

**CSB/SJU FACULTY HANDBOOK AND ELECTIONS COMMITTEE:
ANNUAL REPORT, ACADEMIC YEAR 2012-2013**

Submitted by Jeanne Cook

Membership

The Faculty Handbook and Elections Committee (FHEC) has seven at-large voting members, each of them elected by the Joint Faculty Assembly (JFA). For academic year 2011-2012, the voting members were Karyl Daughters (term, 2010-2013), Jeanne Cook (Chairperson spring 2013; term 2012-2015), Dan Finn (Chairperson fall 2012; term 2010-2013), Jean Keller (term 2012-2015), Sophia Geng (term 2011-2014), Carrie Hoover (term 2012-2013), and Sucharita Mukherjee (term 2012-2015).

The FHEC also has one nonvoting member, either the Provost or her delegate, and Joe DesJardins, vice provost, served as the Provost's delegate to the FHEC.

At the end of academic year 2012-2013, the terms of three voting members (Karyl Daughters, Dan Finn, Carrie Hoover) ended. In addition, Sophia Geng resigned from the committee for the third year of her term to take a sabbatical during 2013-2014. To fill all four of these positions, the JFA elected Barb May, Adam Houghton, Michael Borka, and Jennifer Galovich to full three-year terms (we decided to simply start a new three-year term to replace Sophia Geng's line).

Faculty Handbook

We completed two handbook changes that were forwarded by the Provost to the two presidents for their approval. Complete descriptions of all changes can be found in appendix A in this document.

One set of changes focused on Rank and Tenure procedures aimed at making the process for third year/tenure review and promotion as similar as possible. Recommendations from both Rank and Tenure committees and drafted by a task team consisting of Carie Braun, Kelly Kraemer, Philip Chu, Pam Bacon, and Joe DesJardins were submitted to the FHEC for review and feedback, and then presented to the JFA on January 30, 2013. The issues that prompted those recommendations are outlined below.

TO: Carrie Braun
FROM: Dan Finn
RE: Rank & Tenure Procedure Handbook Changes
Date: December 17, 2012

Handbook issues identified by Rank and Tenure Committees

1. There is an unfortunate difference in procedures for third year/tenure reviews and promotion reviews.
 - a. The latter requires a department meeting, the former currently does not
2. Currently when a department chair requests promotion, another department member is appointed to submit the "chair's letter" of evaluation. There are two problems
 - a. This letter is not really different from that person's own "colleague letter" of evaluation, which is already required.

- b. Even in the ordinary case of someone other than the chair applying for promotion, there is no need for reference to a “chair’s letter.” The chair would submit a letter under the requirement that all departmental colleagues do so.

Goal of these revisions

1. Make the description of two review files (nearly) the same for both third/tenure review and promotion review. Only two differences would remain:
 - a. Third-year and tenure review still require a chair’s letter, which includes an assessment of staffing issues.
 - b. File A in promotion review does not require two items required in the earlier reviews:
 - a. any earlier annual evaluations by the department chair [and/or the dean of the School of Theology], and, for sixth-year review, the letter of evaluation from the Rank and Tenure Committee at the third-year review;
 - b. the letter of initial appointment, if it included any agreements pertinent to tenure review;
2. Eliminate the “chair’s letter” for promotion, since the chair will submit a “colleague’s letter” to File B along with all other tenured members of the department
3. Include a section identifying the time line for the departmental letter, allowing the candidate time to respond.

Substantive Issues identified by the Faculty Handbook and Elections Committee

1. In the version proposed by the ad hoc committee below, the chair’s letter at third-year and tenure review now goes into File B, so the candidate only has access to that letter if the chair chooses to share it. In the current Handbook, the chair must share that letter with the candidate. Some faculty will surely argue that the candidate should not lose the right to see the chair’s letter.
2. Currently, at least one department (that has held departmental meetings at third-year and tenure reviews since 1981) actually holds separate meetings of the tenured and untenured faculty, on the grounds that greater honesty prevails. Oral reports of (anonymous) comments are shared with the candidate. The revision proposed below would not give departments a choice and would require a single departmental meeting of all members. Some departments may want the option as to how to structure such meetings.
3. Now that there is no special status for the chair’s letter at promotion, one might consider ending the prohibition against the department chair being the secretary who writes up the departmental letter, allowing the department to choose any of its members for this task.

