Appendix B

Joint Sexual Assault Policy For the Order of Saint Benedict, Inc., Collegeville, and the College of Saint Benedict

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I. Policy Statement
The College of Saint Benedict and the Order of Saint Benedict, Inc., Collegeville, are committed to maintaining an environment which is free from the physical and emotional threat of sexual assault. For purposes of this policy, sexual assault is defined as sexual contact or penetration without consent. These institutions will investigate and promptly seek the equitable resolution of all allegations of sexual assault.

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 violates the sacredness of the person, weakens the health of the community, and is antithetical to the mission of these institutions. Therefore, we will not tolerate sexual assault in any form.

II. The Law
In addition to violating this policy, conduct prohibited by this policy may also be a criminal violation of Minnesota law. The College of Saint Benedict and the Order of Saint Benedict, Inc., Collegeville, will be guided in their resolution of sexual assault allegations by their mission and values, as well as by Minnesota law. These institutions
will report sexual assault allegations to outside law enforcement agencies as appropriate.

Minnesota criminal statutes classify criminal sexual conduct into five degrees depending on the nature of the contact, the level of force, the age of the complainant, and the condition and extent of injuries to the complainant. "Sexual contact" includes, but is not limited to, the intentional touching by the respondent of the complainant's breasts, inner thighs, 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 or undergarments.

Pursuant to Minnesota law, "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 does not mean the existence of a prior or current social relationship between the actor and the complainant, or that the complainant failed to resist a particular sexual act. The use or threatened use of force or other forms of coercion take away a person's ability to give consent to sexual contact. Where there is otherwise credible evidence to support a finding of nonconsent, corroborating testimony is not required.

A person who is unconscious or substantially impaired cannot consent to a sexual act. Use of drugs or alcohol by the accused, however, is not a defense against allegations of sexual assault and does not diminish personal accountability or criminal liability.

III. Rights Of The Parties

These institutions recognize that community support for both the victim and the accused is essential to a fair and just response to a sexual assault report. Therefore, the parties involved in a sexual assault incident are assured the following rights:

1. The right to privacy and treatment of sensitive information in a confidential manner;

2. The right to be treated with dignity and to receive nonjudgmental assistance;

3. The right to meaningful support from institutional organizations and departments as appropriate (i.e., counseling, campus ministry, residential life, dean of students, department chairs, etc.);

4. The right to a fair, impartial and timely investigation and resolution by campus disciplinary authorities of a sexual assault report;
5. The right to an explanation of the complaint procedures for sexual assault violations;

6. The right to an explanation of the allegations made against a party under this policy;

7. The right to participate or not participate in campus disciplinary proceedings regarding a sexual assault incident;

8. The right to know prior to a hearing the names of witnesses who may be called;

9. The right to speak on his or her own behalf in a disciplinary proceeding;

10. The right to an adviser at any campus disciplinary proceeding concerning a sexual assault complaint;

11. The right to privacy with regard to his or her irrelevant past sexual/relationship history during campus disciplinary proceedings;

12. The right to be informed in a timely manner of the outcome of any campus disciplinary proceeding concerning a sexual assault complaint;

13. The right to appeal the outcome of a hearing in which the party participates.

In addition, Minnesota Law assures a victim of sexual assault the following rights:

1. The right to the prompt assistance of campus authorities ("campus authorities" refers to the Department of Security at CSB, Life Safety Services at SJU, and/or the human rights officer), at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of a sexual assault incident;

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

3. 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;

4. The right to assistance of campus authorities in preserving materials relevant to a campus disciplinary proceeding for a sexual assault complainant or victim;

5. The right to the assistance of campus personnel in shielding the victim, at his or her request, from unwanted contact with the alleged assailant, including transfer
of the victim to alternative classes or to alternative college-owned housing if alternative classes or housing are available and feasible;

6. The right to receive information regarding 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.

IV. To Whom the Policy Applies

This policy applies to all community members except where specifically excluded (See Joint Human Rights Policy for exclusions). 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 or which otherwise relate to the institution or its business. Such activities include, but are not limited to, professional meetings, classes, practica, seminars, and all other activities involving or relating to the institution. Those who contract to use our campuses, instruct our students, supervise our students, or are employed by independent enterprises located on campus or seek to provide goods and services to our campuses are expected to adhere to the principles established by this policy.

When a student is alleged to have committed a sexual assault, this policy will apply at all times, whether or not the student is engaged in institutionally sponsored or related activities, when the student is on the institution's campuses, in off-campus housing units, or in an area within a close geographical proximity to each campus. If a sexual assault involving a student occurs at a distance from campus when the student is not engaged in institutionally sponsored or related activities, the institution, in its discretion, may either accept or decline to process a complaint under this policy.

V. Responsibilities

All Community Members. All community members are responsible for ensuring that their conduct does not violate this policy. All community members who have observed others experiencing what they believe to be incidents of sexual assault are encouraged to confront such conduct and to report such conduct to the human rights officer at once. Any community member who believes that he or she has experienced sexual assault in violation of this policy has the responsibility for giving notice of the violation to the institution. (See Section VI.)

