Process. A fair process is one that treats the parties equitably, provides complainant an opportunity to file a formal complaint alleging a violation of the Policy and an opportunity to present evidence of the allegations prior to a decision on responsibility, provides respondent notice of the allegations and an opportunity to respond to and present evidence related to those allegations prior to a decision on responsibility, and provides both parties an opportunity to challenge the credibility of the other party and any witnesses prior to a decision on responsibility. In cases involving allegations of Sexual Misconduct that is not Title IX Sexual Harassment, the ability to challenge credibility is accomplished through the parties' ability to suggest questions to be asked of the other party and witnesses during the investigation, through the Written Response Statements in response to the investigation report, and through the Written Rebuttal Statements in response to the other party's Written Response Statement as discussed in section VIII. Procedure below.

Each Complaint Resolution Process will require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institutions and not on the parties. The institutions will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The institutions will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent to do so for a complaint resolution process.

The Procedures provide different procedures depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Upon receiving a formal complaint, the Deputy Title IX

Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process. Prior to providing access to information at the end of the investigation phase, the Deputy Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

If a formal complaint includes both an allegation of Title IX Sexual Harassment and an allegation of Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment, the institutions reserve the right to process the allegations in the same Complaint Resolution Process or to separate the allegations into separate Complaint Resolution Processes.

- 1. Right to an Advisor.** The complainant(s) and respondent(s) involved in a Complaint Resolution Process involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, and Stalking *occurring outside* of the institutions' education program or activity or against a person *outside* of the United States, have the right to be accompanied to meetings by an advisor of their choice, who may be, but is not required to be, an attorney. Generally, the advisor selected by the complainant or respondent should be free of conflicts of interest in the complaint resolution process and, if a member of the CSB and/or SJU community, the advisor should be free of conflicts in his or her position in the community. An individual has the right to decline a request to serve as an advisor in the complaint resolution process.

The role of the advisor is to support, guide, and/or advise a party during the course of the complaint proceeding. The advisor may accompany the complainant or respondent to interviews or other meetings or proceedings during the Complaint Resolution Process. In selecting an advisor, each party should consider the potential advisor's availability to attend interviews and meetings, which may occur in person. The procedure provides the parties with the right to an advisor of their choice but does not contemplate or require an adjustment of any deadlines based on a chosen advisor's schedule. As a general matter, the institution(s) will not delay their processes to accommodate the schedules of advisors.

Advisors may confer with their advisee, but, with the exception of the live hearings for cases involving allegations of Title IX Sexual Harassment (discussed below), advisors may not actively participate in the Complaint Resolution Process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution process. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in- person or written communications to CSB or SJU. The advisor may not address, either orally or in writing, any CSB or SJU official including, but not limited to, Deans, the Deputy Title IX Coordinators, the investigator, members of the Title IX Hearing Panel/adjudication panel/adjudicator, or appeal officers. The advisor also may not address the other party (with the exception of live hearings for cases involving allegations of Title IX Sexual Harassment). The advisor may not interrupt or otherwise delay the complaint proceeding.

In Complaint Resolution Processes involving allegations of Title IX Sexual Harassment: At the live hearing, advisors will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions. Additional information about an advisor's role at the live hearing is included in the sections VIII(A) and VIII(B) below. In addition, advisors will receive a copy of all directly related evidence and the investigation report, as set forth in sections VIII(A) and VIII(B) below.

In complaint resolution processes involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the institutions' education program or activity or against a person *outside* of the United States, advisors may have access to information as is described further below in the sections VIII(A) and VIII(B) below.

If a party selects an attorney as an advisor, the advisor's participation in the complaint process is in the role of an advisor and not as an attorney representing a party. The advisor will have access to highly confidential information and is prohibited from sharing information obtained as an advisor during the complaint process with anyone, including other individuals who may be part of an attorney-client relationship with the party.

Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of these requirements. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the complaint proceeding by the advisor may result in the immediate disqualification of the advisor and the institution(s) reserve the right to dismiss the advisor. Parties must notify the Deputy Title IX Coordinator who they have selected as their advisor. CSB and/or SJU will notify a party to the complaint process if another party involved has obtained an advisor and will indicate whether the other party's advisor is an attorney.

- 2. Timing.** CSB and SJU are committed to the prompt and equitable resolution of Sexual Misconduct formal complaints and strive to meet the time frames set forth in these Procedures. However, in some cases, extensions to the timing requirements may be necessary. The Deputy Title IX Coordinator may grant reasonable extensions to timing requirements in these Procedures when warranted by the circumstances. For example, extensions of timing requirements may be granted if the institution(s) have been asked to delay its Procedures during the evidence gathering stage of a criminal investigation, if the allegations of Sexual Misconduct are particularly complex (including, without limitation, allegations that involve multiple incidents and/or multiple individuals and/or numerous witnesses), if parties or witnesses are not available, if there is an intervening school break, if there are unsuccessful attempts at alternative resolution, if there is a need for language assistance or accommodation of disabilities, and for other unforeseen circumstances. Extensions will be no longer than necessary. The complainant and respondent shall receive written notice of any extensions and the reason for the extension.

If a criminal complaint has been filed, CSB's and/or SJU's investigation may be temporarily delayed allowing law enforcement to gather evidence. Such delay may only occur at the request of law enforcement and shall not be any longer than necessary for law enforcement to complete the gathering of evidence. In no case will CSB and SJU wait for the conclusion of a criminal investigation or criminal proceeding to begin their own investigation.

When a time frame for a specific phase of the process, as set forth below, is less than five (5) calendar days, CSB and/or SJU may, in its discretion, use business days to calculate the time frame deadline.

As is discussed in more detail above and below, different procedures apply to cases involving allegations of Title IX Sexual Harassment than to other cases of alleged Sexual Misconduct. The time frames for each phase of the different procedures are as follows:

a. Cases Involving Allegations of Title IX Sexual Harassment

Specific time frames for each phase of the Complaint Resolution Process for formal complaints involving allegations of Title IX Sexual Harassment are set forth in the sections VIII(A) and VIII(B) below. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten(10) calendar days

- Investigation: forty-five (45) calendar days
- Review of directly related evidence and investigator consideration of evidence response statements: seventeen (17) calendar days
- Review of investigation report and written response: five (5) calendar days
- Live Hearing and Determination: twenty-five (25) calendar days
- Appeal: twenty (20) calendar days

b. Cases Involving Allegations of Other Forms of Sexual Misconduct

Specific time frames for each phase of the Complaint Resolution Process for formal complaints involving allegations of any other form of Sexual Misconduct are set forth in the sections VIII(A) and VIII(B) below. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: forty-five (45) calendar days
- Review of investigation report and written response/rebuttal, if applicable: ten (10) calendar days
- Adjudication: twenty-five (25) calendar days
- Appeal: twenty (20) calendar days

In any Sexual Misconduct Complaint Resolution Process, the process may include additional days between these phases as the institutions transition from one phase to another. The parties will be notified when each listed phase begins and when it ends. If any transition period will last longer than five (5) calendar days, the parties will be notified of the delay and the reason for it.

Complainants are encouraged to begin the complaint proceeding as soon as possible following an alleged incident. If a complaint is brought forward more than three (3) calendar years after an alleged incident, the Lead Title IX Coordinator, in their discretion, may decline to process a complaint under these Procedures, but reserve the right to take other administrative action as appropriate, including offering reasonably appropriate supportive/interim measures, depending on the specific circumstances of the complaint. Complaints brought forward more than three (3) calendar years after the alleged incident will generally be addressed pursuant to these Procedures if the complaint involves a respondent who is still a member of our community.

- 3. Supportive/Interim Actions and Protective Measures.** At any time after a report of a potential violation of this Policy has been received by CSB and SJU, the Deputy Title IX Coordinator will consider whether supportive/interim measures are reasonably necessary or appropriate to protect the parties and the campus community. For more information see section III(A)(5) Supportive/Interim Measures in the Policy.
- 4. Treatment of Parties.** CSB and SJU strive to treat all individuals involved in a complaint proceeding with respect and dignity and, with regard to complainants, in a manner that does not suggest a complainant is ever at fault for Sexual Misconduct or that he or she should have done something different to avoid becoming a victim. This applies to all campus authorities and all those involved in complaint procedures and applies during the complaint process and thereafter. The Complaint Resolution Process will be prompt and equitable. In addition, support will be provided to students, faculty, and staff who are engaged in a Complaint Resolution Process. Upon request, counseling services are available to students and the Employee Assistance Program is available to faculty and staff.

- 5. Participation and Silence.** Either party may at any time decline to provide information and/or participate in a Complaint Resolution Process. If, at any time during the Complaint Resolution Process, a complainant or respondent does not participate, CSB and/or SJU may proceed with the Complaint Resolution Process and make a determination based upon the information available, dismiss the formal complaint, or take whatever other steps may be necessary to ensure the integrity of the proceeding. If at any time the complainant declines to participate in the process, the institutions' ability to meaningfully investigate and adjudicate a formal complaint may be limited. A respondent's silence in response to a complainant's allegation will not necessarily be viewed as an admission of the allegation but may leave the complainant's allegations undisputed. Similarly, a complainant's silence in response to a respondent's denials or defenses will not necessarily be viewed as an admission of the denials or defenses but may leave the respondent's denials or defenses undisputed. Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process.

In cases involving allegations of Title IX Sexual Harassment, if a party is not willing to answer all relevant questions from the other party's advisor, the Title IX Hearing Panel will not be able to rely on any statement of that party in reaching a determination regarding responsibility. The Title IX Hearing Panel, however, will not draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions. For more information, see the section VIII(A) and VIII(B) below.

- 6. Conflicts.** If a complainant or respondent has any concern that any individual acting for CSB and/or SJU in the Complaint Resolution Process has a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent, such concern should be reported to the Deputy Title IX Coordinator. Any concern regarding a conflict of interest or bias must be submitted in writing within two (2) calendar days after receiving notice of the person's involvement in the process. The Deputy Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest or bias exist on the part of anyone investigating or adjudicating a complaint through the Complaint Resolution Process.

If a party feels that the Deputy Title IX Coordinator has a conflict of interest or bias, the party should notify the Lead Title IX Coordinator in writing of the concern within 2 days. In cases where it is determined that a Deputy Title IX Coordinator has a conflict of interest given the nature of the complaint and/or the parties or witnesses involved, or in cases where a Deputy Title IX Coordinator is unavailable, the Lead Title IX Coordinator of the institution of the conflicted individual shall appoint an alternate person to serve as the Deputy Title IX Coordinator. If a Lead Title IX Coordinator has a conflict of interest with respect to a complaint, the President(s) or the President(s)' designee of the institution of the conflicted Lead Title IX Coordinator shall appoint an alternate person to serve as the Deputy or Lead Title IX Coordinator. In cases where the President of CSB or SJU is a party to the complaint or has a conflict of interest with respect to a complaint, the Chair of the Board of Trustees for the institution shall ensure that the institution puts in place appropriate safeguards under the circumstances to ensure that the institution promptly and equitably responds to the formal complaint, including, but not limited to appointment of alternate individuals to serve in roles of Deputy and/or Lead Title IX Coordinator.

The parties should be mindful that the institutions have a small and close-knit campus community. That a party simply knows an individual acting for the institutions under this Policy or has had some limited interaction with such individual generally will not be deemed a disqualifying conflict of interest or bias in most instances. However, CSB and SJU encourage the parties to bring any concern of conflict of interest or bias to the Deputy Title IX Coordinator's attention for consideration.



- 7. Obligation to be Truthful.** All parties and witnesses have an obligation to be truthful in the Complaint Resolution Process. Engaging in dishonesty may be considered retaliation or interference with process under the Policy and/or violate other CSB and/or SJU policies. Engaging in conduct to encourage others to be dishonest in the Complaint Resolution Process also violates the Policy. An allegation that a person has violated the obligation to be truthful will be handled through the procedures identified in section IX. Complaints of Related Misconduct below.
- 8. Trained Officials.** The Complaint Resolution Process will be conducted by individuals who do not have a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent. In addition, those individuals will receive annual training on the definition of Title IX Sexual Harassment; the scope of the institutions' education program or activity; how to conduct an investigation and Complaint Resolution Process, including hearings, appeals, and alternative (informal) resolution processes, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at interest, conflicts of interest, and bias; issues related to sexual harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking; and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. Investigators will receive training on issues of relevance to create an investigator report that fairly summarizes relevant evidence. Title IX Hearing Panel members will receive training on any technology to be used at a live hearing and issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The training is free of bias such as sex stereotypes or generalizations, promotes impartial investigations and adjudications, and includes the following topics, as applicable: relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, and the institutions' policies and procedures.
- 9. Presumption of Non-Responsibility.** The presumption is that the respondent is not responsible for a Policy violation. The respondent is presumed not responsible until a determination regarding responsibility is made at the conclusion of the Complaint Resolution Process. The respondent will be deemed responsible for a Policy violation only if the appointed Title IX Hearing Panel/adjudication panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent more likely than not engaged in Sexual Misconduct.
- 10. Reservation of Flexibility.** These Procedures reflect the desire of the institutions to respond to complaints in good faith and in compliance with legal requirements. The institutions recognize, however, that each case is unique in its presentation and requires that the institutions reserve some flexibility in responding to the particular circumstances of each case. The institutions reserve the right to modify these Procedures or to take other administrative action as appropriate under the circumstances.
- 11. Requests for Reasonable Accommodations.** Individuals who need a reasonable accommodation should contact the Deputy Title IX Coordinator managing their process. The institutions will consider requests for reasonable accommodations submitted to the Deputy Title IX Coordinator on a case-by- case basis. Accommodations the institutions may provide include: (1) Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the complaint resolution process; and (2) Providing an interpreter for individuals who are limited English- language proficient.
- 12. Consolidation of Formal Complaints.** The institutions reserve the right to consolidate formal complaints into one complaint resolution process as to allegations of Sexual Misconduct against

more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

**13. Dismissal of Formal Complaint Prior to Adjudication.** If the allegations in a formal complaint are initially included in the notice of allegations as allegations of Title IX Sexual Harassment, but facts are gathered during the course of the complaint resolution process that indicate that the alleged conduct does not meet the definition of Title IX Sexual Harassment under this policy, CSB and/or SJU will dismiss the formal complaint as to those allegations. Even if a formal complaint or any allegations of Title IX Sexual Harassment are dismissed, CSB and SJU reserve the right to move forward with a Complaint Resolution Process using the other Sexual Misconduct definitions and the other procedures in the Policy and Procedures, as applicable.