The other change was the removal of the old sexual harassment policy from Part 2, Appendix II B, of the handbook. A new joint sexual conduct policy, drafted by Carol Abel and Joe DesJardins and approved by the administration, is being placed into Part 3 of the handbook. On April 30th, the new sexual conduct policy and an explanation of the differences between the old joint sexual assault policy and this new sexual conduct policy was sent out to the Joint Faculty Assembly by Carie Braun, JFA chair, and the FHEC. On May 2, 2013, the FHEC voted to support the use of the emergency procedure outlined in section 2.16.4.1 to remove the current joint sexual assault policy from Part 2, Appendix II B, of the handbook.

Grievances

During academic year 2012-2013, there were no grievances – none initiated, and none continuing from previous academic years.

Elections

At the start of the Fall 2012 election season, there were 53 open seats in the standing faculty governance committees and the JFS. Members of FHEC secured a total of 94 candidates for the ballots to fill the 53 positions. Note, some positions were run unopposed and some individuals agreed to run for multiple positions, usually in sequential fashion (i.e., a person who was not elected to one position subsequently agreed to run for a second position).

Elections were run in four rounds and were distributed as follows:

Round one – Vice Chair (SJU position), CSB Rank & Tenure, SJU Rank & Tenure (completed on 12/14/12)

Round two – ACC, APBC, APSAC, CCC, FCBC, SJU R & T (completed 2/19/13)

Round three – FDRC, Joint Faculty Senate, FHEC, Graduate Theological Studies Committee, CSB Post-Tenure Faculty Development Program Coordinator (completed 3/26/13)

Round four – Joint Faculty Senate at large representatives, Graduate Theological Studies Committee at large position, SJU Rank & Tenure Committee, SJU Post-Tenure Faculty Development Program Coordinator (completed on 4/29/13)

Rounds were organized to fill the more challenging and specialized committees first and then move on to faculty governance positions for which faculty seem more willing to serve.

The 2013-2014 roster for the JFS and for standing faculty committees are shown in appendix B to this report.

APPENDIX A: HANDBOOK CHANGES

1. Rank & Tenure Procedural Changes – revised handbook section are included below:

2.6.5.2 Third-year and Tenure-review Files

Faculty members are reviewed during their third and sixth years (as described in Section 2.6.3) by the Rank and Tenure Committee based on the evaluation criteria listed in Section 2.5 and the committee's examination of the evidence contained in two review files for each faculty member reviewed.

2.6.5.2.1 File A

File A is a portfolio of materials prepared by the faculty member. This file should contain:

- a. a current *curriculum vitae*;

- b. a self-evaluative essay that includes a reflective statement describing personal teaching philosophy, strategies and objectives concerning the criteria of Section 2.5;
- c. evidence of teaching effectiveness: the teaching portfolio, as described in Section 2.5.1;
- d. any earlier annual evaluations by the department chair [and/or the dean of the School of Theology], and, for sixth-year review, the letter of evaluation from the Rank and Tenure Committee at the third-year review;
- e. the letter of initial appointment, if it included any agreements pertinent to tenure review (see Section 2.3.6);
- f. a current program of professional development (see Section 2.9.1) (including any earlier programs and a description of progress made on earlier goals);
- g. a departmental letter composed as follows:
 - i. The department chair will schedule a meeting of all ranked members of the department for the purpose of evaluating a candidate using the criteria set forth in section 2.5. Tenured members not on sabbatical, leave or external appointment (e.g. study abroad) are required to attend.
 - ii. One person chosen by those present at the meeting will act as the secretary at the meeting. The department chair cannot serve as secretary. The secretary will draft a departmental letter preserving the anonymity of persons making comments.
 - iii. This letter will be circulated among those who attended the meeting. If a department member feels that his/her comments are not accurately represented, that member and the secretary will work together to resolve the discrepancy. After a final draft has been distributed, members of the department will indicate that the content of the letter accurately summarizes the meeting by signing the letter.
 - iv. Tenured members who are not present at the meeting because of sabbatical, leave, study abroad appointment or for other reasons have the right to review the letter but cannot sign off on it.
 - v. The secretary will deliver the departmental letter to the candidate at least one week prior to the deadline for the candidate's submission of the review file, to allow the candidate time to respond. Should a departmental letter be late, the candidate must still submit the file by the usual deadline but will have the option of submitting an additional written response to the department letter by a later deadline to be set by the chair of the Rank and Tenure Committee upon request from the candidate.
 - vi. To allow sufficient time for this process, the candidate should make available to the department the materials in File A by a deadline to be set by the department chair.
- h. letters of recommendation solicited by the candidate from peers familiar with the candidate's performance; such letters may come from within and/or outside the college

[university]; note that department members are required to submit letters to File B, below; and

- i. any other evidence that the candidate has met the various criteria necessary for the review being requested.

