

College of Saint Benedict & Saint John's University

Annual Crime / Fire Safety Report

Published September 2018

Introduction

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

The College of Saint Benedict (CSB) is a private women's Catholic liberal arts college located in St. Joseph, Minnesota. CSB is a residential campus with approximately 1,782 students of which 1,542 lived on the campus in 26 residence facilities and apartment complexes for 2017. The College of Saint Benedict is closely associated with the Saint Benedict's Monastery. The college and the monastery are separate corporations that work closely together and function as a community. The CSB campus consists of 290 acres with 55 buildings. Approximately 1,782 students, 146 faculty, 162 administrators, 166 support staff, and 109 sisters are members of the college/monastic communities. The monastic community resides on approximately 257 additional acres.

Saint John's University (SJU) is a private, Liberal Arts University for men located in Collegeville, Minn. SJU is a residential campus with 1,483 students residing on campus in 35 residence areas and apartment complexes for 2017. The abbey and university share an 80-acre campus in the midst of a 2,800-acre tract of woodlands and lakes. Approximately 1,720 undergraduates, 95 coeducational graduate School of Theology students, 192 faculty, 290 administrators, 282 support staff, and 126 monks are members of the university/monastic communities. Saint John's Preparatory School, with a 2017 coed enrollment of 259, 65 residing in Prep School campus housing, and a faculty and staff of 56, has facilities sharing the university campus.

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

CSB Department of Security - SJU Department of Life Safety

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

The CSB Director of Security and the SJU Director of Life Safety maintain close working relationships with the St. Joseph Police Department and the Stearns County Sheriff's Department for assistance with criminal incidents occurring on the campuses and support services for special events. The directors also maintain a close working relationship with all elements of the criminal justice system. Regular meetings are held with other agencies, both formally and informally, and crime-related reports and statistics are routinely exchanged.

CSB Department of Security

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

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

Contact CSB Department of Security to request:

- Escort Service

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

Emergency fire/medical/crime:

CSB Department of Security - 5000

Stearns County Sheriff/St. Joseph Police - 9-911

CSB Campus Emergency Phone Locations:

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

Residence hall card access entries have regular phones for access to Security. West Apartments have a courtyard phone for access to Security.

SJU Department of Life Safety Services

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

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

Contact SJU Life Safety to request:

- Escort Service
- Information
- Parking/Traffic Bureau Information
- General Assistance
- Medical Assistance

- Report suspicious behaviors/circumstances
- Report a Crime

Emergency fire/medical/crime:

SJU Department of Life Safety Services - 911

SJU Department of Life Safety Services - 2144

Stearns County Sheriff - 251-4240

SJU Campus Emergency Phone Locations:

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

- 1. Entrance to Science Parking Lot 1
- 2. Entrance to Science Parking Lot 2
- 3. Between Mary and Flagpole parking lots
- 4. North end of Flynttown Lot
- 5. North side of Stephen B. Humphrey Theater Auditorium
- 6. South end of Emmaus Hall
- 7. Prep School parking lot
- 8. South of Vincent Court on the North side of Fruit Farm Rd
- 9. Student beach
- 10. Fruit Farm Road & County Road 159
- 11. Palaestra Lot
- 12. Entrance to Watab Lot
- 13. East side of St. Patrick Hall
- 14. Fire Hall Parking Lot along Saint Thomas Drive
- 15. Mall on east side of Guild Hall
- 16. Liturgical Press Lot
- 17. South side of McNeelly Spectrum
- 18. Intramural field
- 19. South side of Prep School walking path
- 20. Collegeville Institute outside Butler Center

Crime Prevention and Reporting

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

Students, employees and guests of CSB and SJU are encouraged to report all criminal activity and other emergencies to campus security. CSB Department of Security and SJU Department of Life Safety Services are the security offices to which all criminal reports are to be processed. Security officers will request assistance from law enforcement, rescue, fire and ambulance as appropriate. CSB and SJU reported crime documentation is forwarded to local law enforcement officials for

follow up investigations and victims assistance. Members of the campus community are strongly encouraged to adhere to all local, state and federal laws and college rules of conduct. Members of the campus community violating laws or college/university policies are referred into the campus judicial system for appropriate action.

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

Crime Awareness / Alerts

CSB and SJU use a variety of programs and procedures to alert campus residents, commuter students, employees and campus guests to potential dangers of living/working on a campus, or any, human community. These programs are developed jointly and presented in collaboration between CSB and SJU. Some CSB/SJU-specific campus security/personal safety/health education programs are:

Programs

- Escort service - 24 hours daily
- Campus safety walk
- CERTS (consent-equality-respect-talking-safety)
- Security Ride-along
- Residence hall floor meetings
- Prep School residence hall floor meetings
- Student orientation
- Athlete-to-athlete
- Lifestyle fitness classes
- Campus and Community Watch
- Security tips bookmarks, brochures and other items
- Security of Deficiency Notices for Academic Buildings
- Presentations - faculty meetings, residence hall meetings, staff meetings
- Health Advocate Program
- Health Initiative Program
- 360 Stay Safe Program
- Safety Week
- Towards Zero Deaths
- Special event planning guide

Crime Alerts

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

Publications

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

Annual Report

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

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

Campus Facility Access

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

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

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

Facility Design and Maintenance Service

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

Drug and Alcohol Policy

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

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

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

Hosts of campus events where alcoholic beverages are to be served must obtain a permit from the appropriate food service director of activities director and accept responsibility for assuring that all guests act responsibly.

CSB and SJU campus-wide programs such as employee development, Towards Zero Deaths, student Senate, counseling and Health Promotion offices, career services and other individual residence hall coordinated programs promote education about chemical health and substance abuse. Programs that address alcohol-or drug-related issues, and emphasize the clear, statistical relationship between alcohol or drug abuse and many disorderly, unsafe or criminal activities, begin as a part of the first-year orientation. The CSB/SJU counseling offices and the CSB/SJU Health Centers provide assessment, assistance and intervention resources as necessary.

Possession of Weapons or Firearms

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

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

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

Missing Person Notification Policy

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

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

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

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

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

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

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

Human Rights Officer

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

B. Academic Setting. It is not the purpose or intent of this policy to discourage the open discussion of controversial issues or the free exchange of opinions and ideas occurring within the academic setting. CSB and SJU are committed to the principles of free inquiry and free expression within the context of the Catholic and Benedictine traditions and in

accordance with the principles of human rights and dignity. Respect for these principles requires that members of the community are open to the expression of opinions of others though they may not share the same views.

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

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

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

Sexual Misconduct

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

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

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

In Case of Sexual Assault

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

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

For more information, contact **Jody Terhaar**, Dean of Students at CSB, (320) 363-5601; **Mike Connolly**, Dean of Students at SJU, (320) 363-3171; **Judy Bednar**, Faculty/Staff Human Rights Officer, (320) 363-5071; or, **Brandyn Woodard**, Student Human Rights Officer, (320) 363-5455.

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

Complaint Procedure for Sexual Misconduct Violations - CSB/SJU

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. Sexual assault, sexual harassment, and other sexual misconduct violate the sacredness of the person, weaken the health of the community, and are antithetical to the missions of our institutions.

The College of Saint Benedict and Saint John’s University will 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 kenke@csbsju.edu	Patti Epsky Chief of Staff pepsky@csbsju.edu
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(320) 363-5070 37 South College Avenue Main 106 Saint Joseph, MN 56374	(320) 363-2246 PO Box 2000 Quad 142A Collegeville, MN 56321
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Questions or concerns may also be directed to the U.S. Department of Education Office for Civil Rights:

Web address:	http://www2.ed.gov/aout/offices/list/ocr/index.html
Mailing address:	U.S. Department of Education Office for Civil Rights Lyndon Baines Johnson Department of Education Building 400 Maryland Avenue, SW Washington, DC 20202-1100
Telephone:	800-421-3481
FAX:	202-453-6012
TDD:	800-877-8339
Email:	OCR@ed.gov

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 also 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 programs or 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 an individual of another’s intimate parts (including an individual’s breasts, inner thighs, buttocks, genitals and/or groin area, whether clothed or unclothed); or the coerced touching by an individual of another’s intimate parts. Sexual contact also includes the intentional removal or attempted removal of clothing covering an individual’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 person initiating sexual contact. 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 parties.

b. Consent to one sexual act does not imply consent to another. Consent has to be specific to the act and persons involved, at the time of the act. Past consent to sexual activity does not imply ongoing future consent. Consent can be

withdrawn at any time. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent.

c. Simple silence, the lack of a negative response, or failure to resist is not consent. It is the responsibility of the person initiating sexual contact to obtain consent to any and all sexual contact that person initiates.

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. Coercion refers to intimidation that would compel an individual to do something against his or her will by the use of psychological pressure, physical force, or threats of severely damaging consequences. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone used to obtain consent from another.

e. A person who is incapacitated cannot give valid consent to sexual contact. Incapacitation means the inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol.

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

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 non-consent, 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. These relationships are particularly complex when there is a power imbalance between the individuals involved in the relationship. Such relationships may also affect other members of the campus community adversely and give rise to conflict of interest concerns when there is real or perceived favorable treatment or an unacceptable work environment. Refer to the policies on Consensual Romantic or Sexual Relationships for further information at <http://www.csbsju.edu/humanrights/consensual-romantic-or-sexual-relationships>.

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 statement of the individual alleging the dating violence 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 cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Minnesota, or by any other person against an adult or youth victim who is protected from that person's acts under domestic or family violence laws. In addition to the relationships described above, Minnesota law defines domestic violence to include violence committed between parents and children, blood relatives, persons who are presently residing together or who have resided together in the past, and persons involved in a significant romantic relationship, and a man and woman, if the woman is pregnant and the man is alleged to be the father. While not exhaustive, the following are examples of conduct that can constitute domestic violence; physical harm, bodily injury or assault; the infliction of fear of imminent physical harm, bodily injury, or assault; terroristic threats; criminal sexual conduct; or interference with an emergency call.

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 personal information or spreading rumors about the victim on the internet, in a public place, or by word of mouth;
- g. Unreasonably obtaining personal information about the victim.

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. **Associate** refers to any individual or organization engaging in or conducting activities associated with CSB and/or SJU or doing business at or with CSB and/or SJU, including members of Saint John's Abbey and Saint Benedict's Monastery.
2. **Campus** refers to the grounds of CSB and SJU.
3. **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.
4. **Community** and **institutions** refer to CSB and SJU and in the case of community, all of their students, faculty and staff, and associates.
5. **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.
6. **Complaint** refers to an alleged Policy violation that initiates a complaint proceeding as set forth in the Procedures.
7. **Complaint process** refers to the process used to investigate and adjudicate complaints made under the Procedures, from initiation of complaint through determination and appeal, if any.
8. **Faculty** refers to a person employed by CSB or SJU in a faculty appointment.
9. **Policy** refers to the Sexual Misconduct Policy for the College of Saint Benedict and Saint John's University.
10. **Procedures** refer to the Sexual Misconduct Complaint Procedures for the College of Saint Benedict and Saint John's University. The procedures can be found at www.csbsju.edu/sexualmisconductprocedure.
11. **Report** refers to the providing of any information to the institution(s) regarding conduct that may violate the Policy.

12. **Respondent** refers to a person alleged to have violated the Policy.