Supervisors. Institutional supervisors (See Section XI, Definition of Terms) have the further responsibility to use their best efforts to assure that sexual assaults do not occur or that they are reported if they do occur. When a supervisor receives a report of, or otherwise identifies a problem as being one involving a potential claim of sexual assault
in violation of this policy, the supervisor shall report the alleged incident to the human rights officer at once.

**VI. Reporting and Complaint Procedure**

Members of the community who believe they have been sexually assaulted by a stranger or by someone they know are strongly encouraged to notify campus security and/or local law enforcement authorities immediately so that the alleged assailant can be apprehended if still in the area and so that appropriately trained personnel can be dispatched to provide crisis counseling, information and support to the victim. Victims of sexual assault are also encouraged to contact the counseling department at their institution for confidential support and counseling services.

Reporting a sexual assault incident to campus security, the human rights office, or law enforcement authorities does not require the complainant to initiate or participate in a complaint procedure. Members of the community who believe they have been victims of sexual assault are strongly encouraged, however, to discuss the situation and to seek advice regarding internal complaint procedures and/or criminal or civil prosecution options as soon as possible from the human rights officer, the director of security at the College of Saint Benedict, the director of life safety services at Saint John's University, and/or any of the following: a supervisor, an administrator, a faculty member, a department chair, a resident director or faculty resident, and/or the director of human resources.

Any member of the community who is contacted by a person with a complaint which may involve a sexual assault, should contact the human rights officer immediately to report the factual basis of the potential complaint and to receive information regarding the proper approach for addressing the complaint.

All complaints involving sexual assaults where the respondent is a faculty member, an administrator, or a staff member will be processed and considered pursuant to the Joint Complaint Procedure for Human Rights Violations. Complaints involving sexual assaults where the respondent is a student will be processed and considered pursuant to the Joint Complaint Procedure for Sexual Assault Violations Involving Students. After consulting with the human rights officer, a complainant may or may not choose to proceed with a complaint under the institutions' complaint procedures and/or civil and/or criminal legal processes.

**VII. Confidentiality**

Because of the sensitive nature of sexual assault complaints, the need to protect the privacy of the parties, the need to ward against retaliation and adverse publicity, and the
interest in resolving complaints as quickly and effectively as possible, the institutions will rigorously defend the confidentiality interests of all parties involved in a sexual assault complaint process. These institutions will attempt to protect the identity of all complainants and respondents and ensure that the actions resulting from the initiation of a complaint procedure are kept confidential, informing only those officials and individuals with a need to know in order to respond to the case. Confidentiality shall be observed by all persons involved in a complaint process.

Notwithstanding the preceding paragraph, respect for due process requires that the requirement of confidentiality not be interpreted as unduly limiting the ability of either party to a complaint to prepare and present his or her case, particularly during the formal stage of the complaint process. 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 assault complaints. Information regarding sexual assault incidents occurring on campus may be released to the campus community to allow members of the community to make informed judgments and take appropriate preventive measures. The privacy of the victim will be protected to the extent reasonably possible in the event that such information is released.

VIII. Retaliation

Any person who initiates a complaint under this policy will do so without coercion or fear of reprisal. Retaliation against or harassment of any person involved in a complaint process (the complainant, the respondent, the investigator, a witness, a member of the hearing panel, etc.) may in and of itself constitute a human rights violation and may be prosecuted as such under the Joint Complaint Procedure for Human Rights Violations. Encouraging others to retaliate also violates this policy.

IX. Malicious, False Reporting

A complainant whose allegations are found to be both false and brought with malicious intent will be subject to disciplinary action as recommended by the human rights officer.

X. Sanctions

Upon a finding that a violation of the Joint Sexual Assault Policy has occurred, disciplinary action, up to and including termination of employment or expulsion from the academic community, may be imposed pursuant to the procedures set forth in the applicable complaint procedure.
XI. Definition of Terms

Terms used in this and related human rights documents shall be defined as follows:

1. The Order of Saint Benedict, Inc. Collegeville, includes the following corporate "Divisions": Saint John's University, Saint John's Preparatory School, The Liturgical Press, and the Benedictine Division.

2. Community and institutions are used here to refer to the College of Saint Benedict and the Order of Saint Benedict, Inc., Collegeville, and all their employees and students.

3. Campus refers to the grounds which include Saint John's Preparatory School and The Liturgical Press as well as Saint John's University and the College of Saint Benedict.

4. Campus authorities refers to the Department of Security at the College of Saint Benedict, Life Safety Services for the Order of Saint Benedict, Inc., Collegeville, and/or the human rights officer.

5. Employee refers to any member of the community who is employed by these institutions, excluding student workers.

6. Student refers to any person enrolled in the College of Saint Benedict, Saint John's Preparatory School, or Saint John's University, whether undergraduate, graduate or postgraduate.

7. Supervisor refers to administrators, department chairs, faculty, residence directors, faculty residents, staff persons, and others who have the responsibility for employees' or students' terms and/or conditions of employment or education. For the purposes of this definition, student workers shall not be considered to be supervisors.

For information regarding the Joint Sexual Assault Policy or to obtain a complete copy of the complaint procedure, contact Jody Terhaar, CSB Dean of Students, (320) 363-5601; Mike Connolly, SJU Dean of Students, (320) 363-3171; or Judy Bednar, faculty/staff human rights officer (320) 363-5071.