No material may be placed in File A without the faculty member's knowledge, as indicated by his or her signature or initials on the first page of each document. It is the right and responsibility of the faculty member to make sure that this review file is complete. The candidate may add no materials to File A after the deadline.

2.6.5.2.2. File B

File B contains the following materials solicited by the Rank and Tenure Committee:

- a. Evaluation of the candidate from the appropriate chair(s) [and/or dean of the School of Theology] (see Section 2.6.5.2.4);
- b. Evaluations of the candidate by departmental colleagues:
 - i. All tenured faculty in the candidate's department must submit letters to File B;
 - ii. Non-tenured faculty are not required to submit letters, but if they choose to do so, the letters will be placed in File B;
 - iii. In light of the candidate's responsibility to submit in File A sufficient evidence to warrant positive action by the committee, any departmental colleague may choose to have the candidate also include his or her signed evaluation in File A.
 - iv. In the spirit of open dialogue, faculty members are encouraged to share their written evaluations with the candidate.
- j. Any items that may be in the candidate's file located in the Office of Academic Affairs but which were not submitted by the candidate.

No unsolicited materials will be accepted for File B, and materials in File B will be unavailable to the candidate.

2.6.5.2.3 Status of the Files

At no time during the review process will the material in these two review files be available to anyone other than the members of the Rank and Tenure Committee [the dean of the School of Theology if appropriate], the vice provost, the academic dean, the provost, the president, legal counsel, or the Executive Committee of the Board. Upon completion of the review process, the review files will be closed.

Materials of a personal nature provided by the candidate (for example, manuscripts, reprints, student course opinion surveys) are to be returned to the candidate. The candidate's

responsibility for retaining student course opinion surveys after use in the evaluation process is described in the document 4.3 Summative Student Opinion Data.

Other material and all of the material solicited for File B will remain in a closed file in the Office of Academic Affairs. Where appropriate, these materials may be considered in subsequent formal reviews of the faculty member by the Rank and Tenure Committee. The materials in the files are not to be used for any other purpose, except as may be required by law.

2.6.5.2.4. Evaluation by the Department Chair [and/or the Dean of the School of Theology]

It is the responsibility of the appropriate department chair(s) [and/or the dean of the School of Theology] to submit to File B an evaluation of each candidate scheduled for formal review from their area. This evaluation should address the degree to which the candidate meets the evaluation criteria of Section 2.5. It should also evaluate the candidate in light of the educational needs of the department or program in both the near and long-term future. The chair should specifically include a judgment concerning the candidate's eligibility for tenure (Section 2.6.3) as well as a projection of departmental faculty needs over the next three to five years (developed in conjunction with the vice provost, and academic dean), especially as these projections relate to the qualifications of the candidate for tenure. If the department has developed guidelines for evaluation, (as described in Section 2.5.0.2) the chair will append a copy for the use of the committee. In the spirit of open dialogue, department chairs are encouraged to share their written evaluations with the candidate.

Ordinarily, no probationary member of the faculty should serve as department chair. In the event that a department chair is scheduled for a third-year or tenure review, the vice provost and academic dean, in consultation with senior members of the department, will designate someone to prepare the evaluation.

2.7.2.3 Promotion-review Files

The burden of proof to warrant promotion in rank rests with the individual faculty member and must be provided in the promotion file. Criteria for appointment to each rank are stipulated in Section 2.1.2. Evaluation criteria and forms of evidence are described in Section 2.5. Candidates should consult guidelines issued by the committee as they prepare their application for review.

The Rank and Tenure Committee will apply the criteria to the evidence contained in two review files for each candidate reviewed.