In cases involving allegations of any Sexual Misconduct, CSB and/or SJU may, at their discretion, dismiss the case prior to adjudication in certain circumstances. Circumstances that may lead to dismissal prior to adjudication include, but are not limited to: the complainant notifies the Deputy Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by CSB and/or SJU, or specific circumstances prevent the institutions from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If CSB and/or SJU dismiss a formal complaint, CSB and/or SJU will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. A dismissal of a formal complaint may be appealed as provided below.

**14. Application of Procedures.** When CSB and/or SJU receive a formal complaint of a violation of the Sexual Misconduct Policy, CSB and/or SJU will generally apply the complaint resolution procedures from the Sexual Misconduct Complaint Procedures that are in effect at the time that the formal complaint is made and generally will apply the Sexual Misconduct definitions from the Sexual Misconduct Policy that was in effect at the time the alleged misconduct occurred. For cases involving allegations of Title IX Sexual Harassment, the institutions will apply the definitions from the policy that is in effect at the time the formal complaint is made to determine what procedures apply and the definitions from the policy that was in effect at the time the alleged misconduct occurred to determine whether a policy violation occurred.

<sup>1</sup> Procedure VII. A. will be followed in all cases in which the respondent is a student-employee.

## **VIII. PROCEDURE**

The procedure followed by CSB and SJU to resolve Sexual Misconduct formal complaints will vary depending on the status of the respondent. Procedure VII. A. will be followed in all cases in which the respondent is a student. Procedure VII.B. will be followed in all cases in which the respondent is a member of the faculty or staff.<sup>1</sup> Procedure VII.C. will be followed in cases where the respondent is an associate/third party. In addition, as discussed above in the section VII. General Provisions, different procedures apply to the Complaint Resolution Process depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Further information about the different procedures is provided below.

### **A. Complaint Procedure for Complaints in Which the Respondent is a Student**

The following constitutes the steps which make up the Complaint Resolution Process when the respondent is a student.

The Dean(s) of Students will generally serve as Deputy Title IX Coordinator for Sexual Misconduct formal complaints involving students. If a formal complaint involves both a student and a faculty or staff member, the Dean(s) of Students and Associate HR Director shall share responsibility for implementing the Sexual Misconduct Complaint Procedures.

#### **Step 1: Initial Meeting Between the Complainant and Deputy Title IX Coordinator**

In most cases, the first step of the Complaint Resolution Process is a preliminary meeting between the complainant and a Deputy Title IX Coordinator. The purpose of the preliminary meeting is to allow the Deputy Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report or formal complaint; it is not intended to be a full investigation interview.

As part of the initial meeting with the complainant, the Deputy Title IX Coordinator will:

- Assess the nature and circumstances of the allegation;
- Address immediate physical safety and emotional well-being of the complainant and the campus, in consultation with appropriate campus officials;
- Notify the complainant of the right to contact law enforcement and seek medical treatment;
- Notify the complainant of the importance of preservation of evidence;
- Identify resources available to the complainant on- and off-campus;
- Notify the complainant of the range of supportive/interim measures with or without filing a formal complaint;
- Provide the complainant with an explanation of the procedural options, including how to file a formal complaint, if not already filed, and the Complaint Resolution Process;
- Inform the complainant of the right to have an advisor of choice, as applicable under the Procedures;
- Discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- Explain the institutions' Policy prohibiting retaliation.

All reports and formal complaints of Sexual Misconduct will be reviewed by the Deputy Title IX Coordinator(s) to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks in consultation with the members of the Title IX Team.

If the Deputy Title IX Coordinator determines that the report or formal complaint, even if substantiated, would not be a violation of this Policy, they may dismiss the matter or refer it to another applicable disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the formal complaint and of other resources that may be available to the complainant.

#### **Step 2: Formal Complaint and Notice of Allegations**

The filing of a formal complaint begins the Complaint Resolution Process under this Policy. The Complaint Resolution Process may be initiated at the request of the complainant upon making a formal complaint to a Deputy Title IX Coordinator, SJU Life Safety, or CSB Campus Security. Students at the SJU School of Theology-Seminary may alternately submit their formal complaint to the Rector or Dean of the School of Theology-Seminary, who will then refer the matter to the Deputy Title IX Coordinator.

In most cases, the complainant files the formal complaint. However, in some cases, the institutions may move forward with a Complaint Resolution Process even if the complainant chooses not to make or move forward with a formal complaint. If the institutions decide that they have an obligation to move forward with a Complaint Resolution Process, the Deputy Title IX Coordinator will sign the formal complaint and the institutions will notify the complainant before proceeding. See section VI. Confidentiality and Request for No Action above for more information. The Deputy Title IX Coordinator signing the formal complaint does not make the Deputy Title IX Coordinator a party to the Complaint Resolution Process or adverse to the respondent.

When the Deputy Title IX Coordinator has received a formal complaint, the Deputy Title IX Coordinator will assess the formal complaint to determine if it states any allegations of Sexual Misconduct. If the formal complaint alleges Sexual Misconduct, the Deputy Title IX Coordinator will provide a written notice of allegations to the parties who are known. The written notice will include:

- Notice of the institutions' Complaint Resolution Process, including the alternative resolution process;
- Notice of the allegations, including the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting Sexual Misconduct, if known, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the complaint resolution process;
- Notice that the parties have the right to an advisor of choice, as applicable under this Policy, who may be, but is not required to be, an attorney;
- Notice that the parties have the right to inspect and review evidence, as applicable under this Policy; and
- Notice of policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the Complaint Resolution Process, including section III(A)(4) Obligation to Act in Good Faith in the Policy and section VII(8) Obligation to be Truthful above.

If the institutions decide to investigate allegations about the complainant or respondent that are not included in the notice provided, the notice will be updated to provide notice of the additional allegations to the parties whose identities are known.

In addition, upon receiving a formal complaint, the Deputy Title IX Coordinator will make a preliminary determination of the procedures that will apply to the Complaint Resolution Process.

When the Deputy Title IX Coordinator has received a formal complaint of Sexual Misconduct, the Deputy Title IX Coordinator will also meet with the respondent and will:

- Notify the respondent of the complaint and alleged Policy violations;
- Provide the respondent an explanation of the Complaint Resolution Process, including the alternative resolution process;
- Notify the respondent of the importance of preservation of evidence;
- Notify the respondent of any supportive/interim measures that have been put in place that directly relate to the respondent (i.e., no-contact order);
- Notify the respondent of available supportive/interim measures;
- Provide the respondent with information about on and off campus resources;
- Inform the respondent of the right to have an advisor of choice, as applicable under these Procedures; and
- Explain the institutions' Policy prohibiting retaliation.

This stage of initial review of the formal complaint by the Deputy Title IX Coordinator and initial notice of the allegations to the parties generally will take no more than ten (10) calendar days. In some cases, more time may be required.

**Options for Resolution.** When the institutions receive a formal complaint of Sexual Misconduct, there are two avenues for resolution: alternative resolution (informal resolution) and formal resolution. The Deputy Title IX Coordinator of the institutions of the parties involved in the complaint proceeding will explain the alternative and formal resolution procedures.

### **Alternative Resolution Process Option**

Following a formal complaint at any time prior to reaching a determination regarding responsibility, the institutions may facilitate an alternative resolution (informal resolution) process. In cases involving allegations of Sexual Assault or more serious Sexual Misconduct, alternative resolution may not be appropriate. In addition, in cases involving allegations that a student employee engaged in Title IX Sexual Harassment against a student, alternative resolution is not appropriate.

If the complainant, the respondent, and the institutions all agree to pursue an alternative resolution, the Deputy Title IX Coordinator will attempt to facilitate a resolution that is agreeable to all parties. The Deputy Title IX Coordinator will not be an advocate for either the complainant or the respondent in the alternative resolution process, but rather will aid in the resolution of the formal complaint in a non-adversarial manner. Under the alternative process, the institutions will only conduct such fact-gathering as is useful to resolve the formal complaint and as is necessary to protect the interests of the parties, the institutions, and the CSB and SJU community.

The institutions will not compel a complainant or respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of alternative resolution. Participation in alternative resolution is voluntary and the complainant and respondent each have the option to discontinue the alternative process and request a formal Complaint Resolution Process by notifying the Deputy Title IX Coordinator in writing at any time prior to reaching an agreed upon resolution. The institution(s) also always has/have the discretion to bypass or discontinue the alternative process and move forward with a formal Complaint Resolution Process. If at any point during the alternative process prior to reaching an agreed upon resolution, the complainant, the respondent, or the institution(s) wish to cease the alternative procedure and to proceed through the formal procedure, the formal procedure outlined below will be invoked.

Prior to engaging in an alternative resolution process, the institutions will provide the parties with a written notice disclosing: the allegations, the requirements of the alternative resolution process, including the circumstances under which the alternative resolution process precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the alternative resolution process, including the records that will be maintained or could be shared. In addition, the institutions will obtain the parties' voluntary, written consent to the alternative resolution process.

The alternative resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the institution(s) to stop, remedy, and prevent Policy violations. The recommended resolution may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, behavioral contracts, community service hours, restitution, required attendance at educational programs, required assessment and/or counseling, restriction of privileges, inclusion in the respondent's education record of a finding that the Policy was violated, parental notification and/or probation.

The alternative resolution process ends when a resolution has been reached or when the complainant, the

respondent, or the institutions terminate the process. A successful alternative resolution results in a binding agreement between the parties.

If all parties to the formal complaint and the institutions agree in writing to the terms and conditions of the recommended resolution within five (5) calendar days, the case will be resolved without further process under these Procedures. If all parties to the formal complaint and the institutions do not agree in writing to the terms and conditions of the recommended resolution within five (5) calendar days, the formal complaint will move to the formal procedure.

Appeals are not allowed in cases where the parties have reached a resolution of the matter through the alternative resolution process.

The alternative resolution process generally will take no more than fifteen (15) calendar days. In some cases, more time may be required.

### **Formal Complaint Resolution Process Option**

If the formal complaint is not processed or resolved through the alternative resolution process discussed above, the formal complaint will be processed according to the formal resolution process (Steps 3 through 7) outlined below.

#### **Step 3: Investigation**

The formal resolution process will include an investigation conducted by an appointed outside investigator, or at the institutions' discretion, SJU Life Safety or CSB Campus Security. The complainant and the respondent shall receive written notice of the name of the investigator appointed to conduct the investigation. If any party has a concern that the investigator has a conflict of interest or bias, the party should report the concern in writing as indicated in section VII(7) Conflicts above.

The investigator will interview the complainant, respondent and/or other witnesses and may request additional information from the complainant, respondent or others. In addition, the complainant and respondent will have an opportunity to advise the investigator of any witnesses they believe should be interviewed, may suggest questions that they would like asked of the other party or witnesses, including questions challenging credibility, and/or may provide other evidence that they believe should be reviewed by the investigator. The investigator, in consultation with the Title IX Coordinator, has discretion to assess the relevancy of any proposed witnesses, evidence, and questions and, at his or her discretion, may decline to interview witnesses suggested by the parties and may interview witnesses who were not suggested by either party. Similarly, the investigator, at his or her discretion and in consultation with the Title IX Coordinator, may determine whether or not to ask some or all of the questions recommended by the complainant or respondent. All interviews with the complainant, respondent, and other witnesses shall be recorded. The complainant and respondent will be given an equal opportunity to present witnesses they believe should be interviewed, and other inculpatory and exculpatory evidence, as part of the investigation. In cases involving allegations of Title IX Sexual Harassment, any witness that a party wishes to call at a hearing must be suggested as part of the investigation process, prior to the issuing of the investigation report.

The parties will be notified of a close of evidence date. The parties shall submit any and all information and evidence they would like considered as part of the investigation by the close of evidence date. After the close of evidence date, the parties shall not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator determines otherwise.

The investigator shall compile an investigation report that fairly summarizes the relevant evidence. The

investigation report may consist of any information, documents, or other evidence that will be provided to the Title IX Hearing Panel/adjudication panel. At the investigator's discretion, such information may include, as applicable: the written complaint, the notice of allegations, any other evidence obtained during the investigation, and the investigator's report of the investigation. The investigation report will include the names of all witnesses interviewed and dates on which interviews took place. The investigator will present the facts gathered but will not make credibility determinations.

The investigation report will be forwarded to the Deputy Title IX Coordinator who will review the investigation report and has the discretion to ask the investigator for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report.