13. **Sanctions for students:** The purpose of sanctions will be to ensure the health and safety of our campus communities by preventing the recurrence of problematic behavior and addressing its effects including the effects of the violation on the complainant. In determining sanctions, the Deans of Students (or their designees) may consider a variety of factors, including but not limited to, the type and severity of misconduct, the weight of the evidence, and the respondent's complete disciplinary record. Possible sanctions can include any one or more of the following:

i. **Expulsion:** the permanent disenrollment of the student from the institution.

ii. **Suspension:** the disenrollment of a student for a specific period of time. Students who are suspended 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. Suspension is also an interim measure that may be taken while an investigation is being conducted.

iii. **Other sanctions include:** disciplinary probation, no contact or limited contact directive, required assessment and/or counseling, required attendance at educational programs, restitution, community service hours, restriction of privileges, administrative referrals, behavioral contracts, reflection paper, and/or written warning.

14. **Sanctions for faculty and staff:** The purpose of sanctions will be to ensure the health and safety of our campus communities by preventing the recurrence of problematic behavior and addressing its effects including the effects of the violation on the complainant. In determining sanctions, the Human Resources Director and appropriate administrator (or designees) may consider a variety of factors, including but not limited to, the type and severity of misconduct, the weight of the evidence, and the respondent's employment/disciplinary record. Further information on Sanctions for faculty and staff is covered in Section VIII.B. of this policy.

Suspension is a sanction that may be used for faculty or staff. It is also an interim measure that may be taken while an investigation is being conducted.

Suspension as an interim measure for faculty and staff:

i. For a faculty member, suspension as an interim measure refers to a temporary suspension of work duties and will be implemented in accordance with Section 2.13.6.4 of the Faculty Handbook. In accord with 2.13.6.4, and pending the results of the investigation, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the college [university], to its students, or to other individual members of the college [university] community is threatened by continuance. Before implementing 2.13.6.4, the president will consult with the Provost as to the length, and the other conditions of the suspension. Salary and benefits will continue during the period of the suspension.

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

Suspension as a sanction for faculty and staff :

i. For a faculty member, suspension as a sanction will be implemented in accord with section 2.13.6.3 of the Faculty Handbook. Again, the president will consult with the Provost as to the length, and the other conditions of the suspension.

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

iii. In accordance with the applicable handbook, members of Saint Benedict's Monastery and Saint John's Abbey serving in faculty or staff appointments for the College or University are subject to the above provisions, as well as to applicable Bylaws of the respective Orders.

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

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

17. **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.

18. **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, including overseeing Title IX complaints,

identifying and addressing any patterns or systemic problems that arise during the review of such complaints, and assisting in answering any questions related to the Policy and Procedures. 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](http://www.csbsju.edu/sexualmisconductprocedure) (www.csbsju.edu/sexualmisconductprocedure).

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](https://www.justice.gov/crt/title-ix-education-amendments-1972) (<https://www.justice.gov/crt/title-ix-education-amendments-1972>) and the [Minnesota Human Rights Act](http://mn.gov/mdhr/yourrights/mhra.html) (<http://mn.gov/mdhr/yourrights/mhra.html>). 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 College of Saint Benedict and St. John's University strongly encourage individuals who have experienced sexual violence (i.e., sexual assault, dating or domestic violence, stalking) to notify law enforcement. The institutions will promptly assist an individual who reports having experienced an incident of sexual violence with making a report to law enforcement. The institutions do not report incidents of sexual violence to law enforcement without the consent of the complainant unless the incident involves a minor or presents a serious risk to the health and safety of individuals or the campus community. Victims of crimes in Minnesota also have certain rights. The following is a summary of crime victims' rights under Minnesota law. When a crime is reported to law enforcement, victims have the right to:

- Request that their identity be kept private in reports available to the public;
- Be notified of crime victim rights and information on the nearest crime victim assistance program or resource;
- Apply for financial assistance for non-property losses related to a crime;
- Participate in prosecution of the case, including the right to be informed of a prosecutor's decision to decline prosecution or dismiss their case;
- Protection from harm, including information about seeking a protective or harassment order at no cost;
- Protection against employer retaliation for taking time off to attend protection or harassment restraining order proceedings; and
- Assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

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

Complete information about crime victims' rights can be found at: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>. Information about victims' rights is also available from the Dean(s) of Students or Deputy Title IX Coordinator(s) or from the Minnesota Department of Public Safety, Office of Justice Programs.

III. REPORTING SEXUAL MISCONDUCT

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

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 report 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 allegations of sexual misconduct is so that CSB and SJU can investigate and respond appropriately. This includes providing support to the complainant and taking other actions as necessary to stop sexual misconduct, prevent its recurrence, and address its effects.

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 designated staff members in [Counseling and Health Promotion](#) and CSB Health Services, ordained clergy (when bound by

the seal of sacramental confession), the Central MN Sexual Assault Center (320-251-4357), and the Employee Assistance Program (Vital WorkLife at 800-383-1908). 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 threat to any person or property. Confidential resources may submit non-identifying information about violations of the Policy to CSB Security and/or SJU Life Safety Services for purposes of anonymous statistical reporting under federal and state law. See [Section VI](#) below for additional information on confidentiality.

An individual who reports an incident of sexual assault to CSB or SJU, at his or her request, shall be provided access to the report as it was reported to the institution(s) consistent with state and federal laws governing privacy of education records. Such requests should be made to CSB or SJU Dean of Students Office or Human Resources as appropriate.

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 Security, or SJU Life Safety Services at once. Similarly, any community member who receives a report of sexual misconduct (with the exception of those listed as confidential resources) is also expected to report this information to a Title IX Coordinator, CSB 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. Anonymous reports can also be made online at www.csbsju.edu/report-sexual-misconduct. The individual making the report is encouraged to provide as much detail as possible to allow the institution(s) to investigate and respond as required by this Policy. The institution(s) may be limited in their ability to effectively investigate and respond to an anonymous report.

5. Confidentiality of Reports. When a Title IX Coordinator, the CSB Security, SJU Life Safety Services, or a Supervisor receives a report of sexual misconduct, they cannot guarantee complete confidentiality because they may have a legal obligation to respond to the report. See [Part VI - Confidentiality](#) below for further information on steps CSB and SJU will take to protect confidentiality when reports are made and about 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 the complaint process. 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 reporting party's preferences cannot be followed in every circumstance, but the institution(s) will consider and will take reasonable steps to accommodate the reporting party'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 move forward with the complaint process (even without the complainant's participation). See [Part VI - Confidentiality](#) below for additional information. In accordance with the [Sexual Misconduct Complaint Procedures](#) (www.csbsju.edu/sexualmisconductprocedure), CSB and/or SJU will respond to 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, fair, and respectful on-campus and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services.
- b. making changes to academic, living, transportation, and/or working arrangements,
- c. 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, any student who makes a good faith report about sexual misconduct and/or who participates in an investigation into allegations of a violation of the Policy 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.

Reporting an incident of sexual misconduct to law enforcement is not necessary for the institutions to proceed with a complaint process under this Policy.

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: <http://www.csbsju.edu/human-rights/child-protection/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 and, with regard to complainants, treatment that does not suggest that he or she is at fault for sexual assault or that he or she should have done something differently to avoid becoming a victim;
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 process 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 process;
10. An advisor during the complaint process as outlined in Part V.-1 of the Sexual Misconduct Complaint Procedures - Right to an Advisor <http://www.csbsju.edu/sexualmisconductprocedure>;
11. A complaint process conducted by officials, selected in accordance with the Sexual Misconduct Complaint Procedures (www.csbsju.edu/sexualmisconductprocedure), who do not have a conflict of interest for or against a complainant or respondent;
12. Privacy during the complaint process regarding his or her irrelevant past sexual/relationship history;
13. Timely written notification about the outcome of any complaint process, to the extent allowed by law;
14. The opportunity to appeal the outcome of a complaint process under certain conditions.

B. In addition, a complainant who alleges sexual assault, domestic violence, dating violence, or stalking 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 CSB and/or SJU officials of a sexual assault incident;
3. The right to the complete and prompt assistance of campus authorities, at the complainant's request, in filing criminal charges with local law enforcement officials in sexual assault cases;
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 process for a sexual assault complainant;
6. The right to the assistance of campus personnel (during and after the complaint process) 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 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 assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety.
8. For students who choose to transfer to another post-secondary institution, the right to receive information, upon request, about resources for victims of sexual assault at the institution to which the victim is transferring.

V. COMPLAINT PROCEDURE

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 respond to reports made to Campus Authorities or a Supervisor in accordance with the Sexual Misconduct Complaint Procedures (www.csbsju.edu/sexualmisconductprocedure).

When a complaint involves allegations of sexual misconduct, the complaint will be processed according to the [Sexual Misconduct Complaint Procedures www.csbsju.edu/sexualmisconductprocedure](http://www.csbsju.edu/sexualmisconductprocedure). Allegations of retaliation, violations of interim measures, or violation of sanctions should be reported to the CSB or SJU Dean of Students, CSB Security or SJU Life Safety.

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

VI. CONFIDENTIALITY AND REQUEST FOR NO ACTION

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 Sexual Child Abuse. <http://www.csbsju.edu/human-rights/child-protection/reporting-suspected-child-abuse>

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 respond to reports and complaints under this Policy in accordance with the process outlined in the Sexual Misconduct Complaint Procedures (www.csbsju.edu/sexualmisconductprocedure) and to take reasonable steps to prevent ongoing harassment, discrimination, sexual misconduct and related retaliation, so strict confidentiality cannot 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 confidentially should speak to a confidential resource. In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional. The medical and mental health professionals at CSB and SJU, including those designated staff within [Counseling and Health Promotion](#), ordained clergy (when bound by the seal of sacramental confession), representatives of the Employee Assistance Program, advocates at the [Central Minnesota Sexual Assault Center](#), and care providers at the [St. Cloud Hospital](#) 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. For purposes of anonymous statistical reporting under federal and state law, confidential resources may submit information about violations of the Policy to CSB Security and/or SJU Life Safety Services, which does not personally identify any of the parties.

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 will weigh the request for confidentiality or for no action to be taken against the following factors: the ability to conduct an investigation without revealing identifiable information, the seriousness of the alleged conduct, whether there has 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(s) because of their good faith involvement in an investigation or determination 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 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 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.

CSB and SJU cannot stop retaliation unless they know about it. Allegations should be reported to a campus authority immediately. Reports of retaliation will be addressed in accordance with the process outlined in the [Sexual Misconduct Complaint Procedures \(www.csbsju.edu/sexualmisconductprocedure\)](http://www.csbsju.edu/sexualmisconductprocedure).

VIII. SANCTIONS

Upon a finding that a violation of the Policy has occurred, disciplinary action may be imposed pursuant to the procedures set forth in the [Sexual Misconduct Complaint Procedures \(www.csbsju.edu/sexualmisconductprocedure\)](http://www.csbsju.edu/sexualmisconductprocedure) 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.

A. Sanctions for students: The purpose of sanctions will be to ensure the health and safety of our campus communities by preventing the recurrence of problematic behavior and addressing its effects including the effects of the violation on the complainant. In determining sanctions, the Deans of Students (or their designees) may consider a variety of factors, including but not limited to, the type and severity of misconduct, the weight of the evidence, and the respondent's complete disciplinary record. Possible sanctions can include any one or more of the following:

- i. **Expulsion:** the permanent disenrollment of the student from the institution.
- ii. **Suspension:** the disenrollment of a student for a specific period of time. Students who are suspended 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. Suspension is also an interim measure that may be taken while an investigation is being conducted.
- iii. **Other sanctions include:** disciplinary probation, no contact or limited contact directive, required assessment and/or counseling, required attendance at educational programs, restitution, community service hours, restriction of privileges, administrative referrals, behavioral contracts, reflection paper, and/or written warning.