2.7.2.3.1 File A

The candidate will prepare a promotion-review file that contains:

- a. a current *curriculum vitae*;

- b. a self-evaluative essay that includes a reflective statement describing personal teaching philosophy, strategies and objectives;
- c. evidence of teaching effectiveness: the teaching portfolio, as described in Section 2.5.1;
- d. a current program of professional development (see Section 2.9.1) (including one or two earlier programs and a description of progress made on earlier goals);
- e. a departmental letter composed as follows:
 - i. The department chair will schedule a meeting of all ranked members of the department for the purpose of evaluating a candidate using the criteria set forth in section 2.5. Tenured members not on sabbatical, leave or external appointment (e.g. study abroad) are required to attend.
 - ii. One person chosen by those present at the meeting will act as the secretary at the meeting. The department chair cannot serve as secretary. The secretary will draft a departmental letter preserving the anonymity of persons making comments.
 - iii. This letter will be circulated among those who attended the meeting. If a department member feels that his/her comments are not accurately represented, that member and the secretary will work together to resolve the discrepancy. After a final draft has been distributed, members of the department will indicate that the content of the letter accurately summarizes the meeting by signing the letter.
 - iv. Tenured members who are not present at the meeting because of sabbatical, leave, study abroad appointment or for other reasons have the right to review the letter but cannot sign off on it.
 - v. The secretary will deliver the departmental letter to the candidate at least one week prior to the deadline for the candidate's submission of the review file, to allow the candidate time to respond. Should a departmental letter be late, the candidate must still submit the file by the usual deadline but will have the option of submitting an additional written response to the department letter by a later deadline to be set by the chair of the Rank and Tenure Committee upon request from the candidate.
 - vi. To allow sufficient time for this process, the candidate should make available to the department the materials in File A by a deadline to be set by the department chair.
- f. letters of recommendation solicited by the candidate from peers familiar with the candidate's performance; such letters may come from within and/or outside the college [university]; note that department members are required to submit letters to File B, below; and
- g. any other evidence that the candidate has met the various criteria necessary for the review being requested.

No material may be placed in File A without the faculty member's knowledge, as indicated by his or her signature or initials on the first page of each document. It is the right and responsibility of the faculty member to make sure that this review file is complete. The candidate may add no materials to File A after the deadline.

2.7.2.3.2. File B

File B contains the following materials solicited by the Rank and Tenure Committee:

- a. Evaluations of the candidate by departmental colleagues.
 - i. All tenured faculty in the candidate's department must submit letters to File B;
 - ii. Non-tenured faculty are not required to submit letters, but if they choose to do so, the letters will be placed in File B;
 - iii. In light of the candidate's responsibility to submit in File A sufficient evidence to warrant positive action by the committee, any departmental colleague may choose to have the candidate also include his or her signed evaluation in File A;
 - iv. In the spirit of open dialogue, faculty members are encouraged to share their written evaluations with the candidate;
- b. Any items that may be in the candidate's file located in the Office of Academic Affairs but which were not submitted by the candidate.

No unsolicited materials will be accepted for File B, and materials in File B will be unavailable to the candidate.

2.7.2.3.3 Status of the Files

At no time during the review process will the material in these two review files be available to anyone other than the members of the Rank and Tenure Committee [the dean of the School of Theology if appropriate], the vice provost, the academic dean, the provost, the president, legal counsel, or the Executive Committee of the Board. Upon completion of the review process, the review files will be closed.

Materials of a personal nature provided by the candidate (for example, manuscripts, reprints, student course opinion surveys) are to be returned to the candidate. The candidate's responsibility for retaining student course opinion surveys after use in the evaluation process is described in the document 4.3 Summative Student Opinion Data.

Other material and all of the material solicited for File B will remain in a closed file in the Office of Academic Affairs. Where appropriate, these materials may be considered in subsequent formal reviews of the faculty member by the Rank and Tenure Committee. The materials in the files are not to be used for any other purpose, except as may be required by law.

2. New Joint Sexual Conduct Policy

The new joint sexual conduct policy to be inserted in Part 3 of the handbook, drafted and approved by the administration, is described below.

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

I. PURPOSE, SCOPE AND DEFINITIONS

A. Purpose. 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.

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 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.

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 or which otherwise relate to the institution 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.

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, 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.

- Consent requires more than the existence of a prior or current social or sexual relationship between the actor and the complainant.
- Consent to one sexual act does not imply consent to another. Consent has to be specific to the act. 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.
- 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.
- 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.
- A person who is asleep, unconscious or substantially impaired by drugs, alcohol, disability, or other means, or who lacks full knowledge or information of what is happening cannot 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 accused, however, is not a defense against allegations of sexual misconduct and does not diminish personal accountability or criminal liability.