CSB and/or SJU will strive to complete the investigation phase within forty-five (45) calendar days from the date the investigator is appointed, but this time frame may be extended depending on the circumstances of each case. In cases involving allegations of Title IX Sexual Harassment, the institutions will strive to complete the initial investigation in this 45-day time frame, but the final investigation report will not be completed until after the review of directly related evidence.

#### **Step 4: Access to Information**

The procedures in the formal process for all cases of Sexual Misconduct involving student respondents are the same through the investigation phase. Prior to providing access to information, the Deputy Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

##### **a. Cases Involving Allegations of Title IX Sexual Harassment**

##### *Review of Directly Related Evidence*

For formal complaints involving allegations of Title IX Sexual Harassment, the parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the institutions do not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source. The Deputy Title IX Coordinator or investigator will send such evidence to each party and each party's advisor in electronic format or hard copy. The parties will have a ten (10) calendar day period to review the evidence and prepare a written response to the evidence (the "Evidence Response Statement"). Each party's Evidence Response Statement may not exceed 2,000 words in length. The Evidence Response Statement must be submitted to the Deputy Title IX Coordinator within the ten (10) calendar day period described above. The Evidence Response Statement may be used as an opportunity to clarify information contained in the directly related evidence, to present the party's viewpoint about whether the evidence directly related to the allegations is relevant and therefore whether it should be included in the investigation report, and to identify evidence previously provided to the investigator that was not included in the directly related evidence which the party believes is directly related and relevant. While the parties may be assisted by their advisors in preparation of the Evidence Response Statement, the Evidence Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Evidence Response Statement.

The parties and parties' advisors may use the evidence reviewed at this step only for purposes of participating in the Complaint Resolution Process and are prohibited from disseminating or otherwise sharing the evidence with any other individual. Prior to being provided the evidence obtained as part of the investigation that is directly related to the allegations, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Deputy Title IX Coordinator will review the parties' Evidence Response Statements and may remove or redact any portions of the parties' Evidence Response Statements that exceed the word limit of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent or information subject to a legal privilege without a waiver).

The investigator will consider the parties' Evidence Response Statements prior to completion of the investigation report.

All the evidence made available for the parties' review will be available during the hearing.

#### *Review of Investigation Report*

For complaints involving allegations of Title IX Sexual Harassment, the Deputy Title IX Coordinator or investigator will send the investigation report to each party and each party's advisor in electronic format or hard copy at least ten (10) days prior to the live hearing. The parties will have a five (5) calendar day period to review the investigation report and prepare a written response to the report (the "Written Response Statement"). Each party's Written Response Statement may not exceed 4,500 words in length. The Written Response Statement must be submitted to the Deputy Title IX Coordinator within the five (5) calendar day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the investigator(s) that is not included in the investigation report which the party believes should have been included, or raise other concerns regarding the evidence. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties and parties' advisors may use the investigation report only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the investigation report with any other individual. Prior to being provided the investigation report, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Deputy Title IX Coordinator will review the parties' Written Response Statements. Based on the statements, the Deputy Title IX Coordinator has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information removed or redacted from the investigation report. In addition, the Deputy Title IX Coordinator may remove or redact any portions of the parties' Written Response Statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

- b. Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking *Occurring Outside* of the Education Program or Activity or Against Person *Outside* of the United States

For complaints involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the institutions' education program or activity or against a person *outside* of the United States, the investigation report will be made available for review by the complainant and respondent by



making an appointment with the Deputy Title IX Coordinator during regular business hours. The Deputy Title IX Coordinator will provide a five (5) calendar day review and response period for the parties to have access to review the investigation report and prepare a response to the investigation report, as discussed below. The report cannot be photographed, copied, or removed from the Deputy Title IX Coordinator's office or other location provided for review purposes. All parties (and their advisors) may take personal handwritten notes.

Following review of the investigation report, both the complainant and respondent shall have the opportunity to provide a typewritten initial statement (the "Written Response Statement") to add clarifying information, identify information previously given to the investigator that is not included in the investigation report that the party believes should have been included, identify questions a party believes the other party has not yet answered or evidence the other party has not explained, raise other concerns regarding the evidence, and to challenge the credibility of the other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf, including any external reports. The parties may not address each other in the Written Response Statement. The Written Response Statement shall not exceed 4,500 words. The Written Response Statement must be submitted within the five (5) calendar days provided for review and response described above. Submissions must be made electronically by email to the Deputy Title IX Coordinator and must be submitted directly from the complainant or respondent, and not through an advisor or other representative.

The complainant and respondent shall have an opportunity to review the Written Response Statement submitted by the other party and, if desired, may submit a typewritten rebuttal statement (the "Written Rebuttal Statement") not to exceed 2,500 words. The Deputy Title IX Coordinator will provide a two (2) calendar day review and response period for the parties to have access to review the Written Response Statement and prepare a response to the Written Response Statement, as discussed below. The Written Rebuttal Statement may only be used to respond to arguments made in the other party's Written Response Statement and to challenge the credibility of the other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Rebuttal Statement, the Written Rebuttal Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf, including external reports. The parties may not address each other in the Written Rebuttal Statement. The parties have the option to read the Written Rebuttal Statement of the other party, but no further responses will be made by either party.

The parties and parties' advisors may use the investigation report and written statements of the other party reviewed at this step only for purposes of participating in the Complaint Resolution Process and are prohibited from disseminating or otherwise sharing the report and written statements with any other individual. Prior to being provided the report and written statements, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

At any time during the investigation and review phases, the Deputy Title IX Coordinator may review the investigation report, the parties' Written Response Statements and Written Rebuttal Statements, and other information or evidence to determine whether additional investigation is necessary, statements and documents submitted by the parties are within the word limit and appropriate scope of the Complaint Resolution Process, and/or information or other evidence contained in the investigation report and the parties' written statements should be removed or redacted. In the event the Deputy Title IX Coordinator requests additional investigation, the parties shall be notified. Information that may be removed or redacted from the parties' written statements includes information that is over the word limit or that exceeds the permitted scope of information that may be considered in the Complaint Resolution Process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

## Step 5: Adjudication

Upon completion of the investigation, the Deputy Title IX Coordinator will compile the adjudication file which will be shared with the Title IX Hearing Panel/adjudication panel. In cases involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Domestic Violence, Dating Violence, or Stalking *occurring outside* of the institutions' education program or activity or against a person *outside* of the United States, the parties will be given access to any information that is included in the adjudication file to the extent that it includes additional information that the parties did not review as part of the Access to Information step discussed above.

### a. Cases Involving Allegations of Title IX Sexual Harassment

Upon completion of the investigation in cases involving allegations of Title IX Sexual Harassment, the matter will be submitted to a Title IX Hearing Panel to hold a live hearing and to make a determination regarding responsibility and, if appropriate, sanctions.

The Title IX Hearing Panel will conduct a prompt and equitable live hearing and adjudication.

#### *Appointment of the Title IX Hearing Panel*

The Deputy Title IX Coordinator will designate a panel of three adjudicators to serve as the Title IX Hearing Panel. Generally, the Title IX Hearing Panel shall be chosen from a pool of trained faculty and staff and/or outside adjudicators. The institutions reserve the right to appoint any trained individuals who are without conflict or bias to the Title IX Hearing Panel. The Title IX Hearing Panel will not include the Deputy Title IX Coordinator or the investigator from the same matter. If any party has a concern that a member of the Title IX Hearing Panel has a conflict of interest or bias, the party should report the concern in writing as indicated in section VII(7) Conflicts above.

#### *Live Hearing*

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such questions will be conducted directly, orally, and in real time by the party's advisor and will never be conducted by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question at the hearing, the Title IX Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant in the formal complaint, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party is not willing to answer any relevant question from the other party's advisor, or a witness is not willing to answer any relevant question from either advisor, the Title IX Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Title IX Hearing Panel, however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

All evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available at the hearing.

The hearing will generally be held by video conference with the parties, witnesses, and Title IX Hearing Panel located in separate locations and technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or the witness answering questions. The institutions reserve the right to determine that a hearing will instead be conducted with all participants, including the parties, witnesses, and the Title IX Hearing Panel physically present in the same location. In the event that the live hearing is held with the participants in the same location, at the request of either party, the institutions will provide for the parties to be located in separate rooms with technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or witness answering questions.

The institutions will create an audio or audiovisual recording, or transcript, of any live hearing and, upon request, will make it available to the parties for inspection and review.

#### *Institution Appointed Advisors*

If a party does not have an advisor present at the live hearing, the institutions will provide an advisor to the party, without fee or charge to that party, to conduct cross-examination on behalf of that party. If a party will not have an advisor present at the hearing, the party must inform the Deputy Title IX Coordinator at least three (3) calendar days prior to the live hearing so that the institutions may appoint an advisor for the hearing. The appointed advisor's role will be limited to relaying the party's questions to be asked of other parties and witnesses. The appointed advisor shall not perform any function beyond relaying the party's desired questions. The institutions reserve the right to appoint any individual as the institution deem appropriate to act as an advisor at a live hearing. The institutions' appointment of an advisor is final and a party who refuses to work with an appointed advisor at the live hearing will forfeit his or her right to conduct cross-examination or other questioning at the hearing.

#### *Live Hearing Procedures*

Additional information about live hearings can be found in the [Live Hearing Procedures](#).

#### *Decision-Making Process*

The presumption is that the respondent is not responsible for a policy violation. The respondent will be deemed responsible for a policy violation only if the Title IX Hearing Panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent engaged in Sexual Misconduct. If the Title IX Hearing Panel determines that the respondent is responsible for a policy violation, the Title IX Hearing Panel will then determine what sanctions and remedies are warranted.

As discussed above, if a party or witness does not submit to cross-examination at the live hearing, the Title IX Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Title IX Hearing Panel, however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The Title IX Hearing Panel will communicate the decision to the Deputy Title IX Coordinator of the institutions of the parties.

**1. Determination of "Not Established Responsible."** If the Title IX Hearing Panel determines that there is not sufficient basis to establish that it is more likely than not that a respondent violated the

Policy, the Title IX Hearing Panel will make a determination of "Not Established Responsible." The complainant and respondent will be notified of the "Not Established Responsible" determination and of other steps that may be taken in response to the formal complaint such as "no contact" directives. The complainant will also be apprised of other resources that may be available.

When the Title IX Hearing Panel makes a finding of "Not Established Responsible," but the respondent nevertheless is found to have engaged in inappropriate conduct – for example, inappropriate remarks that do not rise to the level of a violation of the Policy – CSB and/or SJU may, at their discretion, require the respondent to receive appropriate education and/or training. The institutions may also recommend counseling or other support services for the respondent.

**Determination of "Responsible" and Imposition of Remedies and Sanctions.** If the Title IX Hearing Panel determines that it is more likely than not that a respondent violated the Policy, the Title IX Hearing Panel will make a finding of "Responsible" and the Deputy Title IX Coordinator of the institution(s) of the parties will recommend appropriate sanction(s). The Deputy Title IX Coordinator's recommendation will include steps to stop the misconduct, prevent its recurrence, and as appropriate, address its effect on the complainant and the campus community. The Title IX Hearing Panel will review the Deputy Title IX Coordinator's recommendation and will determine appropriate sanctions. Sanctions imposed depend on the severity of the violation, student or employee status of the complainant, and any previous violations that resulted in a finding of "Responsible." Sanctions may include a variety of institutional responses or requirements, as listed in the Policy section VI(A).

b. Cases Involving Allegations of Other Forms of Sexual Misconduct

Upon completion of the investigation, in matters involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, a three-person adjudication panel comprised of individuals selected by the involved institution(s) will be appointed on a case-by-case basis. In most instances, the panel will be comprised of faculty and/or staff selected by the Deputy Title IX Coordinator of the involved institution(s). The Deputy and/or Lead Title IX Coordinator(s) of the involved institutions may also be present at the meetings of the adjudication panel to oversee the process and will, if necessary, answer procedural questions, but shall not have a vote. The list of currently trained adjudicators is located here:

<https://www.csbsju.edu/human-rights/sexual-misconduct/adjudication-panel-members>

The complainant and the respondent shall receive written notice of the adjudication panel members appointed. If any party has a concern that an adjudicator has a conflict of interest or bias, the party should report the concern in writing as indicated in the section VII(7) Conflicts above.

The adjudication panel will review the adjudication file. The adjudication panel may, in their discretion, request additional investigation by the investigator or another appropriate individual. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that *occurred outside* of the education program or activity or against a person *outside* of the United States), if such information is shared with the adjudication panel, the parties will be notified and provided access to that information.

The adjudication panel will use a preponderance of the evidence standard to determine whether it is more likely than not that the respondent is responsible for a Policy violation. The Deputy and/or Lead Title IX Coordinator(s) are available for consultation but will not participate in making a decision. Only the members of the adjudication panel and the Deputy and/or Lead Title IX Coordinator(s) may be present during deliberations. A simple majority of adjudication panel members is necessary to find that the respondent is responsible for a Policy violation.

The adjudication panel will communicate the decision to the Deputy Title IX Coordinator of the institutions of the parties.

- 1. Determination of "Not Established Responsible."** If the adjudication panel determines that there is not sufficient basis to establish that it is more likely than not that a respondent violated the Policy, the adjudication panel will make a determination of "Not Established Responsible." The complainant and respondent will be notified of the "Not Established Responsible" determination and of other steps that may be taken in response to the formal complaint such as "no contact" directives. The complainant will also be apprised of other resources that may be available.

