SEXUAL MISCONDUCT POLICY
For
The College of Saint Benedict & Saint John’s University

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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, including sexual harassment, sexual assault, and other forms of sexual violence. The College of Saint Benedict (CSB) and Saint John’s University (SJU) have zero tolerance for sexual misconduct in any form.

CSB and SJU are committed to compliance with all applicable anti-discrimination laws 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 programs and activities. Harassment based upon an individual’s legally protected status is a form of prohibited discrimination.

In accordance with Title IX, this Policy addresses the institutions’ prohibition of sexual misconduct, including sexual harassment, sexual assault, and other forms of sexual violence. Sexual harassment, sexual assault, and other forms of sexual misconduct are forms of sex discrimination. Not only are they prohibited by this Policy, but they are also prohibited by various federal and state laws, including Title IX of the Educational Amendments of 1972 and the Minnesota Human Rights Act.

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. 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.
The College of Saint Benedict and Saint John’s University will investigate and promptly seek the equitable resolution of all allegations of sexual misconduct, take steps to prevent the recurrence of sexual misconduct, and to correct its effects on victims and others.

Questions or concerns regarding Title IX, sex discrimination, sexual harassment or sexual misconduct may be directed to the institutions’ Title IX Coordinators:

Kathryn Enke  
Chief of Staff and Executive Assistant to CSB President  
kenke@csbsju.edu  
(320) 363-5070  
37 South College Avenue  
Main 106  
Saint Joseph, MN 56374

Patti Epsky  
Executive Assistant to SJU President  
pepsky@csbsju.edu  
(320) 363-2246  
Quad 142A  
Collegeville, MN 56321

Questions or concerns may also be directed to the Office of Civil Rights of the United States Department of Education.

B. Scope. This Policy applies to all students, faculty, and staff of CSB and SJU. Other individuals or organizations engaging in or conducting activities associated with CSB and/or SJU or doing business at or with CSB and/or SJU are required to comply with the provisions of this Policy. All community members will abide by this Policy at all times, whether on campus or away from campus, when engaged in activities sponsored by the institution(s) or which otherwise relate to the institution(s) or its business. Such activities include, but are not limited to, professional meetings, classes, practica, seminars, study abroad programs, and all other activities involving or relating to the institution(s).

C. Definitions.

1. Sexual Misconduct. Sexual misconduct incorporates a variety of behaviors, including sexual assault, sexual violence, sexual harassment, stalking, domestic violence, dating partner violence, sex-based cyber harassment, hazing of a sexual nature, peeping, voyeurism, going beyond the boundaries of consent (such as secretly allowing others to watch a sexual encounter), and any other conduct of a sexual nature that is nonconsensual or has the purpose or effect of threatening, intimidating, coercing or interfering with the rights of another person or persons. Much sexual misconduct includes nonconsensual sexual contact, but this is not a necessary component. Threatening or intimidating speech, which meets the definition of sexual harassment, for example, will constitute sexual misconduct. Photographs, video, or other visual or auditory records of sexual activity made or shared without explicit consent constitute sexual misconduct, even if the activity documented was consensual. Domestic violence and dating partner violence constitute sexual misconduct, regardless of whether the intimate or sexual relationship between the parties is consensual.
2. **Sexual assault** is defined as sexual contact, including but not limited to penetration, without consent. Sexual assault is a form of sexual violence and a severe form of sexual harassment. Sexual assault includes, but is not limited to rape (including sodomy and sexual assault with an object); fondling (the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim); incest; and statutory rape.

3. **Sexual contact**, for purposes of this Policy, shall have the same meaning as it has under Minnesota law. “Sexual contact” includes, but is not limited to, the intentional touching by the respondent of the complainant’s breasts, inner thighs, buttocks, genitals and/or groin area, whether clothed or unclothed; or the coerced touching by the complainant of another’s intimate parts. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant’s intimate parts.