B. Sanctions for Faculty and Staff: The purpose of sanctions will be to ensure the health and safety of our campus communities by preventing the recurrence of problematic behavior and addressing its effects including the effects of the violation on the complainant. In determining sanctions, the Human Resources Director and appropriate administrator (or

designees) may consider a variety of factors, including but not limited to, the type and severity of misconduct, the weight of the evidence, and the respondent's employment/disciplinary record.

For a faculty member, sanctions will be implemented in accord with Section 2.13.6 of the Faculty Handbook on Discipline and/or Dismissal for Cause. Before taking action, the president will consult with the Provost as to the level of sanction to be imposed.

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

In accordance with the applicable handbook, members of Saint Benedict's Monastery and Saint John's Abbey serving in faculty or staff appointments for the College or University are subject to the disciplinary action provisions, as well as applicable Bylaws of the respective Orders. Before taking action, the monastic member's supervisor will consult with the Human Resources department, appropriate Vice President, and the Abbot or Prioress as to the level of sanction to be imposed.

Suspension as a sanction for faculty and staff : Suspension is a sanction that may be used for faculty or staff. It is also an interim measure that may be taken while an investigation is being conducted.

i. For a faculty member, suspension as an interim measure refers to a temporary suspension of work duties and will be implemented in accordance with Section 2.13.6.4 of the Faculty Handbook. In accord with 2.13.6.4, and pending the results of the investigation, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the college [university], to its students, or to other individual members of the college [university] community is threatened by continuance. Before implementing 2.13.6.4, the president will consult with the Provost as to the length, and the other conditions of the suspension. Salary and benefits will continue during the period of the suspension.

For a faculty member, suspension as a sanction will be implemented in accord with section 2.13.6.3 of the Faculty Handbook. Again, the president will consult with the Provost as to the length, and the other conditions of the suspension.

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

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

iii. In accordance with the applicable handbook, members of Saint Benedict's Monastery and Saint John's Abbey serving in faculty or staff appointments for the College or University are subject to the above provisions, as well as to applicable Bylaws of the respective Orders.

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.

Web address:	http://www2.ed.gov/about/offices/list/ocr/index.html
Mailing address:	U.S. Department of Education Office for Civil Rights Lyndon Baines Johnson Department of Education Building 400 Maryland Avenue, SW Washington, DC 20202-1100

Telephone:	800-421-3481
FAX:	202-453-6012
TDD:	800-877-8339
Email:	OCR@ed.gov

X. CONTACT INFORMATION

College of Saint Benedict	
Chief of Staff Lead Title IX Coordinator	Kathryn Enke, kenke@csbsju.edu , 320-363-5070
Vice President for Student Development Deputy Title IX Coordinator	Mary Geller, mgeller@csbsju.edu , 320-363-5601
Dean of Students Deputy Title IX Coordinator	Jody Terhaar, jterhaar@csbsju.edu , 320-363-5270
Associate HR Director Deputy Title IX Coordinator	Judy Bednar, jbednar@csbsju.edu , 320-363-5071
Security Director	Darren Swanson, dswanson@csbsju.edu , 320-363-5000
Saint John's University (including School of Theology)	
Chief of Staff Lead Title IX Coordinator	Patti Epsky, pepsky@csbsju.edu , 320-363-2246
Vice President for Student Development Deputy Title IX Coordinator	Doug Mullin, OSB, dmullin@csbsju.edu , 320-363-2737
Dean of Students Deputy Title IX Coordinator	Michael Connolly, mconnolly@csbsju.edu , 320-363-3171
Associate HR Director Deputy Title IX Coordinator	Judy Bednar, jbednar@csbsju.edu , 320-363-5071
Life Safety Services Director	Shawn Vierzba, svierzba@csbsju.edu , 320-363-2144
Interim Dean, School of Theology-Seminary Deputy Title IX Coordinator	Dale Launderville, OSB, dlaundervill@csbsju.edu 320-363-3389
Seminary Rector Deputy Title IX Coordinator	Michael Patella, mpatella@csbsju.edu , 320-363-2108

As changes are made in the persons holding these positions, current information will be available on the CSB/SJU website.

The College of Saint Benedict and Saint John's University

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I. INTRODUCTION

It is the policy of the College of Saint Benedict (CSB) and Saint John's University (SJU) to investigate and promptly seek the equitable resolution of allegations of sexual misconduct in violation of the Sexual Misconduct Policy.

The Sexual Misconduct Complaint Procedures shall be the exclusive process for handling sexual assault and other sexual misconduct complaints and supersedes all other processes. If a complaint implicates the Sexual Misconduct Policy and another CSB and/or SJU policy, the complaint of a violation of the Sexual Misconduct Policy will be handled under the Sexual Misconduct Complaint Procedures and the institutions may, at their discretion and unless an applicable handbook

provision states otherwise, consider the other alleged policy violations under the Sexual Misconduct Complaint Procedures or conduct separate proceedings.

II. RESPONSIBILITY

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

- The Dean(s) of Students, who serve(s) as Deputy Title IX Coordinators for sexual misconduct complaints involving students, are responsible for the implementation of the Sexual Misconduct Complaint Procedures in cases involving a student.
- The Associate HR Director, who serves as a Deputy Title IX Coordinator for sexual misconduct complaints involving faculty and staff, is responsible for implementation of the Sexual Misconduct Complaint Procedures in cases involving a faculty or staff member.
- If a complaint involves both a student and a faculty or staff member, the Dean(s) of Students and Associate HR Director shall share responsibility for implementing the Sexual Misconduct Complaint Procedures.
- If a complaint involves an associate or third party, the Dean(s) of Students and Associate HR Director will determine who should be responsible for implementing the Sexual Misconduct Complaint Procedures.
- The Vice President(s) for Student Development, who serve as Deputy Title IX Coordinators, normally receive appeals from determinations involving student respondents.
- The Lead Title IX Coordinators are responsible for implementation of the Sexual Misconduct Complaint Procedures regarding student appeals. The Lead Title IX Coordinators review appeals in faculty/staff cases and are responsible for appointing an appropriate institutional official to oversee the appeal.

In all cases, the Title IX Coordinator(s) will function as (a) neutral party (parties) in implementing the Sexual Misconduct Complaint Procedures.

III. POLICY STATEMENT

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

CSB and SJU will strive to treat parties involved in a sexual misconduct report with dignity and will provide nonjudgmental assistance. Complainants will be treated in a manner that does not suggest that they are at fault for sexual assault or that they should have done something differently to avoid becoming a victim. This applies to all campus authorities and all those involved in complaint procedures, and applies during the complaint process and thereafter.

Sexual harassment, sexual assault, and other forms of sexual misconduct are forms of sex discrimination. Not only are they prohibited by the Sexual Misconduct Policy and the Human Rights Policy, but they are also prohibited by various laws, including Title IX of the Educational Amendments of 1972 and the Minnesota Human Rights Act. CSB and SJU will investigate and promptly seek the equitable resolution of allegations of sexual misconduct, take steps to prevent the recurrence of sexual misconduct, and seek to correct its effects on complainants and others. CSB and SJU will strive to resolve all complaints within 60 calendar days. See the [Sexual Misconduct Policy](http://www.csbsju.edu/sexualmisconductpolicy) (<http://www.csbsju.edu/sexualmisconductpolicy>) for more information.

IV. Definitions

- A. **Adjudication Panel** refers to the three-person panel appointed by the institution(s) to determine whether the Policy was violated by a student.
- B. **Adjudicator(s)** refers to the individual(s) selected by the institution(s) to determine whether the Policy was violated by a faculty or staff member.
- C. **Advisor** refers to the individual chosen by a party to provide support, guidance and/or advice to the party during the course of the complaint process.
- [Sexual Misconduct Complaint Procedures, Part V- General](http://www.csbsju.edu/sexualmisconductprocedure) Provisions (<http://www.csbsju.edu/sexualmisconductprocedure>).

D. **Associate** refers to any individual or organization engaging in or conducting activities associated with CSB and/or SJU or doing business at or with CSB and/or SJU, including members of Saint John's Abbey and Saint Benedict's Monastery.

E. **Campus** refers to the entire physical grounds of CSB and SJU.

1. F. **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.

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

H. **Complainant** means a person alleged to have been subjected to a Policy violation, but need not be the person who initiates the complaint.

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

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

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

L. **Investigator** refers to the individual selected by the institution(s) to investigate complaints of violation(s) of the Policy made pursuant these Procedures.

M. **Policy** refers to the Sexual Misconduct Policy for the College of Saint Benedict and Saint John's University.

N. **Procedures** refer to the [Sexual Misconduct Complaint Procedures](http://www.csbsju.edu/sexualmisconductprocedure) for the College of Saint Benedict and Saint John's University. The procedures can be found at www.csbsju.edu/sexualmisconductprocedure.

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

P. **Respondent** refers to a person alleged to have violated the Policy.

Q. **Sanctions for students:** The purpose of sanctions is to ensure the health and safety of our campus communities by preventing the recurrence of problematic behavior and addressing its effects including the effects of the violation on the complainant. In determining sanction(s), the Deans of Students (or their designees) may consider a variety of factors, including but not limited to, the type and severity of misconduct, the weight of the evidence, and the respondent's complete disciplinary record. Possible sanctions can include any one or more of the following:

1. **Expulsion:** the permanent disenrollment of the student from the institution.

2. **Suspension:** the disenrollment of a student for a specific period of time. Students who are suspended 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. Suspension is also an interim measure that may be taken while an investigation is being conducted.

3. **Other sanctions include:** Disciplinary probation, no contact or limited contact directive, required assessment and/or counseling, required attendance at educational programs, restitution, community service hours, restriction of privileges, administrative referrals, behavioral contracts, reflection paper, written warning.

R. **Sanctions for faculty and staff**

1. **Suspension** is a sanction that may be used for faculty or staff. Suspension (or involuntary leave of absence for a staff member) is also an interim measure that may be taken while an investigation is being conducted.

a. For a faculty member, suspension as an interim measure refers to a temporary suspension of work duties and will be implemented in accordance with Section 2.13.6.4 of the Faculty Handbook. In accord with 2.13.6.4, and pending the results of the investigation, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the college [university], to its students, or to other individual members of the college [university] community is threatened by continuance. Before implementing 2.13.6.4, the president will consult with the Provost as to the length, and the other conditions of the suspension. Salary and benefits will continue during the period of the suspension.

b. For a faculty member, suspension as a sanction will be implemented in accord with section 2.13.6.3 of the Faculty Handbook. The president will consult with the Provost as to the length, and the other conditions of the suspension.

c. For a staff member, suspension as an interim measure refers to a temporary suspension of work duties when the staff member is the subject of an investigation or when the staff member's presence poses an immediate threat of harm within the institution. This interim measure will be implemented in accordance with the Involuntary Leave of Absence section of

the appropriate Administrative and Support Staff Handbook. Before imposing the involuntary leave, the employee's supervisor will consult with the Human Resources department and the appropriate Vice President as to the length, and the other conditions of the suspension. Salary and benefits will continue during the period of the suspension.