When the adjudication panel makes a finding of "Not Established Responsible," but the respondent nevertheless is found to have engaged in inappropriate conduct – for example, inappropriate remarks that do not rise to the level of a violation of the Policy – CSB and/or SJU may, at their discretion, require the respondent to receive appropriate education and/or training. The institutions may also recommend counseling or other support services for the respondent.

- 2. Determination of "Responsible" and Imposition of Remedies and Sanctions.** If the adjudication panel determines that it is more likely than not that a respondent violated the Policy, the adjudication panel will make a finding of "Responsible" and the Deputy Title IX Coordinator of the institution(s) of the parties will determine appropriate sanction(s). The Deputy Title IX Coordinator's determination will include steps to stop the misconduct, prevent its recurrence, and as appropriate, address its effect on the complainant and the campus community. Sanctions imposed depend on the severity of the violation, student or employee status of the complainant, and any previous violations that resulted in a finding of "Responsible." Sanctions may include a variety of institutional responses or requirements, as listed in the Policy section VI(A).

## **Step 6: Notice of Determination**

The complainant and respondent shall receive a simultaneous written notice of outcome.

Prior to being provided the notice of determination, the parties and parties' advisors will be required to sign a non-disclosure agreement. The parties and parties' advisors are prohibited from disseminating or otherwise sharing the notice of determination with any other individual, except as permitted in the non-disclosure agreement.

For formal complaints alleging (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the institutions' education program or activity or against a person *outside* of the United States, the written notice shall include the allegations potentially constituting Sexual Misconduct, a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held), findings of fact supporting the determination, conclusions regarding the application of the institutions' policy to the facts, the determination regarding responsibility as to each allegation, any imposition of sanctions, whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant, and the rationales for the determination and sanctions (including how the evidence was weighed, how the information supports the result, and the standard of evidence applied). The written notice will also include information about the procedures and permissible bases for appeal, as set forth below, and when the result becomes final. In addition, the written notice shall include any other steps the institutions have taken to eliminate the conduct and prevent its recurrence.

For all other formal complaints of Sexual Misconduct, the written notice shall include the determination of the adjudication panel.

In cases involving allegations of Title IX Sexual Harassment, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the live hearing concluded. In cases involving allegations of other forms of Sexual Misconduct, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the adjudication panel receives the adjudication file. In some cases, more time may be required.

The determination of the Title IX Hearing Panel/adjudication panel may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision of the Title IX Hearing Panel/adjudication panel will be final and the sanctions, if any, will be effective.

### **Step 7: Appeal**

The complainant and respondent have the right to appeal a decision to dismiss a formal complaint or any allegations therein, as discussed above in the section VII(14) Dismissal of Formal Complaint Prior to Adjudication above. The parties may also appeal the Title IX Hearing Panel's/adjudication panel's decision regarding responsibility.

Grounds for appeal are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Deputy Title IX Coordinator, investigator, or Title IX Hearing Panel/adjudication panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Disagreement with the finding of the Title IX Hearing Panel/adjudication panel does not constitute a procedural irregularity and is not grounds for an appeal. Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the complainant and respondent.

The complainant or respondent may request an appeal of the decision by submitting a written appeal statement challenging the outcome of the Complaint Resolution Process. For cases involving students from both institutions, the request for an appeal must be typewritten, may not exceed 1,300 words, and must be submitted electronically to the Lead Title IX Coordinator at [TitleIXAppeals@csbsju.edu](mailto:TitleIXAppeals@csbsju.edu) within two (2) calendar days of the party's receipt of the notice of determination. For cases involving students from only one institution, the request for an appeal must be word processed, may not exceed 1,300 words, and must be submitted electronically to a Lead Title IX Coordinator of that institution at [TitleIXAppeals@csbsju.edu](mailto:TitleIXAppeals@csbsju.edu). While the parties may be assisted by their advisors in preparation of the appeal, the appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file an appeal or request an extension in a timely manner constitutes a waiver of any right to an appeal.

The Lead Title IX Coordinator will review the appeal statement to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered. The Lead Title IX Coordinator may remove or redact any portions of the appeal statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

If it is determined that the appeal will be considered, the non-appealing party will be notified of the appeal. The non-appealing party may, if desired, submit a written response in support of the outcome, not to exceed 1,300 words. The written response to the appeal must be submitted to the Lead Title IX Coordinator within two (2) calendar days of receiving notice of the appeal. While the party may be assisted by their advisor in preparation of the responsive appeal statement, the responsive appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

The Lead Title IX Coordinator will review the responsive appeal statement and may remove or redact any portions of the responsive statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

The Lead Title IX Coordinator will appoint one or more appeal officers. The appeal officer(s) will generally be the Vice President(s) for Student Development of the institution(s) of the parties involved in the complaint. The institutions reserve the right to appoint any trained appeal officer who is without conflict of interest or bias. If any party has a concern that an appeal officer has a conflict of interest or bias, the party should report the concern in writing as indicated in section VII(7) Conflicts above.

The Lead Title IX Coordinator generally will compile an appeal file, which may consist of any information, documents, or other evidence that is provided to appeal officer(s). Such information may include, as applicable, the written appeal statement, the responsive appeal statement, the notice of determination, the adjudication file in its entirety or in part, any previously undiscovered evidence (if discovery of new evidence is a ground for the appeal), and any other information determined to be necessary for the appeal officer(s)' decision, at the discretion of the Lead Title IX Coordinator.

For complaints involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the appeal file will be made available for review by the complainant and respondent by making an appointment with their Lead Title IX Coordinator during regular business hours. The Lead Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the appeal file. The appeal file cannot be photographed, copied, or removed from the Lead Title IX Coordinator's office(s) or other location provided for review purposes. All parties (and their advisors) may take personal handwritten notes.

In cases where the appeal file is made available for review as discussed above, the parties and parties' advisors may use the appeal file reviewed at this step and any additional information reviewed during the consideration of the appeal (see below), only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the appeal file or additional information with any other individual. Prior to being provided access to the appeal file or any additional information, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

- a. Determination of Whether Appeal Has Merit.** The appeal file will be reviewed and considered by the appeal officer(s). The appeal officer(s) will determine whether it is more likely than not that one or more of the above grounds for appeal are satisfied.

If the appeal officer(s) determine there is insufficient evidence to conclude that it is more likely than not that one or more grounds for appeal has been satisfied, the appeal officer(s) may dismiss

the appeal. This decision is final and is not appealable. If the appeal officer(s) dismisses the appeal, the sanctions will be effective on the date the decision is provided to the parties.

The appeal officer(s) will provide the complainant and respondent with simultaneous written notice describing the result of the appeal and the appeal officer(s)' rationale for the result. The written notice of the outcome of the appeal will generally be received within 20 (twenty) calendar days of the appeal officer(s) receiving the appeal file. In some cases, more time will be required.

- b. Determination on Remand.** If the appeal officer(s) determine that there is sufficient evidence to conclude that it is more likely than not that one or more of the above grounds for appeal have been satisfied, the appeal officer(s) will remand the matter for further investigation and/or deliberations by the Title IX Hearing Panel/adjudication panel, and/or an additional live hearing. The appeal officer(s) will determine whether the matter should be remanded to the previous Title IX Hearing Panel/adjudication panel or whether a new Title IX Hearing Panel/adjudication panel should review the matter. The appeal officer(s) may not change the Title IX Hearing Panel's/adjudication panel's determination or the Hearing Panel/Deputy Title IX Coordinator(s)' imposition of sanctions. Only the Title IX Hearing Panel/adjudication panel reviewing the matter on remand from an appeal may change the determination of the original adjudication panel, and based upon the new determination, only the Hearing Panel/Deputy Title IX Coordinator(s) may modify any of the sanctions previously imposed.

Upon remand, the investigator and Title IX Hearing Panel/adjudication panel shall utilize the same process as required for all Complaint Resolution Processes under this Policy. If the matter is remanded, the determination made on remand will be appealable under the procedures discussed in this section.

In cases involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Domestic Violence, Dating Violence, and Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the parties will receive timely access to view any information and documents – not already provided to the parties during the investigation and initial adjudication phases – that will be used to adjudicate matter on remand.

## **B. Complaint Procedure if the Respondent is a Faculty or Staff Member**

The following constitutes the steps which make up the Complaint Resolution Process when the respondent is a faculty or staff member.

The Associate HR Director will generally serve as Deputy Title IX Coordinator for Sexual Misconduct formal complaints involving faculty and staff. If a formal complaint involves both a student and a faculty or staff member, the Dean(s) of Students and Associate HR Director shall share responsibility for implementing the Sexual Misconduct Complaint Procedures.

### **Step 1: Initial Meeting Between the Complainant and Deputy Title IX Coordinator**

In most cases, the first step of the Complaint Resolution Process is a preliminary meeting between the complainant and a Deputy Title IX Coordinator. The purpose of the preliminary meeting is to allow the Deputy Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report or formal complaint; it is not intended to be a full investigation interview.

As part of the initial meeting with the complainant, the Deputy Title IX Coordinator will:



- Assess the nature and circumstances of the allegation;
- Address immediate physical safety and emotional well-being of the complainant and the campus, in consultation with appropriate campus officials;
- Notify the complainant of the right to contact law enforcement and seek medical treatment;
- Notify the complainant of the importance of preservation of evidence;
- Identify resources available to the complainant on- and off-campus;
- Notify the complainant of the range of supportive/interim measures with or without filing a formal complaint;
- Provide the complainant with an explanation of the procedural options, including how to file a formal complaint, if not already filed, and the Complaint Resolution Process;
- Inform the complainant of the right to have an advisor of choice, as applicable under the Procedures;
- Discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- Explain the institutions' Policy prohibiting retaliation.

All reports and formal complaints of Sexual Misconduct will be reviewed by the Deputy Title IX Coordinator to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks in consultation with the members of the Title IX Team.

If the Deputy Title IX Coordinator determines that the report or formal complaint, even if substantiated, would not be a violation of this Policy, they may dismiss the matter or refer it to another applicable disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the formal complaint and of other resources that may be available to the complainant.

## **Step 2: Formal Complaint and Notice of Allegations**

The filing of a formal complaint begins the Complaint Resolution Process under this Policy. The Complaint Resolution Process may be initiated at the request of the complainant upon making a formal complaint to the Deputy Title IX Coordinator, SJU Life Safety or CSB Campus Security. Students at the SJU School of Theology-Seminary may alternately submit their formal complaint to the Rector or Dean of the School of Theology-Seminary, who will then refer the matter to the Deputy Title IX Coordinator.

In most cases, the complainant files the formal complaint. However, in some cases, the institutions may move forward with a Complaint Resolution Process even if the complainant chooses not to make or move forward with a formal complaint. If the institutions decide that they have an obligation to move forward with a Complaint Resolution Process, the Deputy Title IX Coordinator will sign the formal complaint and the institutions will notify the complainant before proceeding. See section VI Confidentiality and Request for No Action above for more information. The Deputy Title IX Coordinator signing the formal complaint does not make the Deputy Title IX Coordinator a party to the Complaint Resolution Process or adverse to the respondent.

When the Deputy Title IX Coordinator has received a formal complaint, the Deputy Title IX Coordinator will assess the formal complaint to determine if it states any allegations of Sexual Misconduct. If the formal complaint alleges Sexual Misconduct, the Deputy Title IX Coordinator will provide a written notice of allegations to the parties who are known. The written notice will include:

- Notice of the institutions' Complaint Resolution Process, including the alternative resolution process;
- Notice of the allegations, including the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the complaint resolution process;
- Notice that the parties have the right to an advisor of choice, as applicable under this Policy, who may be, but is not required to be, an attorney;
- Notice that the parties have the right to inspect and review evidence, as applicable under this Policy; and
- Notice of policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the Complaint Resolution Process, including section III(A)(4) Obligation to Act in Good Faith in the Policy and section VII(8) Obligation to be Truthful above.

If the institutions decide to investigate allegations about the complainant or respondent that are not included in the notice provided, the notice will be updated to provide notice of the additional allegations to the parties whose identities are known.

In addition, upon receiving a formal complaint, the Deputy Title IX Coordinator will make a preliminary determination of the procedures that will apply to the Complaint Resolution Process.

When the Deputy Title IX Coordinator has received a formal complaint of Sexual Misconduct, the Deputy Title IX Coordinator will also meet with the respondent and will:

- Notify the respondent of the complaint and alleged Policy violations;
- Provide the respondent an explanation of the Complaint Resolution Process, including the alternative resolution process;
- Notify the respondent of the importance of preservation of evidence;
- Notify the respondent of any supportive/interim measures that have been put in place that directly relate to the respondent (i.e., no-contact order);
- Notify the respondent of available supportive/interim measures;
- Provide the respondent with information about on and off campus resources;
- Inform the respondent of the right to have an advisor of choice, as applicable under these Procedures; and
- Explain the institutions' Policy prohibiting retaliation.

This stage of initial review of the formal complaint by the Deputy Title IX Coordinator and initial notice of the allegations to the parties generally will take no more than ten (10) calendar days. In some cases, more time may be required.

**Options for Resolution.** When the institutions receive a formal complaint of Sexual Misconduct, there are two avenues for resolution: alternative resolution (informal resolution) and formal resolution. The Deputy Title IX Coordinator of the institutions of the parties involved in the complaint proceeding will explain the alternative and formal resolution procedures.

## **Alternative Resolution Process Option**

Following a formal complaint at any time prior to reaching a determination regarding responsibility, the institutions may facilitate an alternative resolution (informal resolution) process. In cases involving allegations of Sexual Assault or more serious Sexual Misconduct, alternative resolution may not be appropriate. In addition, in cases involving allegations that a faculty or staff member engaged in Title IX Sexual Harassment against a student, alternative resolution is not appropriate.