- A person who has not reached the legal age of consent may not give consent. The legal age of consent may vary depending on the circumstances and the applicable state law.
- 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:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or gender-based 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 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:
 - **Non-verbal harassment** may include suggestive or insulting sounds, leering, whistling, obscene gestures, and visual displays;
 - **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;
 - **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.

- **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.
- 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 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.

7. **Domestic Violence.** Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, 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.

8. **Stalking.** Stalking means engaging in a course or pattern of unwelcome and unwanted 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. Stalking can be a form of sexual harassment. Stalking behavior includes, but is not limited to:

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

D. Other Important Terms.

1. **Community and institutions** – refer to the College of Saint Benedict and Saint John’s University and in the case of community, all of their students, faculty and staff, and associates.
2. **Campus** refers to the grounds of the College of Saint Benedict and Saint John's University.
3. **Campus authorities** refers to the Department of Security at the College of St. Benedict, Life Safety Services at Saint John’s University, and/or the Human Rights Officer(s) (“HRO”), Dean(s) of Students, or Lead or Deputy Title IX Coordinators.
4. **Student** refers to any person enrolled in the College of Saint Benedict or Saint John’s University, whether undergraduate or graduate.
5. **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.
6. **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.
7. **Complaint** refers to a signed statement made under the Joint Complaint Procedure for Sexual Misconduct Violation.
8. **Report** refers to the providing of any information to a campus security authority or supervisor at CSB or SJU regarding conduct that may violate this policy.
9. **Advisor** refers to the individual chosen by a student, staff or faculty member involved in a sexual misconduct proceeding to serve as his or her advisor. Under the Sexual Misconduct Procedures, a student, staff or faculty member involved in a proceeding as a complainant or a respondent may choose an advisor from one of the Communities. The advisor may be a faculty member, administrator, staff member or student. The role of the advisor is to advise and assist the student, staff or faculty member during the course of the proceeding. The advisor may accompany the student, staff or faculty member to all meetings relating to the disciplinary proceedings. The advisor may not appear in lieu of the student or speak on his or her behalf. The advisor may not address the hearing officer or the ad hoc committee, and may not interrupt or otherwise delay the proceedings. At the discretion of the Dean(s) of Students or Faculty/Staff HRO, the advisor may also be allowed to accompany a person involved in other aspects of the complaint process.
10. **Third Party** refers to an individual or entity who is not a member of the campus community but whose activities bring them into contact with members of the campus community, including, but not limited to, visitors to campus, alums, and prospective students and prospective employees.

11. **Title IX Coordinators** are officials from CSB and SJU who have been appointed by their respective institutions to address issues of gender-based discrimination and 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. The Lead Title IX Coordinators of each institution are responsible for general oversight of issues related to sexual misconduct and sex discrimination. The Deputy Coordinators help to process complaints of sexual misconduct and sex discrimination and assist with general education and compliance efforts. All coordinators are knowledgeable about and will provide information on options for complaint resolution.

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 Joint 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 will be 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. FAIR AND EQUITABLE TREATMENT 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 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. Fair, impartial and timely investigation and resolution by campus disciplinary authorities of a sexual misconduct report;
5. An explanation of the complaint procedures for sexual misconduct violations;
6. An explanation of the allegations made against a party under this policy;

7. The ability to participate or not participate in campus disciplinary proceedings regarding a sexual misconduct incident and an explanation of consequences if a party chooses not to participate;
8. Information, prior to a hearing, about the identity of witnesses who may be called;
9. The opportunity to speak on his or her own behalf in a disciplinary proceeding;
10. An advisor at any campus disciplinary proceeding regarding a sexual misconduct complaint. CSB and SJU provide the parties equal opportunities to have others present at a disciplinary hearing;
11. Privacy with regard to his or her irrelevant past sexual/relationship history during campus disciplinary proceedings;
12. Timely information about the outcome of any campus disciplinary proceeding concerning a sexual misconduct complaint, to the extent allowed by law;
13. The opportunity to appeal the outcome of a campus proceeding involving a contested complaint under this policy.