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

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

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

U. **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.

V. **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, prospective students, and prospective employees.

W. **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, including overseeing Title IX complaints, identifying and addressing any patterns or systemic problems that arise during the review of such complaints, and assisting in answering any questions related to the Policy and Procedures. 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](#).

V. INSTITUTIONAL RESPONSE

CSB and SJU have a moral imperative and legal obligation to take prompt and appropriate action in response to information received regarding an alleged violation of the Sexual Misconduct Policy. The institutions will conduct an investigation of reports alleging sexual misconduct. Making a report to a Title IX Coordinator, the CSB Department of Security or SJU Life Safety Services does not require a reporting party to initiate or participate in a complaint proceeding. 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 participation of the reporting party). See Sexual Misconduct Policy, Section III.A.6 - Response of CSB/SJU to Reports.

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

VI. GENERAL PROVISIONS

A. Right to an Advisor. The complainant(s) and respondent(s) involved in a complaint proceeding under Section VII.A (Complaint Procedure for Complaints in which the Respondent is a Student) and Section VII.B.1 (Complaint Procedure for Complaints in which the Respondent is a Faculty or Staff Member, for Complaints of Sexual Assault, Dating Violence, Domestic Violence, and Stalking) below each have the right to an advisor of their own choosing.

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

An advisor may have access to in-person review of information concerning a complaint proceeding only when accompanying his or her advisee and may have access to written communications (i.e., emails and other correspondence) only when the advisee has given written authorization for the advisor to be copied on such correspondence. Exceptions to this may be made in the rare circumstance that an advisor absolutely cannot be present with his or her advisee on campus. An advisor's access to such information shall be subject to the same limitations as those placed upon the parties and conditioned upon the advisor's agreement to maintain the confidentiality of student education records and other confidential information.

The advisor may not appear in lieu of the complainant or respondent or speak on his or her behalf in either in-person or written communications to CSB or SJU. The advisor may take written notes, but may not record any meetings. The advisor may not address, either orally or in writing, any CSB or SJU official including, but not limited to, Deans, the Title IX Coordinators, the investigator, members of the adjudication panel or appeal officials. The advisor also may not address the other party. The advisor may not interrupt or otherwise delay the complaint proceeding. Advisors will be required to sign

an Advisor Agreement acknowledging receipt and understanding of these requirements. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the complaint proceeding by the advisor may result in the immediate disqualification of the advisor and the institution(s) reserve the right to dismiss the advisor.

B. Timing. CSB and SJU are committed to the prompt and equitable resolution of sexual misconduct complaints and strive to meet the timing requirements set forth in these Procedures. However, in some cases, extensions to the timing requirements may be necessary. The Deputy Title IX Coordinator(s) may grant reasonable extensions to timing requirements in these Procedures when warranted by the circumstances. For example, extensions of timing requirements may be granted if the institution(s) have been asked to delay its Procedures during the evidence gathering stage of a criminal investigation, if the allegations of sexual misconduct are particularly complex (including, without limitation, allegations that involve multiple incidents and/or multiple individuals), or if witnesses are not on campus due to a scheduled break or for another reason. Extensions will be no longer than necessary. The complainant and respondent shall receive written notice of any extensions and the reason for the extension.

Where the Procedures indicate that an action will be completed within a specified period of days, "day" generally means business days, unless otherwise specified. Adjustments to the time frames will be made when school breaks, holidays, or exigent circumstances require. As a general rule, CSB and SJU strive to complete their investigation and related procedure within 60 (sixty) calendar days or less, recognizing that certain complaints may take longer to process depending on the circumstances.

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

C. Confidentiality. CSB and SJU strive to protect the confidentiality interests of all individuals involved in the sexual misconduct reporting and complaint proceeding. However, because of the need to investigate and respond to reports of sexual misconduct, the institutions cannot guarantee strict confidentiality in most cases. Please refer to the Policy for more information about confidentiality, including confidential resources available to individuals. In addition, individuals with concerns about confidentiality may speak with a Title IX Coordinator about the complaint process.

D. Interference with Procedure. Interference with these Procedures is strictly prohibited. Interference includes, but is not limited to the following:

1. Knowingly falsifying, distorting, or misrepresenting information provided to an investigator, adjudication panel, adjudicator(s), or appeal official;
2. Knowingly instituting a complaint without cause and in bad faith;
3. Harassment and/or intimidation of any investigator or member of an adjudication panel, or of any complainant, respondent, witness, student, or employee involved in a complaint proceeding before, during, or after a proceeding. See Sexual Misconduct Policy, Section VII - Retaliation;
4. Breaching the confidentiality requirements.

Students who interfere with these Procedures will be subject to disciplinary sanctions. Staff and faculty members who interfere with these Procedures will be subject to discipline, up to and including termination in accordance with the applicable handbook. Associates or other third parties who interfere with these Procedures will be subject to removal from campus, prohibition from returning to campus, and/or other appropriate measures as determined by CSB and/or SJU.

E. Interim Restrictions or Suspension

1. For Students. At any time following the initiation of a complaint proceeding or at any other time throughout the process, the Dean(s) of Students of the institution of the complainant or respondent may impose various conditions or restrictions on a complainant or respondent pending resolution of the complaint proceeding. The Dean(s) of Students may also alter or suspend the rights of a student to be present on campus, to restrict building and space privileges, to attend classes, or to participate in extracurricular activities or events pending resolution of the complaint proceeding. The Dean(s) of Students will base his/her decision on whether the allegations of misconduct are apparently reliable and whether the continued unrestricted status of the student on the campus poses a threat to the physical or emotional condition or well-being of any individual, including the student, or for reasons relating to the safety, integrity and welfare of the community as a whole.

The interim restrictions, behavioral requirements, and/or alteration or suspension of privileges will be communicated to the complainant and respondent in writing and will remain in effect until a final decision has been made in the complaint proceeding, or until modified or withdrawn in writing.

2. For Faculty, Staff, Associates, and Third Parties. CSB and SJU may impose various conditions and restrictions on a complainant or respondent pending resolution of the complaint proceeding or at any other time throughout the process.

F. Treatment of Parties. CSB and SJU strive to treat all individuals involved in a complaint proceeding with respect and dignity and, with regard to complainants, in a manner that does not suggest a complainant is ever at fault for sexual assault or that he or she should have done something different to avoid becoming a victim. This applies to all campus authorities and all those involved in complaint procedures, and applies during the complaint process and thereafter. Complaint proceedings will be prompt, fair, and impartial. In addition, support will be provided to students, faculty, and staff who are engaged in a complaint proceeding. Upon request, personal counseling services are available to students and the Employee Assistance Program is available to faculty and staff.

G. Participation and Silence. All participants in the complaint procedures have a duty to CSB and SJU to be truthful throughout the process. The complainant may decide when to repeat a description of the incident of sexual assault and either party may at any time decline to provide information and/or participate in a complaint proceeding. If, at any time during the complaint proceeding, a complainant or respondent does not participate, the Deputy Title IX Coordinator(s) may move the proceeding to the next step, dismiss the complaint, or take whatever other steps may be necessary to ensure the integrity of the proceeding. A respondent's silence in response to a complainant's allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed. Similarly, a complainant's silence in response to a respondent's denials or defenses will not necessarily be viewed as an admission of the denials or defenses, but may leave the respondent's denials or defenses undisputed. Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process.

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

I. Reservation of Flexibility. These Procedures reflect the desire of the institutions to respond to complaints in good faith and in a manner that promotes fairness to all parties. The institutions recognize, however, that each case is unique in its presentation and requires that the institutions reserve some flexibility in responding to the particular circumstances of each case. In the rare cases where it is not possible or practical to follow these Procedures, the institutions reserve the right to modify these Procedures or to take other administrative action as appropriate under the circumstances.

Approved September, 2016

CSB/SJU Sexual Misconduct Complaint Procedures

The College of Saint Benedict and Saint John's University

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VII. PROCEDURE

The procedure followed by CSB and SJU to resolve sexual misconduct complaints will vary depending on the status of the respondent. Procedure VII. A. will be followed in all cases in which the respondent is a student. Procedure VII.B. will be followed in all cases in which the respondent is a member of the faculty or staff. Procedure VII.C. will be followed in cases where the respondent is an associate/third party.

A. Complaint Procedure for Complaints in which the Respondent is a Student

The following constitutes the steps which make up the complaint process when the respondent is a student.

Step 1: Initiation of Complaint Proceeding

Any member of the community may initiate a complaint proceeding. The complaint proceeding may be initiated at the request of the complainant upon making a report to a Dean of Students, SJU Life Safety, or CSB Campus Security. Students at the SJU School of Theology-Seminary may alternately submit their report to the Rector or Dean of the School of Theology-Seminary, who will then refer the matter to the Dean(s) of Students. The report should contain sufficient detail to enable the Dean(s) of Students to make a determination as to whether the complaint falls within the Policy. When a complaint proceeding is initiated, the institution(s) may ask that the reporting party verify a written summary of an oral report. Reporting forms are available on the CSB and SJU Sexual Misconduct web page.

Upon receiving a report of a violation of the Policy, the institution(s) will seek the alleged victim's cooperation to proceed with a complaint proceeding using the Procedures set forth herein. In addition, circumstances may arise in which a complaint proceeding may be initiated (even without the alleged victim's participation) to protect the safety, integrity and welfare of the community as a whole. Generally, the Lead Title IX Coordinator(s) or designee(s) will make a determination of whether a complaint proceeding should be initiated. If the institution(s) decide that it has an obligation to move forward with a complaint proceeding regarding the alleged Policy violation, prior to proceeding with the complaint process, they will notify the alleged victim of their decision and of the option to have the institution(s) inform the respondent that the alleged victim did not want to initiate the complaint process.

The institution(s) will accept anonymous complaints, but the institution(s) may be limited in their ability to investigate an anonymous complaint. See Sexual Misconduct Policy, Section III.A.4. - Anonymous Reporting.

Options for Resolution

When a complainant chooses to initiate a complaint proceeding, there are two avenues for resolution: formal and informal resolution. The complainant has the option to proceed informally, except in cases of sexual assault which always require the use of the formal resolution process. If the complainant proceeds informally, either the complainant or respondent has

the option to move the complaint to the formal process at any time. The Dean(s) of Students of the institution(s) of the parties involved in the complaint proceeding will explain the informal and formal resolution procedures.

In addition, the Dean(s) of Students of the involved institutions has discretion move the complaint to the formal resolution process or to refer the matter to other institutional disciplinary procedures. The referral option will generally be used when: (1) the alleged behavior does not fall within the Policy or (2) the alleged behavior applies to another disciplinary procedure. If the Dean(s) of Students of the involved institutions determines that the report or complaint, even if substantiated, would not violate the Policy, he/she/they may close the matter or refer it to another, applicable, disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to complainant.

Every attempt should be made to determine the option for resolution within five (5) business days of the submission of the complaint.

Option A: Informal Procedure and Resolution

If the complainant, the respondent and the institution(s) all agree that an informal resolution should be pursued, the Dean of Students shall attempt to facilitate a resolution of the conflict that is agreeable to all parties.

The complainant and respondent each have the option to discontinue the informal process and request a formal investigation by notifying the Dean of Students in writing. The institution(s) always has/have the discretion to bypass or discontinue the informal process and move forward with a formal investigation. If at any point during the informal process, the complainant, the respondent, or the institution(s) wish to cease the informal procedure and to proceed through the formal procedure, the formal procedure outlined below will be invoked.