If the complainant, the respondent and the institutions all agree to pursue an alternative resolution, the Deputy Title IX Coordinator will attempt to facilitate a resolution that is agreeable to all parties. The Deputy Title IX Coordinator will not be an advocate for either the complainant or the respondent in the alternative resolution process, but rather will aid in the resolution of the formal complaint in a non- adversarial manner. Under the alternative process, the institutions will only conduct such fact-gathering as is useful to resolve the formal complaint and as is necessary to protect the interests of the parties, the institutions, and the CSB and SJU community.

The institutions will not compel a complainant or respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of alternative resolution. Participation in alternative resolution is voluntary and the complainant and respondent each have the option to discontinue the alternative process and request a formal Complaint Resolution Process by notifying the Deputy Title IX Coordinator, in writing, at any time prior to reaching an agreed upon resolution. The institution(s) also always has/have the discretion to bypass or discontinue the alternative process and move forward with a formal Complaint Resolution Process. If at any point during the alternative process prior to reaching an agreed upon resolution, the complainant, the respondent, or the institution(s) wish to cease the alternative procedure and to proceed through the formal procedure, the formal procedure outlined below will be invoked.

Prior to engaging in an alternative resolution process, the institutions will provide the parties with a written notice disclosing: the allegations, the requirements of the alternative resolution process, including the circumstances under which the alternative resolution process precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the alternative resolution process, including the records that will be maintained or could be shared. In addition, the institutions will obtain the parties' voluntary, written consent to the alternative resolution process.

The alternative resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the institution(s) to stop, remedy, and prevent Policy violations. The recommended resolution may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, required training, behavioral contracts, community service hours, restitution, required attendance at educational programs, required assessment and/or counseling, restriction of privileges, no contact directives, and/or probation.

The alternative resolution process ends when a resolution has been reached or when the complainant, the respondent, or the institutions terminate the process. A successful alternative resolution results in a binding agreement between the parties.

If all parties to the formal complaint and the institutions agree in writing to the terms and conditions of the recommended resolution within five (5) calendar days, the case will be resolved without further process under these Procedures. If all parties to the formal complaint and the institutions do not agree in writing to the terms and conditions of the recommended resolution within five (5) calendar days, the formal complaint will move to the formal procedure.

Appeals are not allowed in cases where the parties have reached a resolution of the matter through the alternative resolution process.

The alternative resolution process generally will take no more than fifteen (15) calendar days. In some cases, more time may be required.

### **Formal Complaint Resolution Process Option**

If the formal complaint is not processed or resolved through the alternative resolution process discussed above, the formal complaint will be processed according to the formal resolution process (Steps 3 through 7) outlined below.

#### **Step 3: Investigation**

The formal resolution process will include an investigation conducted by an appointed outside investigator, or at the institutions' discretion, SJU Life Safety or CSB Campus Security. The complainant and the respondent shall receive written notice of the name of the investigator appointed to conduct the investigation. If any party has a concern that the investigator has a conflict of interest or bias, the party should report the concern in writing as indicated in section VII(7) Conflicts above.

The investigator will interview the complainant, respondent and/or other witnesses and may request additional information from the complainant, respondent or others. In addition, the complainant and respondent will have an opportunity to advise the investigator of any witnesses they believe should be interviewed, may suggest questions that they would like asked of the other party or witnesses, including questions challenging credibility, and/or may provide other evidence that they believe should be reviewed by the investigator. The investigator, in consultation with the Deputy Title IX Coordinator(s), has discretion to assess the relevancy of any proposed witnesses, evidence, and questions, and, at his or her discretion, may decline to interview witnesses suggested by the parties and may interview witnesses who were not suggested by either party. Similarly, the investigator, at his or her discretion and in consultation with the Deputy Title IX Coordinator(s), may determine whether or not to ask some or all of the questions recommended by the complainant or respondent. All interviews with the complainant, respondent, and other witnesses shall be recorded. The complainant and respondent will be given an equal opportunity to present witnesses they believe should be interviewed, and other inculpatory and exculpatory evidence, as part of the investigation. In cases involving allegations of Title IX Sexual Harassment, any witness that a party wishes to call at a hearing must be suggested as part of the investigation process, prior to the issuing of the investigation report.

The parties will be notified of a close of evidence date. The parties shall submit any and all information and evidence they would like considered as part of the investigation by the close of evidence date. After the close of evidence date, the parties shall not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator determines otherwise.

The investigator shall compile an investigation report that fairly summarizes the relevant evidence. The investigation report may consist of any information, documents, or other evidence that will be provided to the Title IX Hearing Panel/adjudication panel. At the investigator's discretion, such information may include, as applicable: the written complaint, the notice of allegations, any other evidence obtained during the investigation, and the investigator's report of the investigation. The investigation report will include the names of all witnesses interviewed and dates on which interviews took place. The investigator will present the facts gathered but will not make credibility determinations.

The investigation report will be forwarded to the Deputy Title IX Coordinator who will review the investigation report and has the discretion to ask the investigator for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report.

CSB and/or SJU will strive to complete the investigation phase within forty-five (45) calendar days from the date the investigator is appointed, but this time frame may be extended depending on the circumstances of each case. In cases involving allegations of Title IX Sexual Harassment, the institutions will strive to complete the initial investigation in this 45-day time frame, but the final investigation report will not be completed until after the review of directly related evidence.

#### **Step 4: Access to Information**

The procedures in the formal process for all cases of Sexual Misconduct involving faculty or staff respondents are the same through the investigation phase. Prior to providing access to information, the Deputy Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

##### **a. Cases Involving Allegations of Title IX Sexual Harassment**

###### *Review of Directly Related Evidence*

For formal complaints involving allegations of Title IX Sexual Harassment, the parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the institutions do not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source. The Deputy Title IX Coordinator or investigator will send such evidence to each party and each party's advisor in electronic format or hard copy. The parties will have a ten (10) calendar day period to review the evidence and prepare a written response to the evidence (the "Evidence Response Statement"). Each party's Evidence Response Statement may not exceed 2,000 words in length. The Evidence Response Statement must be submitted to the Deputy Title IX Coordinator within the ten (10) calendar day period described above. The Evidence Response Statement may be used as an opportunity to clarify information contained in the directly related evidence, to present the party's viewpoint about whether the evidence directly related to the allegations is relevant and therefore whether it should be included in the investigation report, and to identify evidence previously provided to the investigator that was not included in the directly related evidence which the party believes is directly related and relevant. While the parties may be assisted by their advisors in preparation of the Evidence Response Statement, the Evidence Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Evidence Response Statement.

The parties and parties' advisors may use the evidence reviewed at this step only for purposes of participating in the Complaint Resolution Process and are prohibited from disseminating or otherwise sharing the evidence with any other individual. Prior to being provided the evidence obtained as part of the investigation that is directly related to the allegations, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Deputy Title IX Coordinator will review the parties' Evidence Response Statements and may remove or redact any portions of the parties' Evidence Response Statements that exceed the word limit of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent or information subject to a legal privilege without a waiver).

The investigator will consider the parties' Evidence Response Statements prior to completion of the investigation report.

All the evidence made available for the parties' review will be available during the hearing.

#### *Review of Investigation Report*

For complaints involving allegations of Title IX Sexual Harassment, the Deputy Title IX Coordinator or investigator will send the investigation report to each party and each party's advisor in electronic format or hard copy at least ten (10) days prior to the live hearing. The parties will have a five (5) calendar day period to review the investigation report and prepare a written response to the report (the "Written Response Statement"). Each party's Written Response Statement may not exceed 4,500 words in length. The Written Response Statement must be submitted to the Deputy Title IX Coordinator within the five (5) calendar day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the investigator(s) that is not included in the investigation report which the party believes should have been included, , or raise other concerns regarding the evidence. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties and parties' advisors may use the investigation report only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the investigation report with any other individual. Prior to being provided the investigation report, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Deputy Title IX Coordinator will review the parties' Written Response Statements. Based on the statements, the Deputy Title IX Coordinator has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information removed or redacted from the investigation report. In addition, the Deputy Title IX Coordinator may remove or redact any portions of the parties' Written Response Statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

- b. Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking *Occurring Outside* of the Education Program or Activity or Against a Person *Outside* of the United States

For complaints involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the institutions' education program or activity or against a person *outside* of the United States, the investigation report will be made available for review by the complainant and respondent by making an appointment with the Deputy Title IX Coordinator during regular business hours. The Deputy Title IX Coordinator will provide a five (5) calendar day review and response period for the parties to have access to review the investigation report and prepare a response to the investigation report, as discussed below. The report cannot be photographed, copied, or removed from the Deputy Title IX Coordinator's office or other location provided for review purposes. All parties (and their advisors) may take personal handwritten notes.

Following review of the investigation report, both the complainant and respondent shall have the

opportunity to provide a typewritten initial statement (the “Written Response Statement”) to add clarifying information, identify information previously given to the investigator that is not included in the investigation report that the party believes should have been included, identify questions a party believes the other party has not yet answered or evidence the other party has not explained, raise other concerns regarding the evidence, and to challenge the credibility of the other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf, including any external reports. The parties may not address each other in the Written Response Statement. The Written Response Statement shall not exceed 4,500 words. The Written Response Statement must be submitted within the five (5) calendar days provided for review and response described above. Submissions must be made electronically by email to the Deputy Title IX Coordinator and must be submitted directly from the complainant or respondent, and not through an advisor or other representative.

The complainant and respondent shall have an opportunity to review the Written Response Statement submitted by the other party and, if desired, may submit a typewritten rebuttal statement (the “Written Rebuttal Statement”) not to exceed 2,500 words. The Deputy Title IX Coordinator will provide a two (2) calendar day review and response period for the parties to have access to review the Written Response Statement and prepare a response to the Written Response Statement, as discussed below.

The Written Rebuttal Statement may only be used to respond to arguments made in the other party's Written Response Statement and to challenge the credibility of the other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Rebuttal Statement, the Written Rebuttal Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf, including external reports. The parties may not address each other in the Written Rebuttal Statement. The parties have the option to read the Written Rebuttal Statement of the other party, but no further responses will be made by either party.

The parties and parties’ advisors may use the investigation report and written statements of the other party reviewed at this step only for purposes of participating in the Complaint Resolution Process and are prohibited from disseminating or otherwise sharing the report and written statements with any other individual. Prior to being provided the report and written statements, the parties and parties’ advisors will be required to sign a non-disclosure agreement agreeing to such terms.

At any time during the investigation and review phases, the Deputy Title IX Coordinator may review the investigation report, the parties' Written Response Statements and Written Rebuttal Statements, and other information or evidence to determine whether additional investigation is necessary, statements and documents submitted by the parties are within the word limit and appropriate scope of the Complaint Resolution Process, and/or information or other evidence contained in the investigation report and the parties' written statements should be removed or redacted. In the event the Deputy Title IX Coordinator requests additional investigation, the parties shall be notified. Information that may be removed or redacted from the parties’ written statements includes information that is over the word limit or that exceeds the permitted scope of information that may be considered in the Complaint Resolution Process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

#### **Step 5: Adjudication**

Upon completion of the investigation, the Deputy Title IX Coordinator will compile the adjudication file which will be shared with the Title IX Hearing Panel/adjudicator. In cases involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Domestic Violence, Dating Violence, or Stalking *occurring outside*

of the institutions' education program or activity or against a person *outside* of the United States, the parties will be given access to any information that is included in the adjudication file to the extent that it includes additional information that the parties did not review as part of the Access to Information step discussed above.

a. Cases Involving Allegations of Title IX Sexual Harassment

Upon completion of the investigation in cases involving allegations of Title IX Sexual Harassment, the matter will be submitted to a Title IX Hearing Panel to hold a live hearing and to make a determination regarding responsibility and, if appropriate, sanctions.

The Title IX Hearing Panel will conduct a prompt and equitable live hearing and adjudication.

*Appointment of the Title IX Hearing Panel*

The Deputy Title IX Coordinator will designate a panel of three adjudicators to serve as the Title IX Hearing Panel. Generally, the Title IX Hearing Panel will be chosen from a pool of trained faculty and staff and/or outside adjudicators. The institutions reserve the right to appoint any trained individuals who are without conflict or bias to the Title IX Hearing Panel. The Title IX Hearing Panel will not include the Deputy Title IX Coordinator or the investigator from the same matter. If any party has a concern that a member of the Title IX Hearing Panel has a conflict of interest or bias, the party should report the concern in writing as indicated in section VII(7) Conflicts above.

*Live Hearing*

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such questions will be conducted directly, orally, and in real time by the party's advisor and will never be conducted by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question at the hearing, the Title IX Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant in the formal complaint, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party is not willing to answer any relevant question from the other party's advisor, or a witness is not willing to answer any relevant question from either advisor, the Title IX Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Title IX Hearing Panel, however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

All evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available at the hearing.

The hearing will generally be held by video conference with the parties, witnesses, and Title IX Hearing Panel located in separate locations and technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or the witness answering questions. The institutions reserve the right to determine that a hearing will instead be conducted with all participants, including the parties,



witnesses, and the Title IX Hearing Panel physically present in the same location. In the event that the live hearing is held with the participants in the same location, at the request of either party, the institutions will provide for the parties to be located in separate rooms with technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or witness answering questions.

The institutions will create an audio or audiovisual recording, or transcript, of any live hearing and, upon request, will make it available to the parties for inspection and review.