In addition, the victim of sexual assault has the following rights:

1. The right to the prompt assistance of campus authorities 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 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 but not limited to 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 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.

IV. REPORTING SEXUAL MISCONDUCT¹

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

1. **Victims.** Any community member who believes that he or she has experienced sexual misconduct in violation of this Policy is expected to give notice of the 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. While reports of sexual misconduct are expected, CSB and SJU will not discipline or penalize any victim who fails to make such a report.

The purpose of reporting the sexual misconduct is so that CSB and SJU can investigate and respond appropriately to the policy violation. This includes providing support to the victim; discipline, if appropriate, of a person found to have engaged in sexual misconduct; and other actions to correct and prevent sexual misconduct.

Victims of sexual misconduct are also encouraged to contact [the Office of Counseling, Health Promotion](#) for confidential support and counseling services.

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 such conduct 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. **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.

5. **Response of SJU/CSB to Reports.** *Reporting a sexual assault or sexual misconduct incident to campus security, the Title IX Coordinators, or law enforcement authorities does not require the victim to initiate or participate in a complaint*

^{1 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.

procedure. 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 institutions will vary depending on the circumstances, including the seriousness of the alleged offense, the facts reported, and the victim's preferences on responsive actions. (A victim's preferences cannot be followed in every circumstance, but the institutions will consider and will take reasonable steps to accommodate the victim's preferences to the extent possible consistent with the legal obligations of the institution). Making a report to a Title IX Coordinator, the CSB Department of Security or SJU Life Safety Services does not require a complainant to initiate or participate in a complaint procedure. However, based on information gathered, one or both institutions may determine that the institution(s) have a responsibility to initiate a complaint procedure (even without the victim's participation). CSB/SJU will conduct an appropriate investigation of all reports of sexual misconduct received.

CSB and SJU will also 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, connecting the individual with appropriate on-campus and off-campus counseling and support services, making changes to academic, living, transportation, and/or working arrangements to protect the individual from contact with the alleged perpetrator, assistance in filing a criminal complaint, and providing information about restraining orders and other available protections and services. An individual does not need to report sexual misconduct to law enforcement in order to receive support services from CSB or SJU.

B. Reports of Criminal Sexual Misconduct to Law Enforcement. Members of the community who believe they have been subject to criminal sexual misconduct by a stranger or by someone they know (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 assailant 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. CSB Campus Security Office and SJU Life Safety Services are available to assist a victim 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.

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 the appropriate CSB/SJU complaint procedure, or to pursue both processes simultaneously. Regardless of the option chosen, CSB 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 Joint Sexual Misconduct Complaint Procedure.

CSB and SJU strive to treat all who are involved in internal complaint procedures 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 process.

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 respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. 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.

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, 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, 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 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 judgments and take appropriate preventive measures. The name of the victim will not be released in any such warning, and the privacy of the victim will be protected to the extent reasonably possible in the event that such information is released.

If you have concerns about confidentiality, please speak with a Title IX Coordinator about confidentiality issues.

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 hearing as part of the complaint process. 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 hearing. 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 process 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.

If you feel you have been retaliated against, you should report the retaliation 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 Joint Sexual Misconduct 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 applicable complaint procedure.

IX. CONTACT INFORMATION

COLLEGE OF SAINT BENEDICT	
Faculty/Staff Human Rights Officer and Deputy Title IX Coordinator	Judy Bednar, jbednar@csbsju.edu , 320-363-5071
VP for Student Development and Lead Title IX Coordinator	Mary Geller, mgeller@csbsju.edu , 320-363-5051
Dean of Students and Deputy Title IX Coordinator	Jody Terhaar, jterhaar@csbsju.edu , 320-363-5270

COLLEGE OF SAINT BENEDICT	
Security Director	Darren Swanson, dswanson@csbsju.edu , 320-363-5000

SAINT JOHN’S UNIVERSITY (including School of Theology)	
Faculty/Staff Human Rights Officer and Deputy Title IX Coordinator	Judy Bednar, jbednar@csbsju.edu , 320-363-5071
VP for Student Development and Lead Title IX Coordinator	Doug Mullin, dmullin@csbsju.edu , 320-3632737
Dean of Students and Deputy Title IX Coordinator	Michael Connolly, mconnolly@csbsju.edu , 320-363-3171
Life Safety Services Director	Shawn Vierzba, svierzba@csbsju.edu , 320-363-2144
Dean of the SJU School of Theology	Bill Cahoy, bcahoy@csbsju.edu , 320-363-3182
Rector of the SJU School of Theology	Michael Patella, mpatella@csbsju.edu , 320-363-2108

If any changes are made in the persons holding these positions, current information will be available on the CSB/SJU web site.