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

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

If the complaint is referred to the formal process, the time spent attempting to reach an informal resolution generally will not be counted as part of the 60-day time frame discussed in the "Timing" section above.

Option B: Formal Procedure

If the complaint is not resolved through the informal procedure outlined above, the complaint shall be processed according to the formal procedure (Steps 2 through 5) outlined below. The Deputy and/or Lead Title IX Coordinator(s) of the involved institutions shall ensure that all officials involved in the complaint procedure have received annual training on the Policy, these Procedures, issues relating to sexual misconduct, the rights of complainants and respondents, and applicable law.

Step 2: Investigation

The formal resolution process will include an investigation conducted by an appointed outside investigator, or at the institutions' discretion, SJU Life Safety or CSB Campus Security. The complainant and the respondent shall receive written notice of the name of the investigator appointed to conduct the investigation. The complainant or respondent may request the removal of the investigator on the grounds of personal bias or conflict of interest by submitting a typewritten statement identifying the basis for the concern to the Dean(s) of Students no later than two (2) business days after receiving the notice of the investigator. The Dean(s) of Students will determine whether to accept or deny the request. If the request is accepted, a replacement investigator will be appointed to conduct the investigation. The decision of the Dean(s) of Students with regard to the request is final and is not appealable. If the complainant or respondent believes the new investigator should be removed because of personal bias or conflict of interest, the complainant or respondent may initiate the same process seeking removal of the newly-assigned investigator by submitting a typewritten statement no later than two (2) business days after receiving the notice of the newly-assigned investigator.

The investigator will interview the complainant, respondent and/or other witnesses and may request additional information from the complainant, respondent or others. In addition, the complainant and respondent will have an opportunity to advise the investigator of any witnesses they believe should be interviewed, and/or other evidence that they believe should be reviewed by the investigator. The investigator, at his or her discretion, may decline to interview witnesses suggested by the parties and may interview witnesses who were not suggested by either party. Character or reputation evidence is generally considered to be irrelevant and will not be included as part of the investigation. If a party suggests witnesses solely for the purpose of providing general character or reputation evidence, the investigator may choose not to interview such witnesses and/or to not include information related to a party's general character/reputation in the investigation.

report. All interviews with the complainant, respondent, and other witnesses shall be recorded. The complainant and respondent shall receive timely notice of meetings at which the complainant or respondent or both will be present.

The parties will be notified of a close of evidence date. The parties shall submit any and all information and evidence believed to be relevant to the complaint by the close of evidence date. After the close of evidence date, the parties shall not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator determines otherwise.

Every attempt will be made to complete the investigation phase, including the issuing of the investigation report, within twenty-five (25) business days of the filing of the complaint or the referral from the informal process.

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

The investigator shall compile the investigation file, which shall consist of at least the complaint, the investigation written summary, and relevant documents, if any. The investigation written summary will include the names of all witnesses interviewed and dates on which interviews took place. The investigator will present the facts gathered, but will not make credibility determinations or otherwise evaluate the facts.

Step 3: Review of Investigation File in Cases Involving Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Following the appointment of the adjudication panel, the investigation file will be made available for review by the complainant and respondent by making an appointment with their Dean of Students during regular business hours. The Dean(s) of Students will provide a five (5) business day review and response period for the parties to have access to review the investigation file and prepare a response to the investigation file, as discussed below. Information in the investigation file that cannot be shared with the complainant, respondent, or adjudicators may be redacted from the file in accordance with applicable law. The file cannot be photographed, copied, or removed from the Dean(s) of Students office(s) or other location provided for review purposes. All parties (and their advisors) may take personal handwritten notes.

Following review of the investigation file, both the complainant and respondent shall have the opportunity to provide a typewritten initial statement to add clarifying information and/or identify information previously given to the investigator that is not included in the investigation report that the party believes should have been included. While the parties may be assisted by their advisors in preparation of the initial statement, the initial statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf, including any external reports. The initial statement shall not exceed 4,500 words. The initial statement must be submitted within the five (5) business days provided for review and response described above. Submissions must be made electronically by email to the Dean(s) of Students, and must be submitted directly from the complainant or respondent, and not through an advisor or other representative.

The complainant and respondent shall have an opportunity to review the initial statement submitted by the other party and, if desired, may submit a typewritten rebuttal statement not to exceed 1,300 words. The Dean(s) of Students will provide a three (3) business day review and response period for the parties to have access to review the initial statement and prepare a response to the initial statement, as discussed below. The rebuttal statement may only be used to respond to arguments made in the other party's initial statement. While the parties may be assisted by their advisors in preparation of the rebuttal statement, the rebuttal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf, including external reports. The parties have the option to read the rebuttal statement of the other party, but no further responses will be made by either party.

The institutions will ensure that the complainant and respondent have been given equal opportunities to present relevant information for consideration during the investigation process.

At any time during the investigation and review phases, the Deputy Title IX Coordinator(s) may review the investigation file, the parties' initial and rebuttal statements, and other information or evidence to determine whether additional investigation is necessary, statements and documents submitted by the parties are within the appropriate scope of the investigation, and/or information or other evidence contained in the investigation file and the parties' written statements should be removed or redacted. In the event the Deputy Title IX Coordinator(s) request additional investigation, the parties shall be notified.

Step 4: Adjudication

a. Appointment of Adjudication Panel.

Upon completion of the investigation, a three-person adjudication panel comprised of individuals selected by the involved institution(s) will be appointed on a case-by-case basis. In most instances, the panel will be comprised of faculty and/or staff selected by the Dean(s) of Students of the involved institution(s). The Deputy and/or Lead Title IX Coordinator(s) of

the involved institutions may also be present at the meetings of the adjudication panel to oversee the process and will, if necessary, answer procedural questions, but shall not have a vote.

The adjudication panel shall be appointed within five (5) business days following the close of evidence date. The complainant and the respondent shall receive written notice of the adjudication panel members appointed.

b. Process for Requesting Removal of Adjudication Panel Member.

The complainant or respondent may request the removal of a member of the adjudication panel on the grounds of personal bias or conflict of interest by submitting a typewritten statement identifying the basis for the concern to the Dean(s) of Students no later than two (2) business days after receiving the notice of the adjudication panel members. The Dean(s) of Students will determine whether to accept or deny the request. If the request is accepted, a replacement will be appointed to serve on the adjudication panel. The decision of the Dean(s) of Students with regard to the request is final and is not appealable. If the complainant or respondent believes a new member assigned to the adjudication panel should be removed because of personal bias or conflict of interest, the complainant or respondent may initiate the same process seeking removal of the newly-assigned panel member by submitting a typewritten statement no later than two (2) business days after receiving the notice of the newly-assigned adjudication panel member.

Step 5: Determination

The adjudication panel will review the investigation file and written response and rebuttal statements provided by the complainant and respondent. The adjudication panel may, in their discretion, request additional investigation by the investigator or another appropriate individual. In the event that the adjudication panel requests additional investigation, the complainant and respondent shall be notified. The adjudication panel will use a preponderance of the evidence standard as directed by Title IX, to determine whether, based upon the information obtained from the investigation and any written statements provided by the complainant and respondent, it is more likely than not that the respondent violated the Policy. The Deputy and/or Lead Title IX Coordinator(s) are available for consultation, but will not participate in making a decision. Only the members of the adjudication panel and the Deputy and/or Lead Title IX Coordinator(s) may be present during deliberations. A simple majority of adjudication panel members is necessary to find that the respondent is responsible for a Policy violation.

The adjudication panel will communicate the decision to the Dean(s) of Students of the institutions of the parties.

The determination of the adjudication panel may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision of the adjudication panel will be final.

a. Determination of "Not Established Responsible"

If the adjudication panel concludes, based upon the information obtained through the investigation, that there is not sufficient basis to establish that it is more likely than not that a respondent violated the Policy, the adjudication panel will make a determination of "Not Established Responsible." This will be the decision if the panel concludes that it is more likely than not that a Policy violation did not occur or there is insufficient evidence to support a finding that it is more likely than not that the respondent violated the Policy. The complainant and respondent will be notified of the "Not Established Responsible" determination and of other steps that may be taken in response to the complaint such as "no contact" directives. The complainant will also be apprised of other resources that may be available.

b. Determination of "Responsible" and Imposition of Remedies and Sanctions

If the adjudication panel, based upon the information obtained through the investigation, that it is more likely than not that a respondent violated the Policy, the adjudication panel will make a finding of "Responsible" and the Dean(s) of Students of the institution(s) of the parties will determine appropriate sanction(s). The Dean(s) of Students' determination will include steps to stop the misconduct, prevent its recurrence, and as appropriate, address its effect on the complainant and the campus community. Sanctions imposed on a student depend on the severity of the violation, time remaining until complainant graduates or is no longer a student, and any previous violations that resulted in a finding of "Responsible". Sanctions may include a variety of institutional responses or requirements and can include any of the following: warning, writing a reflection paper, behavioral contracts, no-contact directives, administrative referrals, community service hours, restitution, required attendance at educational programs, required assessment and/or counseling, restriction of privileges, inclusion in the respondent's education record of a finding that the Policy was violated, probation, suspension and/or expulsion.

c. Written Notice of Outcome

The complainant and respondent shall receive a simultaneous written notice of outcome within twenty-five (25) business days after completion of the investigation (including completion of any additional investigation conducted at the request of the adjudication panel).

For complaints involving sexual assault, dating violence, domestic violence, or stalking: The written notice shall include the determination of the adjudication panel, any imposition of sanctions, and the rationales for the determination and sanctions. The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final. In addition, the written notice shall include any other steps the institution(s) have taken to eliminate the conduct and prevent its recurrence. The complainant will also receive written notice regarding remedies

offered or provided.

For all other complaints of sexual misconduct: The written notice shall include the determination of the adjudication panel. The respondent's written notice shall include any imposition of sanctions and the complainant's written notice shall include any imposition of sanctions that directly relates to the complainant. The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final. In addition, the written notice shall include any other steps the institution(s) have taken to eliminate the conduct and prevent its recurrence and the complainant's written notice will contain remedies offered or provided to the complainant.

Step 6: Appeal

Following the determination, the complainant or respondent may request an appeal of the decision. For cases involving students from both institutions, the request for an appeal must be typewritten, may not exceed 1,300 words, and must be submitted electronically to the Vice Presidents for Student Development (or their designees) at TitleIXAppeals@cbsjsu.edu within three (3) business days of the party's receipt of the notice of determination. For cases involving students from only one institution, the request for an appeal must be word processed, may not exceed 1,300 words, and must be submitted electronically to the Vice President for Student Development of that institution. An extension will be granted only when exceptional circumstances cause delay. Failure to file an appeal or request an extension in a timely manner constitutes a waiver of any right to an appeal.

The basis for an appeal will be limited to the following:

- New or newly discovered evidence that may substantially affect the outcome of the adjudication; or
- There was a procedural error which substantially affected the outcome of the adjudication.

Disagreement with the finding of the Adjudication Panel does not constitute a procedural error and is not grounds an appeal.

Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the complainant and respondent. In an appeal the burden of proof is on the appealing party to show that it is more likely than not that one or more of the above grounds for appeal are satisfied.

a. Determination of Whether Appeal Has Merit

The appeal request will be reviewed and considered by the Vice President(s) for Student Development of the institution(s) of the parties involved in the complaint. If the complaint involves parties from both institutions, the Vice President for Student Development who has received the appeal shall involve the Vice President for Student Development of the other institution and they shall consider and decide the outcome of the appeal. The Vice President(s) for Student Development will determine whether it is more likely than not that either or both of the above grounds for appeal are satisfied.