4. **Consent** means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent must be informed and freely and actively given.

   a. Consent requires more than the existence of a prior or current social or sexual relationship between the actor and the complainant.

   b. Consent to one sexual act does not imply consent to another. Consent has to be specific to the act and persons involved. Past consent to sexual activity does not imply ongoing future consent. Consent can be revoked at any time. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent.

   c. Simple silence, the lack of a negative response, or failure to resist is not consent. It is the responsibility of the actor to obtain consent to any and all sexual involvement that occurs.

   d. 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. Consent is not present when another person fears the consequences of not consenting. Coercion includes intimidation, threats, misuse of authority, manipulation, tricking or bribing with actions and/or words.

   e. A person who is asleep, unconscious or whose judgment is impaired by drugs, alcohol, disability, or other means, or who lacks full knowledge or information of what is happening cannot give valid consent to a sexual act. This is true regardless of whether the person voluntarily or involuntarily consumed the drugs or alcohol. Use of drugs or alcohol by the respondent, however, is not a defense against allegations of sexual misconduct and does not diminish personal accountability or criminal liability.

   f. 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.
g. Where there is otherwise credible evidence to support a finding of nonconsent, corroborating testimony is not required.

5. **Sexual harassment**, a form of discrimination based on sex, is defined in part as follows:

a. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or gender-based nature when:

i. 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

ii. 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).

b. **Examples of Sexual Harassment.** The determination of what constitutes 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. If it meets the conditions set forth in the above definition, conduct such as the following may be considered sexual harassment:

i. **Non-verbal harassment** may include suggestive or insulting sounds, leering, whistling, obscene gestures, and visual displays;

ii. **Verbal harassment** may include statements (written or spoken) drawing upon sexual innuendo, suggestive comments, insults, humor or jokes emphasizing gender-specific traits or clothing, sexual propositions (including repeated unwelcome invitations to social engagements), or sexual threats;

iii. **Physical harassment** may include unwanted touching, pinching, patting, hugging, or brushing of one’s body. In its most extreme form, sexual harassment includes sexual assault.

iv. **Gender-based harassment** may include non-verbal, verbal or physical harassment directed at an individual or a group of individuals solely on the basis of gender, whether or not such conduct is sexual in nature. It also may include harassment based on stereotypical notions of what is
female/feminine and male/masculine or a failure to conform to those
gender stereotypes.

v. In some cases, **consensual romantic or sexual relationships** may form
the basis for a claim of sexual harassment when the relationship gives
undue access or advantage, restricts opportunities or creates a hostile and
unacceptable environment for others.

6. **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 based on the reporting party’s
statement and a 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 or the threat of such abuse.

7. **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 cohabiting with or has cohabited 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, and persons involved in a significant romantic relationship. While not
exhaustive, the following are examples of conduct that can constitute domestic violence
include 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.

8. **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. Stalking can be a form of sexual
harassment. 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 victim unwanted items, presents, or flowers;

c. Following or laying-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 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 by accessing 
public records, using internet search services, hiring private investigators, 
going through the victim’s garbage, following the victim, contacting victim’s 
friends, family work, or neighbors, etc.

As defined by Minnesota law, stalking means “to engage in conduct which the actor 
knows or has reason to know would cause the victim under the circumstances to feel 
frightened, threatened, oppressed, persecuted, or intimidated, and causes this reason on 
the part of the victim regardless of the relationship between the actor and victim.”

D. Other Important Terms.

1. Policy refers to the Sexual Misconduct Policy for the College of Saint Benedict 
and Saint John’s University.

2. Procedures refer to the Sexual Misconduct Complaint Procedures for the College 
of Saint Benedict and Saint John’s University.

3. Complainant means a person alleged to have been subjected to a Policy 
violation, but need not be the person who initiates the complaint. In some cases CSB 
and/or SJU may initiate the complaint.

4. Respondent refers to a person alleged to have violated the Policy.

5. Community and institutions refer to CSB and SJU and in the case of 
community, all of their students, faculty and staff, and associates.

6. Campus refers to the grounds of CSB and SJU.

7. 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.

8. Student refers to any person enrolled in CSB or SJU, undergraduate or graduate.

9. Faculty refers to a person employed by CSB or SJU in a faculty appointment.

10. Staff refers to a person employed by CSB or SJU in an administrative or support 
staff appointment.

11. Supervisor refers to administrators, department chairs, faculty, residence 
directors, faculty residents, residence 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.
12. **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 the Saint John’s Abbey and Saint Benedict’s Monastery.

13. **Report** refers to the providing of any information to the institution(s) regarding conduct that may violate the Policy.

14. **Complaint** refers to an alleged Policy violation that initiates a complaint proceeding as set forth in the Procedures.

15. **Complaint proceeding** refers to the process used to investigate and adjudicate complaints made under the Procedures, from initiation of complaint through determination and appeal, if any.

16. **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/or sexual misconduct. The Title IX Coordinators for each institution who have responsibility for sexual misconduct 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, Part I – Responsibility.