#### *Institution Appointed Advisors*

If a party does not have an advisor present at the live hearing, the institutions will provide an advisor to the party, without fee or charge to that party, to conduct cross-examination on behalf of that party. If a party will not have an advisor present at the hearing, the party must inform the Deputy Title IX Coordinator at least three (3) calendar days prior to the live hearing so that the institutions may appoint an advisor for the hearing. The appointed advisor's role will be limited to relaying the party's questions to be asked of other parties and witnesses. The appointed advisor shall not perform any function beyond relaying the party's desired questions. The institutions reserve the right to appoint any individual as the institution deem appropriate to act as an advisor at a live hearing. The institutions' appointment of an advisor is final and a party who refuses to work with an appointed advisor at the live hearing will forfeit his or her right to conduct cross-examination or other questioning at the hearing.

#### *Live Hearing Procedures*

Additional information about live hearings can be found in the [Live Hearing Procedure](#).

#### *Decision-Making Process*

The presumption is that the respondent is not responsible for a policy violation. The respondent will be deemed responsible for a policy violation only if the Title IX Hearing Panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent engaged in Sexual Misconduct. If the Title IX Hearing Panel determines that the respondent is responsible for a policy violation, the Title IX Hearing Panel will then determine what sanctions and remedies are warranted.

As discussed above, if a party or witness does not submit to cross-examination at the live hearing, the Title IX Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Title IX Hearing Panel, however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The Title IX Hearing Panel will communicate the decision to the Deputy Title IX Coordinator of the institutions of the parties.

- 1. Determination of "Not Established Responsible."** If the Title IX Hearing Panel determines that there is not sufficient basis to establish that it is more likely than not that a respondent violated the Policy, the Title IX Hearing Panel will make a determination of "Not Established Responsible." The complainant and respondent will be notified of the "Not Established Responsible" determination and of other steps that may be taken in response to the formal complaint such as "no contact" directives. The complainant will also be apprised of other resources that may be available.

When the Title IX Hearing Panel makes a finding of "Not Established Responsible," but the respondent nevertheless is found to have engaged in inappropriate conduct – for example,

inappropriate remarks that do not rise to the level of a Policy violation – CSB and/or SJU may, at their discretion, require the respondent to receive appropriate education and/or training. The institutions may also recommend counseling or other support services for the respondent.

## 2. Determination of "Responsible" and Imposition of Remedies/Sanctions.

- i. **Faculty Respondent:** If the Title IX Hearing Panel determines that it is more likely than not that a faculty member respondent violated the Policy, the Title IX Hearing Panel will make a finding of "Responsible" and the Provost will determine appropriate sanction(s). The Provost's determination will include steps to stop the misconduct, prevent its recurrence and, as appropriate, address its effect on the complainant and the campus community. Sanctions imposed depend on the severity of the violation, student or employee status of the complainant, and any previous violations that resulted in a finding of "Responsible." Sanctions will be determined and administered in accord with these Procedures and the Policy. The Policy and Procedures supersedes the Faculty Handbook as to allegations of Sexual Misconduct. Sanctions may include a variety of institutional responses or requirements, as listed in the Policy section VI(B).
- ii. **Staff Respondent:** If the Title IX Hearing Panel determines that it is more likely than not that a staff member violated the Policy, the Title IX Hearing Panel will make a finding of "Responsible" and the Divisional Vice President, in consultation with the Human Resources Director, will determine the appropriate sanctions, which shall be determined and administered in a manner consistent with the Administrative and Support Staff Handbook. The Divisional Vice President's determination will include steps to stop the misconduct, prevent its recurrence and, as appropriate, address its effects on the complainant and the community. Sanctions imposed depend on the severity of the violation, student or employee status of the complainant, and any previous violations that resulted in a finding of "Responsible." Sanctions may include a variety of institutional responses or requirements, as listed in the Policy section VI(B).

### b. Cases Involving Allegations of Other Forms of Sexual Misconduct

Upon completion of the investigation, in matters involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, an adjudicator will be appointed. In cases of alleged Sexual Misconduct by a staff member, the Director of Human Resources will generally serve as the adjudicator on issues of whether the Policy has been violated. In cases of alleged Sexual Misconduct by a faculty member, the Dean of the Faculty will generally serve as the adjudicator on issues of whether the Policy has been violated. An alternative adjudicator may be appointed by the Deputy Title IX Coordinator in cases involving a conflict of interest, the appearance of a conflict of interest, or in other appropriate circumstances.

The complainant and the respondent shall receive written notice of the adjudicator appointed. If any party has a concern that an adjudicator has a conflict of interest or bias, the party should report the concern in writing as indicated in the section VII(7) Conflicts above.

The adjudicator will review the adjudication file. The adjudicator may, in his or her discretion, request additional investigation by the investigator or another appropriate individual. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that *occurred outside* of the education program or activity or against a person *outside* of the United States), if such information is shared with the adjudicator, the parties will be notified and provided access to that information.

The adjudicator will use a preponderance of the evidence standard to determine whether it is more likely than not that the respondent is responsible for a Policy violation. The Deputy Title IX Coordinator shall be available to consult with the adjudicator but will not participate in making the decision.

The adjudicator will communicate the decision to the Deputy Title IX Coordinator of the institutions of the parties.

1. **Determination of "Not Established Responsible."** If the adjudicator determines that there is not sufficient basis to establish that it is more likely than not that a respondent violated the Policy, the adjudicator will make a determination of "Not Established Responsible." The complainant and respondent will be notified of the "Not Established Responsible" determination and of other steps that may be taken in response to the formal complaint such as "no contact" directives. The complainant will also be apprised of other resources that may be available.

When the adjudicator makes a finding of "Not Established Responsible," but the respondent nevertheless is found to have engaged in inappropriate conduct – for example, inappropriate remarks that do not rise to the level of a Policy violation – CSB and/or SJU may, at their discretion, require the respondent to receive appropriate education and/or training. The institutions may also recommend counseling or other support services for the respondent.

2. **Determination of "Responsible" and Imposition of Remedies/Sanctions.**

- a. **Faculty Respondent:** If the adjudicator determines that it is more likely than not that a faculty member respondent violated the Policy, the adjudicator will make a finding of "Responsible" and the Provost will determine appropriate sanction(s). The Provost's determination will include steps to stop the misconduct, prevent its recurrence and, as appropriate, address its effect on the complainant and the campus community. Sanctions imposed depend on the severity of the violation, student or employee status of the complainant, and any previous violations that resulted in a finding of "Responsible." Sanctions will be determined and administered in accord with these Procedures and the Policy. The Policy and Procedures supersedes the Faculty Handbook as to allegations of Sexual Misconduct. Sanctions may include a variety of institutional responses or requirements, as listed in the Policy section VI(B).
- b. **Staff Respondent:** If the adjudicator determines that it is more likely than not that a staff member violated the Policy, the adjudicator will make a finding of "Responsible" and the Divisional Vice President, in consultation with the Human Resources Director, will determine the appropriate sanctions, which shall be determined and administered in a manner consistent with the Administrative and Support Staff Handbook. The Divisional Vice President's determination will include steps to stop the misconduct, prevent its recurrence and, as appropriate, address its effects on the complainant and the community. Sanctions imposed depend on the severity of the violation, student or employee status of the complainant, and any previous violations that resulted in a finding of "Responsible." Sanctions may include a variety of institutional responses or requirements, as listed in the Policy section VI(B).

## **Step 6: Notice of Determination**

The complainant and respondent shall receive a simultaneous written notice of outcome.

Prior to being provided the notice of determination, the parties and parties' advisors will be required to sign a non-disclosure agreement. The parties and parties' advisors are prohibited from disseminating or otherwise sharing the notice of determination with any other individual, except as permitted in the non-disclosure agreement.

For formal complaints alleging (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the institutions' education program or activity or against a person *outside* of the United States, the written notice shall include the allegations potentially constituting Sexual Misconduct, a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held), findings of fact supporting the determination, conclusions regarding the application of the institutions' policy to the facts, the determination regarding responsibility as to each allegation, any imposition of sanctions, whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant, and the rationales for the determination and sanctions (including how the evidence was weighed, how the information supports the result, and the standard of evidence applied). The written notice will also include information about the procedures and permissible bases for appeal, as set forth below, and when the result becomes final. In addition, the written notice shall include any other steps the institutions have taken to eliminate the conduct and prevent its recurrence.

For all other formal complaints of Sexual Misconduct, the written notice shall include the determination of the adjudicator.

In cases involving allegations of Title IX Sexual Harassment, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the live hearing concluded. In cases involving allegations of other forms of Sexual Misconduct, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the adjudicator receives the adjudication file. In some cases, more time may be required.

The determination of the Title IX Hearing Panel/adjudicator may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision of the Title IX Hearing Panel/adjudicator will be final and the sanctions, if any, will be effective.

### **Step 7: Appeal**

The complainant and respondent have the right to appeal a decision to dismiss a formal complaint or any allegations therein, as discussed above in the section VII(14) Dismissal of Formal Complaint Prior to Adjudication above. The parties may also appeal the Title IX Hearing Panel's/adjudicator's decision regarding responsibility.

Grounds for appeal are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Deputy Title IX Coordinator, investigator, or Title IX Hearing Panel/adjudicator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Disagreement with the finding of the Title IX Hearing Panel/adjudicator does not constitute a procedural

irregularity and is not grounds for an appeal. Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the complainant and respondent.

The complainant or respondent may request an appeal of the decision by submitting a written statement of appeal challenging the outcome of the Complaint Resolution Process, not to exceed 1,300 words, no later than two (2) calendar days after receiving the notice of determination. The appeal shall be directed to the Lead Title IX Coordinator of the institution of the appealing party. While the parties may be assisted by their advisors in preparation of the appeal, the appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file an appeal or request an extension in a timely manner constitutes a waiver of any right to an appeal.

The Lead Title IX Coordinator will review the appeal statement to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered. The Lead Title IX Coordinator may remove or redact any portions of the appeal statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

If it is determined that the appeal will be considered, the non-appealing party will be notified of the appeal. The non-appealing party may, if desired, submit a written response in support of the outcome, not to exceed 1,300 words. The written response to the appeal must be submitted to the Lead Title IX Coordinator within two (2) calendar days of receiving notice of the appeal. While the party may be assisted by their advisor in preparation of the responsive appeal statement, the responsive appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

The Lead Title IX Coordinator will review the responsive appeal statement and may remove or redact any portions of the responsive statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

The Lead Title IX Coordinator will appoint one or more appeal officers. The appeal officer(s) will generally be the Dean of the Faculty, the Academic Dean, Vice Presidents of the institutions or other senior level officers of the institutions. The institutions reserve the right to appoint any trained appeal officer who is without conflict of interest or bias. If any party has a concern that an appeal officer has a conflict of interest or bias, the party should report the concern in writing as indicated in section VII(7) Conflicts above.

The Lead Title IX Coordinator generally will compile an appeal file, which may consist of any information, documents, or other evidence that is provided to the appointed appeal officer. Such information may include, as applicable, the written appeal statement, the responsive appeal statement, the notice of determination, the adjudication file in its entirety or in part, any previously undiscovered evidence (if discovery of new evidence is a ground for the appeal), and any other information determined to be necessary for the appeal officer's decision, at the discretion of the Lead Title IX Coordinator.

For complaints involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the appeal file will be made available for review by the complainant and respondent by making an appointment with their Lead Title IX Coordinator during

regular business hours. The Lead Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the appeal file. The appeal file cannot be photographed, copied, or removed from the Lead Title IX Coordinator's office(s) or other location provided for review purposes. All parties (and their advisors) may take personal handwritten notes.

In cases where the appeal file is made available for review as discussed above, the parties and parties' advisors may use the appeal file reviewed at this step and any additional information reviewed during the consideration of the appeal (see below), only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the appeal file or additional information with any other individual. Prior to being provided access to the appeal file or any additional information, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

- a. Determination of Whether Appeal Has Merit.** The appeal file will be reviewed and considered by the appointed appeal officer. The appeal officer will determine whether it is more likely than not that one or more of the above grounds for appeal are satisfied.

If the appeal officer determines that there is insufficient evidence to conclude that it is more likely than not that one or more grounds for appeal has been satisfied, the appeal officer may dismiss the appeal. This decision is final and is not appealable. If the appeal officer dismisses the appeal, the sanctions will be effective on the date the decision is provided to the parties.

The appeal officer will provide the complainant and respondent with simultaneous written notice describing the result of the appeal and the rationale for the result. The written notice of the outcome of the appeal will generally be received within 20 (twenty) calendar days of the appeal officer receiving the appeal file. In some cases, more time will be required.

- b. Determination on Remand.** If the appeal officer determines that there is sufficient evidence to conclude it is more likely than not that one or more of the above grounds for appeal have been satisfied, the appeal officer will remand the matter for further investigation and/or deliberations by the Title IX Hearing Panel/adjudicator, and/or an additional live hearing. The appeal officer will determine whether the matter should be remanded to the previous Title IX Hearing Panel/adjudicator or whether a new Title IX Hearing panel/adjudicator should review the matter. The appeal officer may not change the Title IX Hearing Panel's/adjudicator's determination or sanctions. Only the Title IX Hearing Panel/adjudicator reviewing the matter on remand from an appeal may change the determination of the original Title IX Hearing Panel/adjudicator, and based upon the new determination only the Provost (in cases involving a faculty member) or Divisional Vice President (in cases involving a staff member) may modify any of the sanctions previously imposed.