If, following review of the initial written appeal, there is not adequate reason to believe that one or more grounds for appeal has been satisfied, the Vice President(s) for Student Development may dismiss the appeal. This decision is final and is not appealable.

The Vice President(s) for Student Development will provide the complainant and respondent with simultaneous written notice of the outcome of the appeal request, within ten (10) business days of the filing of the appeal.

b. Determination on Remand.

If the Vice President(s) for Student Development of the institution(s) of the involved parties determine that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal may have reasonably been satisfied, the Vice President(s) for Student Development will remand the matter for further investigation and/or deliberations. The Vice President(s) for Student Development will determine whether the matter should be remanded to the adjudication panel or whether a new adjudication panel should review the matter. The Vice President(s) for Student Development may not change the adjudication panel's determination or the Dean(s) of Students' imposition of sanctions. Only the adjudication panel reviewing the matter on remand from an appeal may change the determination of the original adjudication panel, and based upon the new determination only the Dean(s) of Students may modify any of the sanctions previously imposed.

The parties will receive timely access to view any information and documents-not already provided to the parties during the investigation and initial adjudication phases-that will be used to adjudicate matter on remand.

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

Any member of the community who has a concern about potential sexual misconduct by a faculty or staff member should meet with the Associate HR Director (or in the case of a student's concern, may also meet with the Dean(s) of Students) to

discuss his or her concerns, determine options going forward, and learn about other resources available. To make a complaint under these Procedures, the following steps will generally be followed. For complaints involving a respondent who is a faculty or staff member, Procedure B.1 will be used for complaints of sexual assault, dating violence, domestic violence, and stalking and Procedure B.2 will be used for all other complaints of sexual misconduct.

B.1.: Complaint Procedures for Complaints of Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Step 1: Initiation of Complaint

Any member of the community may initiate a complaint proceeding. The complaint proceeding may be initiated at the request of the complainant upon submitting a report to the Associate HR Director, a Dean of Students, SJU Life Safety or CSB Campus Security. Students at the SJU School of Theology-Seminary may alternately submit their complaint form to the Rector or Dean of the School of Theology-Seminary, who will then refer the matter to the Dean(s) of Students and/or the Associate HR Director. The report should contain sufficient detail to enable the Associate HR Director (and in cases involving students, the Deans of Student(s) to make a determination as to whether the complaint falls within the Policy. When a complaint proceeding is initiated, the institution(s) may ask that a reporting party verify a written summary of an oral report. Any report be confirmed in a written and signed form. Reporting forms are available on the CSB and SJU Sexual Misconduct web page.

Upon receiving a report of a violation of the Policy, the institution(s) will seek the alleged victim's cooperation to proceed with a complaint proceeding using the Procedures set forth herein. In addition, circumstances may arise in which a complaint proceeding may be initiated (even without the alleged victim's participation) to protect the safety, integrity and welfare of the community as a whole. Generally, the Lead Title IX Coordinator(s) or designee(s) will make a determination of whether a complaint proceeding should be initiated. If the institution(s) decide that it has an obligation to move forward with a complaint proceeding regarding the alleged Policy violation, prior to proceeding with the complaint process, they will notify the alleged victim of their decision and of the option to have the institution(s) inform the respondent that the reporting party did not want to initiate the complaint process.

The institution(s) will accept anonymous complaints, but the institution(s) may be limited in their ability to investigate an anonymous complaint. See Sexual Misconduct Policy, Section III.A.4. - Anonymous Reporting.

The Associate HR Director and the Dean(s) of Students of the involved institutions, when the complaint involves a student, has discretion to refer the matter to other institutional procedures. This referral option will generally be used when: (1) the alleged behavior does not fall within the Policy or (2) the alleged behavior applies to another institutional procedure. If the Associate HR Director and the Dean(s) of Students of the involved institutions, in cases involving a student, determines that the report or complaint, even if substantiated, would not violate the Policy, he/she/they may dismiss the matter. The party will be notified of that determination and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

Step 2: Investigation

The investigation will be conducted by an appointed outside investigator, or at the institutions' discretion, SJU Life Safety or CSB Campus Security. The complainant and the respondent shall receive written notice of the name of the investigator appointed to conduct the investigation. The complainant or respondent may request the removal of the investigator on the grounds of personal bias or conflict of interest by submitting a typewritten statement identifying the basis for the concern to the Associate HR Director and/or Dean of Student(s) no later than two (2) business days after receiving the notice of the investigator. The Associate HR Director will determine whether to accept or deny the request. If the request is accepted, a replacement investigator will be appointed to conduct the investigation. The decision of the Associate HR Director with regard to the request is final and is not appealable. If the complainant or respondent believes the new investigator should be removed because of personal bias or conflict of interest, the complainant or respondent may initiate the same process seeking removal of the newly-assigned investigator by submitting a typewritten statement no later than two (2) business days after receiving the notice of the newly-assigned investigator.

The investigator will interview the complainant, respondent and/or other witnesses and may request additional information from the complainant, respondent or others. In addition, the complainant and respondent will have an opportunity to advise the investigator of any witnesses they believe should be interviewed, and/or other evidence that they believe should be reviewed by the investigator. The investigator, at his or her discretion, may decline to interview witnesses suggested by the parties and may interview witnesses who were not suggested by either party. Character or reputation evidence is generally considered to be irrelevant and will not be included as part of the investigation. If a party suggests witnesses solely for the purpose of providing general character or reputation evidence, the investigator may choose not to interview such witnesses and/or to not include information related to a party's general character/reputation in the investigation report. All interviews with the complainant, respondent, and other witnesses shall be recorded. The complainant and respondent shall receive timely notice of meetings at which the complainant or respondent or both will be present.

The parties will be notified of a close of evidence date. The parties shall submit any and all information and evidence believed to be relevant to the complaint by the close of evidence date. After the close of evidence date, the parties shall not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator determines otherwise.

Every attempt will be made to complete the investigation phase, including the issuing of the investigation report, within twenty-five (25) business days of the filing of the complaint or the referral from the informal process.

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

The investigator shall compile the investigation file, which shall consist of at least the complaint, the investigation written summary, and relevant documents, if any. The investigation written summary will include the names of all witnesses interviewed and dates on which interviews took place. The investigator will present the facts gathered, but will not make credibility determinations or otherwise evaluate the facts.

Step 3: Review of Investigation File in Cases Involving Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Following the appointment of the adjudicator, the investigation file will be made available for review by the complainant and respondent by making an appointment with the Associate HR Director and/or Dean(s) of Students during regular business hours. The HR Director and/or Dean(s) of Students will provide a five (5) business day review and response period for the parties to have access to review the investigation file and prepare a response to the investigation file, as discussed below. Information in the investigation file that cannot be shared with the complainant, respondent, or adjudicator may be redacted from the file in accordance with applicable law. The file cannot be photographed, copied, or removed from the Associate HR Director's office and/or the Dean(s) of Students office(s) or other location provided for review purposes. All parties (and their advisors) may take personal handwritten notes.

Following review of the investigation file, both the complainant and respondent shall have the opportunity to provide a typewritten initial statement to add clarifying information and/or identify information previously given to the investigator that is not included in the investigation report that the party believes should have been included. While the parties may be assisted by their advisors in preparation of the initial statement, the initial statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf, including any external reports. The initial statement shall not exceed 4,500 words. The statement must be submitted within five (5) business days provided for review and response described above. Submissions must be made electronically by email to the Associate HR Director and Dean(s) of Students, and must be submitted directly from the complainant or respondent, and not through an advisor or other representative.

The complainant and respondent shall have an opportunity to review the initial statement submitted by the other party and, if desired, may submit a typewritten rebuttal statement not to exceed 1,300 words. The HR Director and/or Dean(s) of Students will provide a three (3) business day review and response period for the parties to have access to review the initial statement and prepare a response to the initial statement, as discussed below.

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

The institutions will ensure that the complainant and respondent have been given equal opportunities to present relevant information for consideration during the investigation process.

At any time during the investigation and review phases, the Deputy Title IX Coordinator(s) may review the investigation file, the parties' initial and rebuttal statements, and other information or evidence to determine whether additional investigation is necessary, statements and documents submitted by the parties are within the appropriate scope of the investigation, and/or information or other evidence contained in the investigation file and the parties' written statements should be removed or redacted. In the event the Deputy Title IX Coordinator(s) request additional investigation, the parties shall be notified.

Step 4: Adjudication

In cases of alleged sexual misconduct by a staff member, the Director of Human Resources will generally serve as the adjudicator on issues of whether the Policy has been violated. In cases of alleged sexual misconduct by a faculty member, the Associate Dean will generally serve as the adjudicator on issues of whether the Policy has been violated. An alternative adjudicator may be appointed by the President or the President's designee in cases involving a conflict of interest, the appearance of a conflict of interest, or in other appropriate circumstances. The adjudicator will have received training on the Policy, the Procedures, issues relating to sexual misconduct, the rights of complainants and respondents, and applicable law before rendering any decision and may consult with the Associate HR Director and/or a Title IX Coordinator about such topics.

The adjudicator will review the complaint and investigation file. The adjudicator may, in his or her discretion, request additional investigation by the investigator or another appropriate individual. In the event that the adjudicator requests additional investigation, the complainant and respondent shall be notified.

The adjudicator will use a preponderance of the evidence standard to determine whether, based upon the information obtained from the investigation, it is more likely than not that the respondent is responsible for a Policy violation. The Associate HR Director and/or Title IX Coordinator shall be available to consult with the adjudicator, but will not participate in making the decision.

The determination of the adjudicator may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision of the adjudicator will be final.

a. Determination of "Not Established Responsible"

If the adjudicator determines, based upon the information obtained through the investigation, that there is not sufficient basis to establish that it is more likely than not that a respondent violated the Policy, the adjudicator will make a determination of "Not Established Responsible." This will be the decision if the adjudicator determines that it is more likely than not that a Policy violation did not occur or there is insufficient evidence to determine that it is more likely than not that the respondent violated the Policy. The complainant and respondent will be notified of the "Not Established Responsible" determination and of other steps that may be taken in response to the complaint such as "no contact" directives. The complainant will also be apprised of other resources that may be available.

b. Determination of "Responsible" and Imposition of Remedies/Sanctions

Faculty Respondent: If the adjudicator determines, based upon the information obtained through the investigation, that it is more likely than not that a faculty member respondent violated the Policy, the adjudicator will make a determination of "Responsible" and the matter will be referred to the Provost for appropriate sanctions. The adjudicator's determination will include steps to take to stop the misconduct, prevent its recurrence and, as appropriate, address its effect on the complainant and the community. Sanctions will be determined and administered in a manner consistent with the Faculty Handbook. Sanctions may include a variety of institutional responses or requirements and can include any of the following: verbal warning, written warning, required training, no-contact directives, suspension, suspension of promotion and salary increments, suspension or withdrawal of faculty privileges, and dismissal. In referring a finding of a violation by a faculty member to the Provost for sanctions, the adjudicator shall state whether the evidence establishes a violation by "clear and convincing evidence" such that dismissal for cause may be considered as a possible sanction under Section 2.13.6.5 of the Faculty Handbook.