17. **Suspension** is a sanction that may be used for students, faculty, or staff. Suspension (or administrative leave for a faculty or staff member) is also an interim measure that may be taken while an investigation is being conducted.

   a. For students, the term suspension means the temporary separation of a student from the institution. When a complaint proceeding results in a sanction of suspension for a student, the respondent’s institution reserves the right to remove the student immediately or defer suspension until an appeal decision, if applicable.

   b. For a faculty or staff member, a suspension generally refers to a temporary suspension of work duties and will be implemented in accordance with Faculty/Staff Handbooks.

Students, faculty, and staff suspended or placed on leave from the institution(s) generally may not be present on the premises of the College of Saint Benedict or Saint John's University for the period of the suspension or leave and may be subject to other conditions as well.

18. **Expulsion** means the permanent separation of the student from the institution. Students expelled from the institution may not be present on the premises of the College of Saint Benedict or Saint John's University. When a complaint proceeding results in a sanction of expulsion, the expulsion will be effective on the date set forth in the written notice of outcome letter.
II. THE LAW

Sexual harassment, sexual assault, and other forms of sexual misconduct are forms of sex discrimination. Not only are they prohibited by this Policy and the Policy on Human Rights, 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 are guided in their resolution of sexual misconduct allegations by their mission and values, as well as by law.

In addition, some forms of sexual misconduct are crimes. The institutions will assist all parties complaining of sexual misconduct, such as sexual assault or sexual violence, who want to make a criminal complaint. The institutions themselves may also report sexual misconduct allegations to outside law enforcement agencies. Victims of crimes in Minnesota have certain rights. Information about victims’ rights is available from the Dean(s) of Students or Deputy Title IX Coordinator(s) or from the Minnesota Department of Public Safety, Office of Justice Programs, https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/default.aspx.

III. REPORTING SEXUAL MISCONDUCT

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

1. Complainants. Any community member who believes that he or she has experienced sexual misconduct in violation of this Policy is strongly encouraged to give notice of the alleged violation to a Title IX Coordinator, the CSB Department of Security, or SJU Life Safety Services as soon as possible. (See contact information below.) 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.

The purpose of reporting the allegation of sexual misconduct is so that CSB and SJU can investigate and respond appropriately to the Policy violation. This includes providing support to the complainant; discipline, if appropriate, of a person found responsible for a Policy violation; and taking other actions to correct and prevent sexual misconduct.

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 medical and mental health professionals at CSB and SJU, including the Office of Counseling, Health Promotion, ordained clergy (when bound by the seal of sacramental confession), and the Employee Assistance Program. Conversations with confidential resources are privileged, meaning that legally 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

1 Because of the significant interaction between students and employees of CSB and SJU, CSB and SJU have determined that reports of sexual assault or misconduct at one institution shall be shared with the other institution so that each institution can take appropriate responsive measures.
threat to any person or property. Confidential resources may submit non-identifying information about violations of the Policy to SJU Security and/or CSB Life Safety Services for purposes of anonymous statistical reporting under the Clery Act. See Section VI below for additional information on confidentiality.

2. **All Community Members.** All community members 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 expected to report this information to a Title IX Coordinator, the CSB Department of Security, or SJU Life Safety Services at once.

3. **Supervisors.** Institutional supervisors (See Section I, Definitions) have the further responsibility to use their best efforts to assure that sexual misconduct does not occur and that sexual misconduct is reported if it does occur. When a supervisor receives a report of, or otherwise identifies a problem as being one involving a potential claim of sexual misconduct in violation of this Policy, the supervisor shall report the alleged incident to a Title IX Coordinator.

4. **Anonymous Reporting.** The institutions will accept anonymous reports to a Title IX Coordinator, the CSB Department of Security, or SJU Life Safety Services of conduct alleged to violate this Policy. The individual making the report is encouraged to provide as much detailed information as possible to allow the institution(s) to investigate and respond as appropriate. The institution(s) may be limited in their ability to investigate an anonymous report.

5. **Confidentiality of Reports.** When a Title IX Coordinator, the CSB Department of Security or SJU Life Safety Services or a Supervisor receive a report of sexual misconduct, they cannot guarantee complete confidentiality because they have a legal obligation to respond to the report. See Part VI below for further information on steps CSB and SJU will take to protect confidentiality when reports are made and on confidential resources available to faculty, staff, and students who want to discuss an incident confidentially.