Upon remand, the investigator and Title IX Hearing Panel/adjudicator shall utilize the same process as required for all Complaint Resolution Processes under this Policy. If the matter is remanded, the determination made on remand will be appealable under the procedures discussed in this section.

In cases involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Domestic Violence, Dating Violence, and Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the parties will receive timely access to view any information and documents – not already provided to the parties during the investigation and initial adjudication phases – that will be used to adjudicate matter on remand.

### **C. Complaint Procedure if the Respondent is an Associate or Third Party**

Any individual who has a concern about potential Sexual Misconduct by an Associate or third party should report their concern to the Deputy and/or Lead Title IX Coordinator. If a formal complaint involves an associate or third party, the Dean(s) of Students and Associate HR Director will determine who should be the Deputy Title IX Coordinator for that matter.

Upon receiving a report of potential Sexual Misconduct by an associate or third party, the Deputy and/or Lead Title IX Coordinator will involve the appropriate administrative officials to make a determination of how to handle the complaint. The administrative official, in consultation with the Lead or a Deputy Title IX Coordinator, may exercise discretion to determine an appropriate investigative and adjudication process based on the facts and circumstances. The administrative official will document the report received, process used, and the outcome and will submit such information to the Lead Title IX Coordinator. CSB and/or SJU will notify the parties and, if applicable, employing entities that contract with CSB and/or SJU, of the outcome of the complaint. Associates and third parties generally may not appeal the decision made, unless the appropriate administrative official determines otherwise.

### **IX. COMPLAINTS OF RELATED MISCONDUCT**

Any complaint relating to retaliation or interference with process in violation of this Policy, or violations of supportive/interim measures, sanctions, the obligation to act in good faith, the obligation to be truthful, or a nondisclosure agreement should be reported promptly to the Deputy Title IX Coordinator. The institutions will provide a prompt and equitable process for the resolution of complaints alleging retaliation or interference with process or violations of supportive/interim measures, sanctions, the obligation to act in good faith, the obligation to be truthful, or a nondisclosure agreement and will take appropriate action against any individual who engages in such conduct.

When CSB and/or SJU receives a complaint of retaliation or interference with process or of violations of supportive/interim measures, sanctions, the obligation to act in good faith, the obligation to be truthful, or a nondisclosure agreement, the Deputy Title IX Coordinator may exercise discretion to determine an appropriate responsive process based on the facts and circumstances. At the Deputy Title IX Coordinator's discretion, options for resolution include but are not limited to informal discussions and resolution facilitated by the Deputy Title IX Coordinator, investigation and/or determination by the Deputy Title IX Coordinator, or assignment of a designated individual to investigate the complaint and/or determine an appropriate response. This process will be separate and distinct from the Complaint Resolution Procedures outlined above for addressing Sexual Misconduct formal complaints. The Deputy Title IX Coordinator will document the complaint received, the process used, and the outcome. The institutions will notify the parties of the outcome of the complaint. In instances where the outcome of the process results in a suspension longer than one year, expulsion, or termination of employment, the impacted individual may appeal the decision in accordance with the appeal rights set forth in this Policy.

### **X. EXTERNAL COMPLAINTS**

Nothing in the Policy or these Procedures is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR). If you filed a complaint under the Policy and believe the institution(s)' response was inadequate, or you otherwise believe you have been discriminated against by the institution(s), you may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education based in Chicago or the Educational Opportunities Section (EOS) of the Civil Rights Division of the U.S. Department of Justice.

Web Address: <http://www2.ed.gov/about/offices/list/ocr/index.html>

Mailing Address: US Department of Education Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building 400  
Maryland Avenue SW  
Washington, DC 20202-1100

Telephone: 800-421-3481

Fax: 202-453-6012

TDD: 800-877-8339

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

## XI. CONTACT INFORMATION

College of Saint Benedict	
Chief of Staff Lead Title IX Coordinator	Kathryn Enke <a href="mailto:kenke@csbsju.edu">kenke@csbsju.edu</a> , 320-363-5070
Vice President for Student Development Deputy Title IX Coordinator	Mary Geller <a href="mailto:mgeller@csbsju.edu">mgeller@csbsju.edu</a> , 320-363-5601
Dean of Students Deputy Title IX Coordinator	Jody Terhaar <a href="mailto:jterhaar@csbsju.edu">jterhaar@csbsju.edu</a> , 320-363-5270
Sr Human Resources Partner Deputy Title IX Coordinator	Chantel Braegelmann <a href="mailto:Cbraegem001@csbsju.edu">Cbraegem001@csbsju.edu</a> , 320-363-5071



Human Resources Director Deputy Title IX Coordinator	Carol Abell <a href="mailto:cabell@csbsju.edu">cabell@csbsju.edu</a> , 320-363-5571
Security Director	Darren Swanson <a href="mailto:dswanson@csbsju.edu">dswanson@csbsju.edu</a> , 320-363-5000
<b>Saint John's University (including School of Theology and Seminary)</b>	
Chief of Staff Lead Title IX Coordinator	Patti Epsky <a href="mailto:pepsky@csbsju.edu">pepsky@csbsju.edu</a> , 320-363-2246
Interim VP for Student Development Deputy Title IX Coordinator	Michael Connolly <a href="mailto:mconnolly@csbsju.edu">mconnolly@csbsju.edu</a> , 320-363-3171
Sr Human Resources Partner Deputy Title IX Coordinator	Chantel Braegelmann <a href="mailto:cbraegelm001@csbsju.edu">cbraegelm001@csbsju.edu</a> , 320-363-5071
Life Safety Services Director	Shawn Vierzba <a href="mailto:svierzba@csbsju.edu">svierzba@csbsju.edu</a> , 320-363-2144
Dean, School of Theology and Seminary Deputy Title IX Coordinator	Dale Launderville, OSB <a href="mailto:dlaundervill@csbsju.edu">dlaundervill@csbsju.edu</a> , 320-363-3389

As changes are made in the persons holding these positions, current information will be available on the [CSB/SJU Title IX website](https://www.csbsju.edu/joint-student-development/title-ix) <https://www.csbsju.edu/joint-student-development/title-ix>

### Crime Report Statistics

The following statistical information was compiled in coordination with the CSB Department of Security, St. Joseph Police Department, SJU Department of Life Safety Services and the Stearns County Sheriff's Department. The statistics identify the number of reported crimes, not necessarily confirmed cases and/or convictions. They report the total number of crime reports that have occurred on each institution-owned facility and grounds.

DEFINITION OF CATEGORIES (reportable offenses only)

**Aggravated Assault:** the unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily harm. This type of assault usually involves the use of a weapon or other means likely to produce death or great bodily harm. It is not necessary that injury results from an aggravated assault when a gun, knife, or other weapon is used. What matters is that the assault could or probably would result in a serious potential injury if the crime were successfully completed.

**Arson:** any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

**Burglary:** the unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Dating Violence:** means violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victims, and (b) where the existence of such a relationship

shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction between the persons involved in the relationship.

**Destruction/Damage/Vandalism of Property:** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Domestic Violence:** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Drug Violations:** violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of prohibited substances, including: opium or cocaine and their derivatives (morphine, heroin, codeine, etc); marijuana; synthetic substances (Demerol, methadone's, etc); and, dangerous non-narcotic drugs (barbiturates, amphetamines, etc).

**Forcible Fondling:** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Forcible Rape:** is the carnal knowledge of a person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.

**Forcible Sodomy:** is oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Incest:** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Intimidation:** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny-Theft:** is the unlawful taking, carrying, loading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Liquor Law Violations:** the violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possession of intoxicating liquor; maintaining unlawful drinking places: bootlegging, operating a still, furnishing liquor to a minor, using a vehicle for illegal transportation of liquor. Alcohol violations include violations involving "hard" liquor, wine, and beer.

**Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle by persons not having lawful access even though the vehicles are later abandoned including joyriding.

**Murder and Non-negligent manslaughter:** the willful (non-negligent) killing of one human being by another.

**Negligent manslaughter:** the killing of another person through gross negligence.

**Robbery:** the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

**Simple Assault:** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Sexual Assault With an Object:** is the use of an object or instrument to unlawfully penetrate, however, slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.

**Sex Offenses - Forcible:** any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

**Sex Offenses - Non-Forcible:** unlawful, non-forcible sexual intercourse.

**Stalking:** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress.

**Statutory Rape:** is non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Weapons Law Violations:** the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as the manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

#### DEFINITION OF CAMPUS GEOGRAPHY

The following terms are used to define the campus geographical areas where crimes have been reported. Please note that institutions report only those offenses that have occurred within their jurisdictions. They do not report crimes committed outside of these geographical boundaries (eg. off- campus).

**ON-CAMPUS** *encompasses any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and, any building or*

*property that is within or reasonably contiguous to the aforementioned areas that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). NOTE: Statistics for campus housing facilities are recorded and displayed as a "subset" to the total offenses that have occurred on campus. They are part of, not in addition to, the statistics noted as "ON-CAMPUS".*

**PUBLIC PROPERTY** *encompasses all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. The term "public property" refers to property owned by a public entity, such as a city or state government.*

**NON-CAMPUS BUILDINGS OR PROPERTY** *encompasses any building or property owned or controlled by a student organization that is officially recognized by the institution; or, any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.*

#### TIMELY WARNINGS

Students, faculty, staff, community members and guests are encouraged to report all crimes and public safety-related incidents in a timely manner to the campus security department where the incident is occurring or has occurred. Doing so in a timely manner aids in providing a more prompt response when needed and in providing timely warning notices to the campus communities in the event of a serious incident which may pose an on-going threat. Safety and Security notices are generally written by campus security director(s) and are distributed to the campus communities via, an electronic notification system that sends information to faculty, staff and students via cell phone and internet.

#### REPORTING PROCEDURES

Although both CSB and SJU prefer their campus communities to report criminal incidents directly to their respective security departments, we recognize that this doesn't always happen. A student who falls victim to crime may be more inclined to report the incident to someone other than the security department. For that reason, the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be "**campus security authorities**", or CSAs. CSAs are defined as (1) *campus police or security departments*, (2) *other persons who have a responsibility for campus security but who do not constitute a campus security department*, (3) *any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses*, and (4) *any official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings*. The College of Saint Benedict and St. John's University have identified a number of such individuals representing a wide variety of departments: administration, student development, residential life, athletics, security, student activities, health care professionals, disability services, international students, etc. A list of titles for each person or organization to whom students and employees should report criminal offenses described in the law for the purpose of making timely warning reports and the annual statistical disclosure is available by clicking the following link for each respective campus: ([CSB](#)) or ([SJU](#)).

Incident reports are investigated and documented by security personnel (CSB Security or SJU Life Safety, as appropriate). Victims, witnesses, and other individuals with knowledge of the facts of the incident may also be interviewed by the Dean of Students on each respective campus. All investigative

information obtained is ultimately forwarded to and reviewed by the Deans of Students for potential disciplinary action.

Students, faculty, and staff: click

<https://www.csbsju.edu/csb-security/annual-crime-fire-safety-report/clery-crime-reporting> to report a non-emergency crime to your security department. For EMERGENCIES, please dial 9-1-1 (from a non-campus phone).

#### REPORTING TO LOCAL LAW ENFORCEMENT

Victims of crime have the option to report incidents to any "campus security authority" including those individuals and offices noted above. A person reporting a crime to their respective security department also has the right to report the incident to their local law enforcement agency (St. Joseph Police Department, 320-363-8250; or, Stearns County Sheriff's Department, 320-251-4240). Security officers regularly discuss this option with victims and will assist with the process whenever possible. Rules of evidence, standards of proof, and case outcomes are very different between campus disciplinary authorities and public criminal justice agencies. For example, the college/university cannot sentence a violator to imprisonment and the courts cannot expel a student from school. Under appropriate circumstances, however, both processes may be pursued simultaneously.

Click the below links to view reportable crime statistics for the past three complete years (2017-2019):

[CSB - Campus Crime Statistics](#)

[SJU - Campus Crime Statistics](#)

NOTE: Crimes Manifesting Evidence of Prejudice (Bias Crimes). There were no bias crimes reported to authorities at the College of Saint Benedict or Saint John's University during the three-year period covered by this report (2017-2019).

#### **FIRE SAFETY at the College of Saint Benedict**

The College of Saint Benedict takes fire safety very seriously and regularly consults with the St. Joseph Fire Department on issues relating to implementing and maintaining a safe and secure environment for its students, faculty and staff. The St. Joseph Fire Department is located approximately 1 mile from the main campus which allows for quick response to any fire alarm or other emergency.

In addition to the physical security features of each residence facility, the College provides a number of fire safety features in most campus student housing facilities to include: sprinklers, fire alarm monitoring systems, fire extinguishers, smoke detectors, etc. On-campus residential facilities are equipped with fire safety systems as follows:

#### **RESIDENCE HALLS (Aurora, Corona, Regina, Lottie, Margaretta, & Brian)**

All residence halls located on the campus of the College of Saint Benedict are equipped with smoke detectors in each room and in the hallways. Pull stations are located by building exits and each building is monitored by a central alarm system. Annual inspections of fire alarm systems are coordinated by the Department of Security. In addition, Lottie, Margaretta and Brian halls are also equipped with strobe and bell alarms in each student's room.

All residence halls are fully equipped with fire sprinkling systems. Annual inspections of sprinkling systems are conducted by a private company contracted by the College and are coordinated through 87 the Physical Plant.