Staff Respondent: If the adjudicator determines, based upon the information obtained through the investigation, that it is more likely than not that a staff member violated the Policy, the adjudicator will make a determination of "Responsible" and the staff member's supervisor, in consultation with Human Resources and Divisional Vice President, shall determine the appropriate sanctions, which shall be determined and administered in a manner consistent with the Administrative and Support Staff Handbook. The adjudicator's determination will include steps to take to stop the misconduct, prevent its recurrence and, as appropriate, address its effects on the complainant and the community. Sanctions may include a variety of institutional responses or requirements and can include any of the following: verbal warning, written warning, written reprimand, required training, no-contact directives, reassignment, suspension, probation, demotion, and dismissal.

c. Written Notice of Outcome

The complainant and respondent shall receive a simultaneous written notice of outcome within twenty-five (25) business days after completion of the investigation (including completion of any additional investigation conducted at the request of the adjudicator).

For complaints involving sexual assault, dating violence, domestic violence, or stalking: The written notice shall include the determination of the adjudicator, any imposition of sanctions, and the rationales for the determination and sanctions. The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final. In addition, the written notice shall include any other steps the institution(s) have taken to eliminate the conduct and prevent its recurrence. The complainant will also receive written notice regarding remedies offered or provided.

For all other complaints of sexual misconduct: The written notice shall include the determination of the adjudicator. The respondent's written notice shall include any imposition of sanctions and the complainant's written notice shall include any imposition of sanctions that directly relates to the complainant. The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final. In addition, the written notice shall include any other steps the institution(s) have taken to eliminate the conduct and prevent its recurrence and the complainant's written notice will contain remedies offered or provided to the complainant.

Step 5: Appeal

Following the determination, the complainant or respondent may request an appeal of the decision. A complainant or respondent who wishes to appeal shall submit a written statement of appeal, not to exceed 1,300 words, no later than three (3) business days after receiving the notice of outcome. The appeal shall be directed to the Lead Title IX Coordinator of the institution of the appealing party. The Lead Title IX Coordinator (in consultation with the Lead Title IX Coordinator of the institution of the non-appealing party when applicable), will be responsible for appointing an appropriate institutional official to oversee the appeal. Failure to file an appeal or request an extension in a timely manner constitutes a waiver of any right to an appeal.

The basis for an appeal will be limited to the following:

- New or newly discovered evidence that may substantially affect the outcome of the adjudication; or
- There was a procedural error which substantially affected the outcome of the adjudication.

Disagreement with the finding of the adjudicator does not constitute a procedural error and is not grounds an appeal.

Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the complainant and respondent. In an appeal the burden of proof is on the appealing party to show that it is more likely than not that one of the above grounds for appeal are satisfied.

The Lead Title IX Coordinator(s) or their designee(s) will review the appeal statement to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered.

The Lead Title IX Coordinators will determine whether the appeal will be considered within three (3) business days of receipt of the appeal. If it is determined that the appeal will be considered, the non-appealing party will be notified of the appeal. The non-appealing party may, if desired, submit a written response to the appeal, not to exceed 1,300 words. The written response to the appeal must be submitted to appointed appeal officer within three (3) business days of receiving notice of the appeal.

a. Determination of Whether Appeal Has Merit

The Lead Title IX Coordinator (in consultation with the Lead Title IX Coordinator of the institution of the non-appealing party when applicable), will be responsible for appointing an appropriate institutional official to oversee the appeal. The appeal request will be reviewed and considered by the appointed appeal official. The appeal official will determine whether it is more likely than not that either or both of the above grounds for appeal are satisfied.

If, following review of the initial written appeal, there is not adequate reason to believe that one or more grounds for appeal has been satisfied, the appeal official may dismiss the appeal. This decision is final and is not appealable.

The appeal official will provide the complainant and respondent with simultaneous written notice of the outcome of the appeal request, within ten (10) business days of the filing of the appeal.

b. Determination on Remand.

If the appeal official determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal may have reasonably been satisfied, the appeal official will remand the matter for further investigation and/or deliberations. The appeal official will determine whether the matter should be remanded to the adjudicator or whether a new adjudicator should review the matter. The appeal official may not change the adjudicator's determination or sanctions. Only the adjudicator reviewing the matter on remand from an appeal may change the determination of the original adjudicator, and based upon the new determination only the Provost (in cases involving a faculty member) or Divisional Vice President (in cases involving a staff member) may modify any of the sanctions previously imposed.

The parties will receive timely access to view any information and documents-not already provided to the parties during the investigation and initial adjudication phases-that will be used to adjudicate matter on remand.

B.2.: Complaint Procedure for all other Complaints of Sexual Harassment. The procedures for a complaint under B.2 are not subject to the same requirements as the procedures for a complaint under B.1.

Step 1: Initiation of Complaint

Any member of the community may initiate a complaint proceeding. The complaint proceeding may be initiated at the request of the complainant upon submitting a report to the Associate HR Director or a Dean of Students. Students at the SJU School of Theology-Seminary may alternately submit their complaint form to the Rector or Dean of the School of Theology-Seminary, who will then refer the matter to the Dean(s) of Students and/or the Associate HR Director. The report should contain sufficient detail to enable the Associate HR Director (and in cases involving students, the Dean(s) of Students) to make a determination as to whether the complaint falls within the Policy. When a complaint proceeding is initiated, the institution(s) may ask that a reporting party verify a written summary of an oral report. Reporting forms are available on the CSB and SJU Sexual Misconduct web page.

Upon receiving a report of a violation of the Policy, the institution(s) will seek the alleged victim's cooperation to proceed with a complaint proceeding using the Procedures set forth herein. In addition, circumstances may arise in which a complaint proceeding may be initiated (even without the alleged victim's participation) to protect the safety, integrity and welfare of the community as a whole. Generally, the Lead Title IX Coordinator(s) or designee(s) will make a determination of whether a complaint proceeding should be initiated. If the institution(s) decide that it has an obligation to move forward

with a complaint proceeding regarding the alleged Policy violation, prior to proceeding with the complaint process, they will notify the alleged victim of their decision and of the option to have the institution(s) inform the respondent that the alleged victim did not want to initiate the complaint process.

The institution(s) will accept anonymous complaints, but the institution(s) may be limited in their ability to investigate an anonymous complaint. See Sexual Misconduct Policy, Section III.A.4. - Anonymous Reporting.

The Associate HR Director and the Dean(s) of Students of the involved institutions, when the complaint involves a student, has discretion to refer the matter to other institutional procedures. This referral option will generally be used when: (1) the alleged behavior does not fall within the Policy or (2) the alleged behavior applies to another institutional procedure. If the Associate HR Director and the Dean(s) of Students in cases involving a student, determines that the report or complaint, even if substantiated, would not violate the Policy, he/she/they may dismiss the matter. The party will be notified of that determination and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

Step 2: Investigation

An investigation will be conducted by SJU Life Safety, CSB Campus Security, or, at the discretion of the institution(s), an appointed outside investigator. The complainant and the respondent shall receive written notice of the name of the investigator appointed to conduct the investigation. The complainant or respondent may request the removal of the investigator on the grounds of personal bias or conflict of interest by submitting a typewritten statement identifying the basis for the concern to the Associate HR Director and/or Dean of Student(s) no later than two (2) business days after receiving the notice of the investigator. The Associate HR Director will determine whether to accept or deny the request. If the request is accepted, a replacement investigator will be appointed to conduct the investigation. The decision of the Associate HR Director with regard to the request is final and is not appealable. If the complainant or respondent believes the new investigator should be removed because of personal bias or conflict of interest, the complainant or respondent may initiate the same process seeking removal of the newly-assigned investigator by submitting a typewritten statement no later than two (2) business days after receiving the notice of the newly-assigned investigator.

The investigator will interview the complainant, respondent and/or other witnesses and may request additional information from the complainant, respondent or others. In addition, the complainant and respondent shall have an opportunity to advise the investigator of any witnesses they believe should be interviewed, and/or other evidence that they believe should be reviewed by the investigator. The investigator, at his or her discretion, may decline to interview witnesses suggested by the parties and may interview witnesses who were not suggested by either party. Character or reputation evidence is generally considered to be irrelevant and will not be included as part of the investigation. If a party suggests witnesses solely for the purpose of providing general character or reputation evidence, the investigator may choose not to interview such witnesses and/or to not include information related to a party's general character/reputation in the investigation report.

The parties will be notified of a close of evidence date. The parties shall submit any and all information and evidence believed to be relevant to the complaint by the close of evidence date. After the close of evidence date, the parties shall not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator determines otherwise.

Every attempt will be made to complete the investigation process within twenty-five (25) business days of the filing of the complaint. The investigator shall provide a written summary of the investigation to the Associate HR Director and to the Dean(s) of Students when the complaint involves a student. The investigator will present the facts gathered, but is not responsible for making credibility determinations or otherwise evaluating the facts.

Step 3: Adjudication

In cases of alleged sexual misconduct by a staff member, the Director of Human Resources will generally serve as the adjudicator on issues of whether the Policy has been violated. In cases of alleged sexual misconduct by a faculty member, the Associate Dean will generally serve as the adjudicator on issues of whether the Policy has been violated. An alternative adjudicator may be appointed by the President or the President's designee in cases involving a conflict of interest, the appearance of a conflict of interest, or in other appropriate circumstances. The adjudicator will have received training on the Policy, these Procedures, issues relating to sexual harassment, the rights of complainants and respondents, and applicable law before rendering any decision and may consult with the Associate HR Director and/or a Title IX Coordinator about such topics.

The adjudicator will review the complaint and investigation file. The adjudicator may, in his or her discretion, request additional investigation by the investigator or another appropriate individual.

The adjudicator will use a preponderance of the evidence standard to determine whether, based upon the information obtained from the investigation, it is more likely than not that the respondent violated the Policy. The Associate HR Director and Dean(s) of Students shall be available to consult with the adjudicator, but will not participate in making the decision.

The determination of the adjudicator may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision of the adjudicator will be final.

a. Determination of "Not Established Responsible"

If the adjudicator determines, based upon the information obtained through the investigation, that there is not sufficient basis to establish that it is more likely than not that a respondent violated the Policy, the adjudicator will make a determination of "Not Established Responsible." This will be the decision if the adjudicator determines that it is more likely than not that a Policy violation did not occur or there is insufficient evidence to determine that it is more likely than not that the respondent violated the Policy. The complainant and respondent will be notified of the "Not Established Responsible" determination and of other steps that may be taken in response to the complaint such as "no contact" directives. The complainant will also be apprised of other resources that may be available.

b. "Responsible" Determination and Imposition of Remedies/Sanctions

Faculty Respondent: If the adjudicator determines, based upon the information obtained through the investigation, that it is more likely than not that a faculty member violated the Policy, the adjudicator will make a determination of "Responsible" and the matter will be referred to the Provost for appropriate sanctions. The adjudicator's determination will include steps to take to stop the misconduct, prevent its recurrence and, as appropriate, address its effect on the complainant and the community. Sanctions will be determined and administered in a manner consistent with the Faculty Handbook. Appropriate sanctions include, but are not limited to verbal warning, written warning, required training, no-contact directives, suspension, suspension of promotion and salary increments, suspension or withdrawal of faculty privileges, and dismissal. In referring a finding of a violation by a faculty member to the Provost for sanctions, the adjudicator shall state whether the evidence establishes a violation by "clear and convincing evidence" such that dismissal for cause may be considered as a possible sanction under Section 2.13.6.5 of the Faculty Handbook.