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APPENDIX B. SENATE AND STANDING COMMITTEES OF THE JOINT FACULTY ASSEMBLY ROSTERS FOR 2012 – 2013

Note that there was a replacement appointment to the faculty senate at the end of the school year due to the withdrawal from the position by a newly elected representative. Since the request for withdrawal came at the end of the spring 2013 semester and after the completion of faculty governance elections, the replacement was filled by appointment, as per Section 5.3.0.1 in the Handbook; the appointment was made by the Senate Executive Committee on May 8th, 2013.

**Senate and Standing Committees of the Joint Faculty Assembly:
Rosters for 2013 – 2014**

Committee Chairs are in bold (most won't be known until fall).

Academic Planning and Budget Committee (APBC)

Fine Arts	Mark Hennigs (THEA)	t	2013 – 2016
Humanities	Margaret Cook (MCL)	t	2012 – 2015
Natural Science	Andy Holey (CSCI)	t	2011 – 2014

Social Science	Jeff Anderson (PCST)	t	2013 – 2016
At Large	Roger Narloch (PSYC)	t	2011 – 2014
At Large	Eleonora Bertranou (MCL)	t	2013 – 2016
At Large	Rachelle Larsen (NRSG)	t	2012 – 2015

Academic Policies, Standards, and Assessment Committee (APSAC)

Fine Arts	Ed Turley (MUSC)	t	2013 – 2014
Humanities	Emily Esch (PHIL)	t	2013 – 2016
Natural Science	Mike Tangredi (MATH)	t	2012 – 2014
Social Science	Robert Bell (ACFN)	tt	2012 – 2015
At Large	Bret Benesh (Math)	tt	2013 – 2016
At Large	Todd Johnson (PHYS)	tt	2012 – 2015
At Large	Erin Szabo (COMM)	t	2011 – 2014

Academic Curriculum Committee (ACC)

Fine Arts	Scott Murphy (ART)	tt	2011 – 2014
Humanities	Bruce Campbell (HISP)	t	2013 – 2015*
Natural Science	Jennifer Schaefer (BIOL)	tt	2013 – 2016
Social Science	Louis Johnston(ECON)	t	2013 – 2016
At Large	Tom Sibley (MATH)	t	2012 – 2015**

*Lisa Lindgren is on sabbatical fall 2012-3 and will return to the committee for the last year of her term (2014-15). Tom Sibley will replace her for the 2013-14 year.

**Bruce Cambell is replacing Erica Stonestreet while she is on leave. She will return for the last year of her term (2014-15)

Common Curriculum Committee (CCC)

Fine Arts	John-Bede Pauley (MUSC)	tt	2013 – 2016
Humanities	Cindy Malone (ENGL)	t	2013 – 2016
Natural Science	Julie Strelow (NRSG)	t	2012 – 2015
Social Science	Allison Spenader (EDUC)	tt	2011 – 2014
At Large	Gordon Brown (BIOL)	t	2013 – 2016

Faculty Compensation and Benefits Committee (FCBC)

At Large	David Arnott (MUSC)	t	2011 – 2014
At Large	Jim Crumley (PHYS)	t	2013 – 2016
At Large	Gary Prevost	t	2013 – 2016
At Large	Philip Byrne (MATH)	t	2012 – 2015
At Large	Kingshuk Mukherjee (GBUS)	tt	2013 – 2016

At Large	Bob Hesse (MATH)	t	2011 – 2014
At Large	Parker Wheatley (ECON)	t	2011 – 2014

Faculty Development and Research Committee (FDRC)

Fine Arts	Carol Brash (ART)	tt	2012 – 2015
Humanities	Matthew Harkins (ENGL)	t	2013 – 2016
Natural Science	Md Abul Fazal (CHEM)	tt	2012 – 2015
Social Science	Jean Didier (GBUS)	t	2013 – 2016
S.O.T.	Kristin Colberg (SOT)	tt	2013 – 2016
At Large	Georgia Hogenson	tt	2013 – 2016
At Large	Elizabeth Wurdak (BIOL)	t	2013 – 2016