Fire extinguishers are installed in each hallway and each kitchen/lounge area. Fire extinguishers and emergency lighting equipment are checked monthly by maintenance staff. Annual fire extinguisher inspections are conducted by a private company contracted by the College. In addition, carbon dioxide monitor(s) are installed in the laundry area of Lottie Hall. Maintenance and inspections are coordinated through Facilities Management.

**APARTMENT BUILDINGS (Sohler, Schumacher, Smith, Dominica, Luetmer, Westkaemper, Girgen, Gable, McDonald, Wirth, Zierden & the College Avenue Apartments 1 & 2)**

Apartment buildings located on the campus of the College of Saint Benedict are equipped with smoke detectors in each room and in the hallways. Pull stations are located by building exits and each building is monitored by a central alarm system. Each student room is also equipped with strobe and bell alarms. Annual inspections of fire alarm systems are coordinated by the Department of Security.

All apartment buildings are fully equipped with fire sprinkling systems, with the exception of College Avenue Apartments 1&2. Annual inspections are conducted by a private company contracted by the College and are coordinated through the Physical Plant.

Fire extinguishers are installed in each kitchen. Fire extinguishers and emergency lighting equipment are checked monthly by maintenance staff. Annual fire extinguisher inspections are conducted by a private company contracted by the College. Maintenance and inspections are coordinated through Facilities Management.

**CENTENNIAL TOWNHOMES (Wedl, Wagner, Kapsner, Olheiser)**

Smoke detectors connected to the building's power grid are installed in all bedrooms and hallways with testing occurring each year. Fire extinguishers (checked monthly) are installed in each kitchen. Each house is equipped with a carbon dioxide detector. Furnace filters are checked and replaced monthly by maintenance staff facilitated through the Facilities Management Division.

Each building has its own independent sprinkling system that is controlled by equipment located in the building's maintenance room. Fire systems are monitored and operated by separate control panels located in the maintenance rooms that are located at the end of each building.

**CAMPUS-OWNED HOUSES (Rainbow, Margaret, & Jeannette)**

During this reporting period, the College of Saint Benedict owned houses located in the adjacent community of St. Joseph. Battery operated smoke detectors are installed in all bedrooms at these properties with annual testing and battery replacement occurring each year during the city's inspection process for rental licensing purposes.

Fire extinguishers (checked monthly) are installed in each kitchen. Each house is equipped with a carbon dioxide detector. Furnace filters are checked and replaced monthly by maintenance staff facilitated through Facilities Management.

**Supervised Fire Drills**

Mandatory, unannounced fire drills are conducted for each residence hall (and academic facilities) during the fall of each year. Efforts are made to complete the drills early in the semester to provide

timely training of fire evacuation procedures. Fire drills are often conducted with the assistance and cooperation of the St. Joseph Fire Department thereby offering a more realistic, coordinated response to benefit not only our students but local fire response units as well.

### **Fire-Related Policies**

As part of its fire safety and prevention efforts, the College has implemented the following policies (with notable exceptions):

- Smoking is not permitted in any college-owned building, including residential facilities. Smoking is not allowed within 25 feet of the entrance to any college building.
- The College prohibits open flame devices (candles/incense burners, etc) in on-campus residential facilities unless prior approval is obtained for religious or spiritual observances.
- Flammable liquids/gases, fireworks and other explosive devices are prohibited on campus.
- The following items are prohibited in any non-kitchen area or residence hall room: portable space heaters, electrical appliances with an open heating element, sandwich makers, hot plates, electric grills, toasters, rice cookers, propane or charcoal grills, live or cut Christmas trees, torchier-style halogen lamps or any halogen lamp with a bulb that exceeds 95 watts.
- Microwaves are not permitted in first-year residence halls (Aurora, Corona & Regina).
- An emergency evacuation plan is located on the back of every residence hall room, apartment, and house door. Failure to evacuate in the event of a drill or actual fire may result in fines and follow-up with the conduct disciplinary process. Tampering with fire safety equipment such as smoke detectors and fire extinguishers may result in fines and follow-up with the conduct disciplinary process.

### **Fire Safety Education & Training**

Students, faculty and staff have on-line access to emergency response information at <https://www.csbsju.edu/documents/SJU%20Life%20Safety/EmergResponse2020.pdf> This website provides instructions to be followed in the event of fire or other emergencies. Procedures specific to fire emergencies are as follows:

TO REPORT AN EMERGENCY, CALL: CSB Campus Security 320-363-5000 (x5000) or SJU Life Safety 320-363-2144 (x2144)

Treat all alarms as though they are real. Even if you don't see anything, you never know if there is trouble elsewhere in the building.

If there is smoke:

- Stay close to the floor.
- Hold your breath and close your eyes where possible.
- Test the door with the back of your hand. If it is hot, stay inside.

If you stay in the room, proceed with the following:

- Use wet clothing or towels to seal up the crack under the door.
- Open your window or break it open and hang a shirt or a bed sheet out the window to attract the

attention of rescuers.

- Call CSB Security at 320-363-5000 and let them know where you are.

In the case of fire:

- DO NOT JUMP OUT THE WINDOW IF YOU ARE ON AN UPPER LEVEL.
- WAIT FOR RESCUERS TO COME TO GET YOU.
- Cover your face with a wet towel or piece of clothing and breathe through your nose.
- Wet a blanket, sheet or other large item and drape it over your shoulders.
- Crawl or crouch low to the floor.
- Do not use the elevator.
- If your clothing catches fire, remember to STOP, DROP and ROLL to put the flames out. Use a coat or blanket to smother flames.
- Cool (not cold) water may be applied to minor burns.

GET CLEAR OF THE BUILDING AND STAY OUT OF THE WAY OF RESCUERS AND FIREFIGHTERS. DO NOT RE-ENTER THE BUILDING UNTIL THERE IS AN ALL-CLEAR SIGNAL FROM THE FIRE DEPARTMENT AND/OR SECURITY.

ALWAYS TAKE FIRE ALARMS SERIOUSLY.

Building residents are not required or encouraged to fight fires. They may not use a fire extinguisher unless they have received training in its proper operation and use. Any individual trained in the use of a fire extinguisher (security officers, custodial staff, RD/RAs) may use a portable fire extinguisher to extinguish a small, isolated fire but must terminate the use of the extinguisher if immediate efforts fail and/or the individual is faced with danger from excessive smoke, heat or flames.

### **Evacuation Policy & Procedures**

There are a number of reasons that may necessitate the evacuation of a residential area, academic building or other on-campus facility to include: fire, hazardous materials leaks or spills, explosions, natural gas leaks, power utility outages and bomb threats. Students/faculty/staff are normally alerted to fire emergencies via a fire alarm that may be apparent in the form of a bell, horn, siren, flashing strobe light or other means depending upon the equipment installed in the particular building. The college also utilizes, an electronic messaging system, to send emergency alerts by e-mail, text message and voice communications. In the event of an evacuation emergency, all persons in the affected building/area are expected to evacuate immediately using the nearest safe exit.

Students/faculty/staff are encouraged to know the location of all exits and safe zones (if supplied) of their buildings to facilitate the safe and rapid evacuation of buildings. Individuals who are visually, hearing or mobility impaired may require additional assistance during the evacuation process. Advance planning is necessary to provide alternative procedures for such individuals to ensure their safe evacuation.

In addition to the emergency response information website, a printed copy of notification and evacuation procedures is also located in each dorm room, apartment, campus house, office and classroom on campus.

[CSB - Fire Safety Statistics](#)

[SJU - Fire Safety Statistics](#)



## **FIRE SAFETY**

### **Saint John's University (Collegeville, Minnesota)**

As it strives to continually build a rich learning environment, Saint John's University also strives to provide a safe environment for all students, staff, and visitors. The Higher Education Opportunity Act of 2008 requires any institution maintaining on-campus student housing to create an annual fire safety report. The report is to include statistics regarding the number and causes of fires, number of fire injuries and deaths and value of property damage. It must also include information on each on-campus student housing fire safety system, the number of regular mandatory fire drills, fire safety policies, education programs, and plans for any needed fire safety improvements.

The University developed this report to comply with this act and to better inform the Saint John's community - students, prospective students, parents, faculty, and staff - about fire safety at our institution. It includes all of the required information on fires, preventative actions, campus guidelines, and training that is conducted to reduce the likelihood and impact of campus fires.

### **Fire Protection**

The Saint John's Fire Department was formally organized in 1939, staffed by members of the monastic community.

Stationed on the Saint John's campus, it provides a trained, resident crew to protect against fire and to respond to any emergency request. It protects over 90 structures and 2800 staff, students, and monks. It participates in the area's mutual aid fire group—the Central Minnesota Fire Aid Association. The Fire Department is presently staffed with volunteers from the monastery, lay workers, and students. All members train according to NFPA standards for interior/structural firefighting. The Department apparatus includes two pumper trucks, a 102 foot aerial truck, a grass fire rig, and a medical response unit.

The fire detection and protection systems are monitored twenty-four hours a day, all year long, by the Dispatcher at the University's Life Safety Services office. The Dispatcher can page the Department (or its officers) to respond to alarms at any time. The Life Safety Services office of the University and the Fire Department work very closely to provide fire and life safety protection to the campus. The Fire Department supports and responds with the University EMT Squad to provide basic life support for medical emergencies.

Each of the residence halls and apartments is equipped with emergency lighting powered by emergency batteries or backup generators. The Exit signs and fire detection equipment also contains backup batteries to keep the systems operating in the event of a power failure.

With the Fire Department stationed on the campus, even when there are power outages, firefighters and security personnel patrol the campus buildings to provide assistance, maintain safety, and monitor for fire safety until normal power and services are restored.

### **I. DEFINITIONS**

**Fire** - Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire Drill** - A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related Injury** - Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

**Fire-related Death** - Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or deaths that occur within one year of injuries sustained as a result of the fire.

**Fire Safety System** - Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire including: Sprinkler or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights, smoke-control and reduction mechanisms, and fire doors and walls that reduce the spread of a fire.

**Value of Property Damage** - The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including contents damaged by fire, related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

**Fire Log** - A log of fire related incidents is kept at the Life Safety Services Office and the information is available to the public.

The Life Safety Services Office of Saint John's University maintains a log that records any fire that occurred in an on-campus student housing facility and includes information such as the nature, date, time and general location of each fire. The log information is available to public upon request.

## **II. RESIDENCE FIRE DRILLS**

In cooperation with the Residential Life office and the Residential staff, the FD conducts a fire drill in the residential buildings each semester. They monitor response times and advise staff and residents on ways to improve safety.

All planned drills are communicated in advance to the Director of Residential Life and Faculty Residents. The campus community receives an email announcing scheduled drills, approximately 1 week in advance. During any scheduled drill, if occupants do not evacuate a building in a reasonable amount of time, the drill is repeated until the officials conducting the drill are satisfied with the evacuation time. All repeat drills are unannounced.

All other on campus facilities that have fire alarm systems have fire drills conducted a minimum of one drill per calendar year. This will preferably be conducted in early Fall.

## **III. FIRE AND SAFETY EDUCATION**

The Fire Department promotes safety through presentations for dormitory staff members, fire extinguisher training, and drills. The FD conducts a fire safety training session with all the student Residential Assistants who live on each of the floors of the residence halls. This training information

acquaints the staff with fire safety, common hazards in dormitories or apartments, evacuation skills, and accountability for residents.

**IV. FIRE SAFETY IMPROVEMENTS AND UPGRADES**

The Saint John’s Fire Department annually reviews the fire systems in campus residential facilities and works with the University to implement upgrades, repairs or revisions when problems are identified.

We advise the University on fire prevention, building design, and pre-planning for renovation or new construction projects. Through inspections we regularly monitor the safety conditions in buildings. The Fire Department and Physical Plant Office both oversee maintenance on campus fire systems (alarms, sprinklers, hydrants, extinguishers, etc.).

**Fire Alarm Testing.** The Physical Plant office and the Fire Department arrange for certified contractors to check and test fire alarm systems, smoke detectors, sprinkler systems and fire extinguishers. In accordance with Federal/State Law, fire alarms are tested once a year by a qualified contractor, to make sure they are working properly in case of a real fire. Evacuation of a building is not required during a fire alarm test.

During a fire alarm test, every detector is tested to verify that it operates correctly and sends a signal to the Dispatcher panel at the Life Safety Services office. All fire alarm horn and strobe fixtures are also sounded to make sure they are operating properly. If any part of the system fails the testing, it is immediately repaired or replaced.

**Sprinkler Systems.** Sprinklers are an important part of the fire protection system in many of the campus buildings. Like fire alarms, these systems are checked and tested on a regular basis. Their purpose is to suppress a fire and keep it from spreading. Water flowing in the system triggers the fire alarm and sends a signal to the Dispatcher panel at the Life Safety Services office. Similarly, all fire extinguishers on campus are tested and serviced annually by a certified technician to ensure reliable operating condition.

**Additional.** Further information about fire safety procedures and policies may be found at the University website:

<https://www.csbsju.edu/environmental-health-safety/programs/fire-safety#drill>

<https://www.csbsju.edu/sju-student-development/j-book-student-policies/policies/student-life-policies>

<https://www.csbsju.edu/documents/SJU%20Life%20Safety/EmergResponse2020.pdf>

**Residential Fire Safety Systems**

The campus buildings use a combination fire detection, alarm, and suppression systems to provide protection to the residents. The following information lists the fire safety systems in each on-campus residence hall, apartment building, or house in which students reside at Saint John’s University.

Residence Building	Central Fire Alarm Monitoring	Detectors	Sprinkler System	Fire Extinguishers	Evacuation Plans	Emergency Guides	Fire Drills Each
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