6. **Response of CSB and SJU to Reports.** Reporting a sexual assault or sexual misconduct incident to campus security, a Title IX Coordinator, or law enforcement authorities does not require the complainant to initiate or participate in a complaint proceeding. When CSB or SJU receives a report of sexual misconduct, the institutions have a legal obligation to respond in a timely and appropriate manner. The response of the institution(s) will vary depending on the circumstances, including the seriousness of the alleged offense, the facts reported, and the complainant’s preferences on responsive actions. (A complainant’s preferences cannot be followed in every circumstance, but the institution(s) will consider and will take reasonable steps to accommodate the complainant’s preferences to the extent possible consistent with the legal obligations of the institutions). However, based on information gathered, one or both institutions may determine that the institution(s) have a responsibility to initiate a complaint proceeding (even without the complainant’s participation). See Part VI – Confidentiality – below for additional information. CSB and/or SJU will conduct an appropriate investigation of all reports of sexual misconduct received.
7. **Support Resources and Accommodations.** CSB and SJU will seek to support any person adversely impacted by sexual misconduct that violates this Policy. Support services that may be available include, but are not limited to:

   a. connecting the individual with appropriate 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. assistance in filing a criminal complaint, and

   d. providing information about restraining orders and other available protections and services.

Individuals may request such accommodations and protective measures by contacting any official listed in the contact information section.

An individual does not need to report sexual misconduct to law enforcement in order to receive support services from CSB or SJU. CSB and SJU will strive to maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not impair the ability of the institutions to provide the accommodations or protective measures.

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:

   http://www.csbsju.edu/human-rights/sexual-misconduct/resources
   http://www.csbsju.edu/human-rights/sexual-misconduct
   http://www.csbsju.edu/chp/sexual-assault-survivors-guide

8. **Waiver of Drug, Alcohol and Open House Policy Violations.** CSB and SJU strongly encourage students to report instances of sexual misconduct. Therefore, students who make good faith reports about sexual misconduct 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.

B. **Reports of Criminal Sexual Misconduct to Law Enforcement.** Members of the community who believe they have been subject to criminal sexual misconduct (or who believe that another crime has occurred) are strongly encouraged to notify Campus Security at CSB or Life Safety Services at SJU and/or local law enforcement authorities immediately so that the alleged perpetrator can be apprehended if still in the area and so that law enforcement is able to gather evidence. 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. CSB Campus Security Office and SJU Life Safety Services are available to assist an individual who wants to make a report to law enforcement. In addition, the CSB Campus Security Office, 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.

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.

IV. FAIR AND EQUITABLE TREATMENT OF THE PARTIES

A. CSB and SJU recognize that community support for both the complainant and the respondent is essential to a fair and just 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;

2. Treatment with dignity and nonjudgmental assistance;

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. Prompt, fair, and impartial investigation and resolution of a sexual misconduct report;

5. An explanation of the complaint procedures for sexual misconduct complaints;

6. An explanation of the allegations made against a party under this Policy;

7. The ability to participate or not participate in a complaint proceeding regarding a sexual misconduct incident and an explanation of consequences if a party chooses not to participate;

8. Information about the identity of witnesses who have been interviewed during the investigation;

9. The opportunity to speak on his or her own behalf during the complaint proceeding;

10. An advisor during the complaint proceeding in certain circumstances (see the Procedures – Part V-1 – Right to an Advisor). CSB and SJU provide the parties equal opportunities to have an advisor present during the complaint proceeding;

11. A complaint proceeding conducted by officials who do not have a conflict of interest for or against a complainant or respondent;
12. Privacy with regard to his or her irrelevant past sexual/relationship history during the complaint proceeding;

13. Timely written notification about the outcome of any complaint proceeding, to the extent allowed by law;

14. The opportunity to appeal the outcome of a complaint proceeding under certain conditions.

B. In addition, a complainant who alleges sexual assault has the following rights:

1. 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, or to decline to notify such authorities;

2. The right to the prompt assistance of campus authorities at the request of the complainant, in notifying the appropriate law enforcement officials and disciplinary authorities of a sexual assault incident;

3. The right to the prompt assistance of campus authorities, at the complainant’s request, in filing criminal charges with local law enforcement officials in sexual assault cases;

4. The right to the 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;

5. The right to assistance of campus authorities in preserving materials relevant to a campus complaint proceeding for a sexual assault complainant;

6. The right to the assistance of campus personnel in shielding the complainant, at his or her request, from unwanted contact with the respondent, including but not limited to a campus issued no-contact order, transfer of the complainant or respondent to alternative classes or to alternative college-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.