Faculty Handbook and Elections Committee (FHEC)

At Large	Michael Borka (EDUC)	t	2013 – 2016
At Large	Sucharita Mukherjee (ECON)	tt	2012 – 2015
At Large	Jennifer Galovich (MATH)	t	2013 – 2016
At Large	Jeanne Cook (COMM)	t	2012 – 2015
At Large	Barb May (BIOL)	t	2013 – 2016
At Large	Adam Houghton (THEA)	t	2013 – 2016
At Large	Jean Keller (PHIL)	t	2012 – 2015

College of Saint Benedict Rank and Tenure Committee

Fine Arts/Hum.	Carolyn Finley (MUSC)	t	2013 – 2014
Natural Science	LuAnn Reif (NURS)	t	2011 – 2014
Social Science	Wendy Klepetar(GBUS)	t	2013 – 2016
At Large	Ellen Jensen (BIOL)	t	2013 – 2016
At Large	Vincent Smiles (THEO)	t	2013 – 2016
At Large	Bruce Thornton (MUSC)	t	2013 – 2016
At Large	Aric Putnam (COMM)	t	2011 – 2014

Saint John's University Rank and Tenure Committee

Fine Arts/Hum.	Simon-Hoa Phan (ART)	t	2011 – 2014
Natural Science	Michael Gass (MATH)	t	2013 – 2015
Social Science	Claire Haeg (POLS)	t	2013 – 2016
S.O.T.	Michael Patella (SOT)	t	2013 – 2016
At Large	Scott Richardson (MCL)	t	2012 – 2015
At Large	Patricia Bolaños (HISP)	t	2013 – 2016
At Large	Jeff Kamakahi (SOI)	t	2013 – 2016

Graduate Theological Studies Committee

S.O.T.	Shawn Colberg (SOT)	tt	2013 – 2016
S.O.T.	Mary Forman (SOT)	t	2012 – 2015
S.O.T.	Dale Launderville	t	2013 – 2014

Post-tenure Faculty Development Program Coordinator

For CSB	Steve Stelzner (PSYC)	t	2013 – 2016
For SJU	Michael Livingston (PSYC)	t	2013 – 2014

Joint Faculty Senate

Executive Committee:

Pamela Bacon, Chair
 Terry Check, Vice Chair
 Parliamentarian – to be named

Vice Chair of JOINT FACULTY ASSEMBLY and the JOINT FACULTY SENATE

Terence Check (Communication)

Humanities	Karyl Daughters (COMM)	t	2013 – 2015
Humanities	Gregory Schroeder (HIST)	t	2012 – 2014
Humanities	Wendy Sterba (MCL)	tt	2013 – 2015
Natural Science	Tom Kirkman (PHYS)	t	2012 – 2014
Natural Science	Bill Lamberts (BIOL)	t	2013 – 2015
Natural Science	Jeanne Lust (BIOL)	t	2012 – 2014
Social Science	Ben Faber (PSYC)	tt	2013 – 2015
Social Science	Phil Kronebusch (POLLS)	t	2013 – 2015
Social Science	Lisa Platt (PSYC)	tt	2012 – 2014
S.O.T.	Anthony Ruff (SOT)	t	2013 – 2015
Fine Arts	Patricia Kent (MUSC)	term	2013 – 2015
At Large	Pam Bacon (PSYC)	t	2012 – 2014
At Large	Terry Check (COMM)	t	2013 – 2015*
At Large	Sunil Chetty (MATH)	tt	2012 – 2014
At Large	Jeffrey Diamond (HIST)	tt	2013 - 2015
At Large	Jessica Harkins (ENGL)	tt	2013 – 2015
At Large	Noreen Herzfeld (CSCI)	t	2012 – 2014
At Large	Mary Jepperson	t	2013 – 2015

At Large	Janna LaFontaine	t	2012 – 2014
At Large	Kris Nairn (MATH)	t	2013 – 2015
At Large	Manju Parikh	t	2013 – 2015
At Large	Anna Sinko (MATH)	t	2012 – 2014
At Large	Rachelle Larsen (NRSG)	tt	2013 – 2015

*Terry Check replaces Carie Braun's At Large position.

John Olson (ECON) will be on sabbatical fall 2013 and was replaced with a two year term at large representative.