7. The right to receive information regarding counseling services and services available to victims from the State of Minnesota through the Office of the Crime Victims Ombudsman and the Crime Victim Reparations Board, and assistance in contacting these offices.

V. COMPLAINT PROCEDURE

A victim of sexual assault or other crime that violates this Policy has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint through CSB and/or SJU through appropriate Procedures, or to pursue both processes...
simultaneously. Regardless of the option chosen, CSB and/or SJU will investigate reports made to Campus Authorities or a Supervisor.

When a complaint involves allegations of sexual misconduct, the complaint will be processed according to the Sexual Misconduct Complaint Procedures.

CSB and SJU strive to treat all who are involved in internal complaint proceedings in a fair and equitable manner.

VI. CONFIDENTIALITY

Because of the sensitive nature of sexual misconduct complaints, the need to protect the privacy of the parties, and the interest in resolving complaints as quickly and effectively as possible, the institutions strive to protect the confidentiality interests of all parties involved in a sexual misconduct reporting and complaint proceeding.

Notwithstanding the preceding paragraph, CSB and SJU have an obligation to investigate reports and complaints under this Policy, and to take reasonable steps to prevent ongoing harassment, discrimination, sexual misconduct and related retaliation, so strict confidentiality may not be guaranteed when a person makes a report or complaint to Campus Authorities, including the Human Rights Officer(s) or a Title IX Coordinator, or to a person considered a “Supervisor” under this Policy.

Individuals wishing to discuss an incident have confidential resources available to them. In general, the law recognizes and protects the confidentiality of communications between a person seeking care from a medical or mental health professional. The medical and mental health professionals at CSB and SJU, including the Office of Counseling, Health Promotion, ordained clergy (when bound by the seal of sacramental confession), and the Employee Assistance Program, respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. Conversations with confidential resources are privileged, meaning that legally they cannot be disclosed to another without the reporter’s consent, except in certain limited circumstances. Any of these professionals may have to breach a confidence, however, when he or she perceives an immediate and serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual or other abuse of a person under 18. 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 the Clery Act.

If a complainant or reporting party asks the Human Rights Officer, a Title IX Coordinator, or another Supervisor 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. In some cases, a confidentiality request may hinder the investigation. Thus, CSB and/or SJU may weigh the request for confidentiality against the following factors: the ability to conduct an investigation without revealing identifiable information, the seriousness of the alleged conduct, whether there have been other discrimination, harassment, sexual misconduct, or retaliation complaints about the same individual, and the extent of any threat to the CSB
and/or SJU community. While CSB and SJU cannot guarantee confidentiality, the institutions will strive to accommodate the complainant’s or reporting party’s requests to the extent possible consistent with the legal obligations of CSB and/or SJU to respond effectively to reports and complaints.

In addition, the requirement of confidentiality will not be interpreted as unduly limiting the ability of either party to a formal complaint to know the substance of the allegations being made against him or her and to have an opportunity to respond. Furthermore, the requirement of confidentiality will not be interpreted as unduly limiting the institutions’ responsibility to investigate and take corrective action in response to sexual misconduct complaints. Information regarding sexual misconduct incidents occurring on campus may be released to the campus community to allow members of the community to make informed decisions regarding safety and take appropriate preventive measures. The name of the complainant and other personally identifiable information will not be released in any such warning to the campus community.

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

VII. RETALIATION

CSB and SJU strictly prohibit retaliation against any person who complains in good faith of a sexual misconduct Policy violation. In addition CSB and SJU strictly prohibit retaliation against any person because of their good faith involvement in an investigation or determination as part of the complaint proceeding. Encouraging others to retaliate also violates this Policy.

Retaliation is any materially adverse action, or threat thereof, against an individual because of the individual’s good faith report or complaint of a potential Policy violation or their good faith participation in an investigation or adjudication. Retaliatory acts may include, but are not limited to: adverse changes in employment status or opportunities; adverse academic action; adverse changes to academic, educational and extra-curricular opportunities; harassment; intimidation; acts or comments intended to embarrass the individual; and seeking out or attempting to discover the parties and witnesses involved in a report or complaint proceeding for the purpose of influencing their participation or testimony or taking adverse action against them. Retaliatory conduct by community members and third-parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other form of communication.

Anyone who feels she or he is the recipient of retaliation should report this to a Title IX Coordinator immediately. CSB and SJU cannot stop retaliation unless they know about it.

VIII. SANCTIONS

Upon a finding that a violation of the Policy has occurred, disciplinary action, up to and including suspension and expulsion from the academic community or termination of employment, may be imposed pursuant to the procedures set forth in the Sexual Misconduct Complaint Procedures and applicable Faculty/Staff/Student Handbooks. Likewise, a malicious false report will lead to disciplinary action, up to and including termination of employment and
suspension or expulsion from the academic community. Sanctions will be issued in accordance with the appropriate handbook policy or procedure.

IX. 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.

X. CONTACT INFORMATION

<table>
<thead>
<tr>
<th>COLLEGE OF SAINT BENEDICT</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Chief of Staff/Executive Assistant to the President and Lead</td>
<td>Kathryn Enke, <a href="mailto:kenke@csbsju.edu">kenke@csbsju.edu</a>, 320-363-5070</td>
</tr>
<tr>
<td>to the President and Lead Title IX Coordinator</td>
<td></td>
</tr>
<tr>
<td>Vice President for Student Development and Deputy Title IX</td>
<td>Mary Geller, <a href="mailto:mgeller@csbsju.edu">mgeller@csbsju.edu</a>, 320-363-5601</td>
</tr>
<tr>
<td>Coordinator</td>
<td></td>
</tr>
<tr>
<td>Dean of Students and Deputy Title IX Coordinator</td>
<td>Jody Terhaar, <a href="mailto:jterhaar@csbsju.edu">jterhaar@csbsju.edu</a>, 320-363-5270</td>
</tr>
<tr>
<td>Associate HR Director and Deputy Title IX Coordinator</td>
<td>Judy Bednar, <a href="mailto:jbednar@csbsju.edu">jbednar@csbsju.edu</a>, 320-363-5071</td>
</tr>
<tr>
<td>Security Director</td>
<td>Darren Swanson, <a href="mailto:dswanson@csbsju.edu">dswanson@csbsju.edu</a>, 320-363-5000</td>
</tr>
</tbody>
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<tr>
<th>SAINT JOHN’S UNIVERSITY (including School of Theology)</th>
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<tbody>
<tr>
<td>Chief of Staff/Executive Assistant to the President and Lead</td>
<td>Patti Epsky, <a href="mailto:pepsky@csbsju.edu">pepsky@csbsju.edu</a>, 320-363-2246</td>
</tr>
<tr>
<td>to the President and Lead Title IX Coordinator</td>
<td></td>
</tr>
<tr>
<td>Vice President for Student Development and Deputy Title IX</td>
<td>Doug Mullin, <a href="mailto:dmullin@csbsju.edu">dmullin@csbsju.edu</a>, 320-363-2737</td>
</tr>
<tr>
<td>Coordinator</td>
<td></td>
</tr>
<tr>
<td>Dean of Students and Deputy Title IX Coordinator</td>
<td>Michael Connolly, <a href="mailto:mconnolly@csbsju.edu">mconnolly@csbsju.edu</a>, 320-363-3171</td>
</tr>
</tbody>
</table>
### SAINT JOHN’S UNIVERSITY (including School of Theology)

<table>
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<tr>
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<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associate HR Director and Deputy Title IX Coordinator</td>
<td>Judy Bednar, <a href="mailto:jbednar@csbsju.edu">jbednar@csbsju.edu</a>, 320-363-5071</td>
<td></td>
</tr>
<tr>
<td>Life Safety Services Director</td>
<td>Shawn Vierzba, <a href="mailto:svierzba@csbsju.edu">svierzba@csbsju.edu</a>, 320-363-2144</td>
<td></td>
</tr>
<tr>
<td>Interim Dean of School of Theology·Seminary and Deputy Title IX Coordinator</td>
<td>Dale Launderville, OSB, <a href="mailto:dlaunderville@csbsju.edu">dlaunderville@csbsju.edu</a>, 320-363-3389</td>
<td></td>
</tr>
<tr>
<td>Seminary Rector and Deputy Title IX Coordinator</td>
<td>Michael Patella, <a href="mailto:mpatella@csbsju.edu">mpatella@csbsju.edu</a>, 320-363-2018</td>
<td></td>
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As changes are made in the persons holding these positions, current information will be available on the CSB/SJU web site.