Staff Respondent: If the adjudicator determines, based upon the information obtained through the investigation, that it is more likely than not that a staff member is violated the Policy, the adjudicator will make a determination of "Responsible" and the staff member's supervisor, in consultation with Human Resources and Divisional Vice President, shall determine the appropriate sanctions, which shall be determined and administered in a manner consistent with the Administrative and Support Staff Handbook. The adjudicator's determination will include steps to take to stop the misconduct, prevent its recurrence and, as appropriate, address its effects on the complainant and the community. Appropriate sanctions include, but are not limited to verbal warning, written warning, written reprimand, required training, no-contact directives, reassignment, suspension, probation, demotion, and dismissal.

c. Written Notice of Outcome

The complainant and respondent shall receive a written notice of outcome within twenty-five (25) business days after completion of the investigation (including completion of any additional investigation conducted at the request of the adjudicator). The respondent's written notice shall include any imposition of sanctions and the complainant's written notice shall include any imposition of sanctions that directly relates to the complainant.

The written notice will also include information about the procedures for appeal, as set forth below, and when the result becomes final.

Step 4: Appeal

Following the determination, the complainant or respondent may request an appeal of the decision. A complainant or respondent who wishes to appeal shall submit a written statement of appeal, not to exceed 1,300 words, no later than three (3) business days after receiving the notice of outcome. The appeal shall be directed to the Lead Title IX Coordinator of the institution of the appealing party. The Lead Title IX Coordinator (in consultation with the Lead Title IX Coordinator of the institution of the non-appealing party when applicable), will be responsible for appointing an appropriate institutional official to oversee the appeal. Failure to file an appeal or request an extension in a timely manner constitutes a waiver of any right to an appeal.

The basis for an appeal will be limited to the following:

- New or newly discovered evidence that may substantially affect the outcome of the adjudication; or
- There was a procedural error which substantially affected the outcome of the adjudication.

Disagreement with the finding of the adjudicator does not constitute a procedural error and is not grounds an appeal.

Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the complainant and respondent. In an appeal the burden of proof is on the appealing party to show that it is more likely than not that one of the above grounds for appeal are satisfied.

The Lead Title IX Coordinator(s) or their designee(s) will review the appeal statement to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered.

The Lead Title IX Coordinator(s) or their designee(s) will determine whether the appeal will be considered within three (3) business days of receipt of the appeal. If it is determined that the appeal will be considered, the non-appealing party will be notified of the appeal. The non-appealing party may, if desired, submit a written response to the appeal, not to exceed

1,300 words. The written response to the appeal must be submitted to the appointed appeal official within three (3) business days of receiving notice of the appeal.

a. Determination of Whether Appeal Has Merit

The Lead Title IX Coordinator (in consultation with the Lead Title IX Coordinator of the institution of the non-appealing party when applicable), will be responsible for appointing an appropriate institutional official to oversee the appeal. The appeal request will be reviewed and considered by the appointed appeal official. The appeal official will determine whether it is more likely than not that either or both of the above grounds for appeal are satisfied.

If, following review of the initial written appeal, there is not adequate reason to believe that one or more grounds for appeal has been satisfied, the appeal official may dismiss the appeal. This decision is final and is not appealable.

The appeal official will provide the complainant and respondent with simultaneous written notice of the outcome of the appeal request, within ten (10) business days of the filing of the appeal.

b. Determination on Remand.

If the appeal official determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal may have reasonably been satisfied, the appeal official will remand the matter for further investigation and/or deliberations. The appeal official will determine whether the matter should be remanded to the adjudicator or whether a new adjudicator should review the matter. The appeal official may not change the adjudicator's determination or sanctions. Only the adjudicator reviewing the matter on remand from an appeal may change the determination of the original adjudicator, and based upon the new determination only the Provost (in cases involving a faculty member) or Divisional Vice President (in cases involving a staff member) may modify any of the sanctions previously imposed.

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

Any member of the community who has a concern about potential sexual misconduct by an Associate or third party should report their concern to the Associate HR Director, Dean(s) of Students, and/or Lead Title IX coordinator(s).

Upon receiving a report of potential sexual misconduct by an associate or third party, the Associate HR Director and/or Dean(s) of Students will involve the appropriate administrative officials to make a determination of how to handle the complaint. The administrative official, in consultation with the Lead or a Deputy Title IX Coordinator, may exercise discretion to determine an appropriate investigative and adjudication process based on the facts and circumstances. The administrative official will document the report received, process used, and the outcome and will submit such information to the Lead Title IX Coordinator. CSB and/or SJU will notify the parties and, if applicable, employing entities that contract with CSB and/or SJU, of the outcome of the complaint. Associates and third parties may not appeal the decision made. A complainant or respondent with concerns about the process or outcome, however, should consult with the Lead Title IX Coordinator(s).

VIII. External Complaints

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

VIII. Contact Information

College of Saint Benedict	
Chief of Staff Lead Title IX Coordinator	Kathryn Enke, kenke@csbsju.edu , 320-363-5070

Vice President for Student Development Deputy Title IX Coordinator	Mary Geller, mgeller@csbsju.edu , 320-363-5601
Dean of Students Deputy Title IX Coordinator	Jody Terhaar, jterhaar@csbsju.edu , 320-363-5270
Associate HR Director Deputy Title IX Coordinator	Judy Bednar, jbednar@csbsju.edu , 320-363-5071
Security Director	Darren Swanson, dswanson@csbsju.edu , 320-363-5000
Saint John's University (including School of Theology)	
Chief of Staff Lead Title IX Coordinator	Patti Epsky, pepsky@csbsju.edu , 320-363-2246
Vice President for Student Development Deputy Title IX Coordinator	Doug Mullin, OSB, dmullin@csbsju.edu , 320-363-2737
Dean of Students Deputy Title IX Coordinator	Michael Connolly, mconnolly@csbsju.edu , 320-363-3171
Associate HR Director Deputy Title IX Coordinator	Judy Bednar, jbednar@csbsju.edu , 320-363-5071
Life Safety Services Director	Shawn Vierzba, svierzba@csbsju.edu , 320-363-2144
Dean, School of Theology Seminary Deputy Title IX Coordinator	Dale Launderville, OSB, dlaundervill@csbsju.edu 320-363-3389
Seminary Rector Deputy Title IX Coordinator	Michael Patella, mpatella@csbsju.edu , 320-363-2108

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

[CSB/SJU Sexual Misconduct Complaint Procedures](#)

Approved September 2016

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.

Refer to the [CSB/SJU Complaint Procedure for Sexual Misconduct Violations Policy](#) for details concerning the process.

Crime Report Statistics

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

DEFINITION OF CATEGORIES (reportable offenses only)

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

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

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

Dating Violence: means violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victims, and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction between the persons involved in the relationship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEFINITION OF CAMPUS GEOGRAPHY

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

ON-CAMPUS *encompasses any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, of in a manner related to, the institution's educational purposes, including residence halls; and, any building or property that is within or reasonably contiguous to the aforementioned areas that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). NOTE: Statistics for campus housing facilities are recorded and displayed as a "subset" to the total offenses that have occurred on campus. They are part of, not in addition to, the statistics noted as "ON-CAMPUS".*

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

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

TIMELY WARNINGS

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

REPORTING PROCEDURES

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

Incident reports are investigated and documented by security personnel (CSB Security or SJU Life Safety, as appropriate). Victims, witnesses, and other individuals with knowledge of the facts of the incident may also be interviewed by the Dean of Students on each respective campus. All investigative information obtained is ultimately forwarded to and reviewed by the Deans of Students for potential disciplinary action.

Students, faculty, and staff: click [HERE](#) to report a non-emergency crime to your security department. For EMERGENCIES, please dial 9-9-1-1 (from a campus phone) or 9-1-1 (from a non-campus phone).

REPORTING TO LOCAL LAW ENFORCEMENT

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

Click the below links to view reportable crime statistics for the past three complete years (2015-2017):

[CSB - Campus Crime Statistics](#)

[SJU - Campus Crime Statistics](#)

NOTE: Crimes Manifesting Evidence of Prejudice (Bias Crimes). There were no bias crimes reported to authorities at the College of Saint Benedict or Saint John's University during the three-year period covered by this report (2015-2017).

FIRE SAFETY at the College of Saint Benedict

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

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

RESIDENCE HALLS (Aurora, Corona, Regina, Lottie, Margareta, & Brian)

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

All residence halls are fully equipped with fire sprinkling systems. Richarda Hall is currently not equipped with a sprinkler system. Annual inspections of sprinkling systems are conducted by a private company contracted by the College and are coordinated through the Physical Plant.

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

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

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

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

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

CENTENNIAL TOWNHOMES (Wedl, Wagner, Kapsner, Olheiser)

Newly constructed townhomes were fully occupied in 2012. Smoke detectors connected to the building's power grid are installed in all bedrooms and hallways with testing occurring each year. Fire extinguishers (checked monthly) are installed in each kitchen. Each house is equipped with a carbon dioxide detector. Furnace filters are checked and replaced monthly by maintenance staff facilitated through the Facilities Management Division.

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

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

During this reporting period (2015-2017), the College of Saint Benedict owned several houses located in the adjacent community of St. Joseph. Battery operated smoke detectors are installed in all bedrooms at these properties with annual testing and battery replacement occurring each year during the city's inspection process for rental licensing purposes.

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

Supervised Fire Drills

Mandatory, unannounced fire drills are conducted for each residence hall (and academic facilities) during the fall of each year. Efforts are made to complete the drills early in the semester to provide timely training of fire evacuation procedures. Fire drills are often conducted with the assistance and cooperation of the St. Joseph Fire Department thereby offering a more realistic, coordinated response to benefit not only our students but local fire response units as well.

Fire-Related Policies

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

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

Fire Safety Education & Training

Students, faculty and staff have on-line access to emergency response information at <http://www.csbsju.edu/Documents/About/EmergencyRe-WEB.pdf>. This website provides instructions to be followed in the event of fire or other emergencies. Procedures specific to fire emergencies are as follows:

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

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

If there is smoke:

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

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

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

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

In the case of fire:

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

ALWAYS TAKE FIRE ALARMS SERIOUSLY.

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

Evacuation Policy & Procedures

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

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

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

CSB - Fire Safety Statistics

SJU - Fire Safety Statistics

FIRE SAFETY

Saint John's University (Collegeville, Minnesota)

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

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

Fire Protection

The Saint John's Fire Department was formally organized in 1939, staffed by members of the monastic community. Stationed on the Saint John's campus, it provides a trained, resident crew to protect against fire and to respond to any emergency request. It protects over 90 structures and 2800 staff, students, and monks. It participates in the area's mutual aid fire group—the Central Minnesota Fire Aid Association. The Fire Department is presently staffed with volunteers from the monastery, lay workers, and students. All members train according to NFPA standards for interior/structural firefighting. The Department apparatus includes two pumper trucks, a 102 foot aerial truck, a grass fire rig, and a medical response unit.

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

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

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

I. DEFINITIONS

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

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

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

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

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

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

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

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

II. RESIDENCE FIRE DRILLS

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

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

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

III. FIRE AND SAFETY EDUCATION

The Fire Department promotes safety through presentations for dormitory staff members, fire extinguisher training, and drills. The FD conducts a fire safety training session with all the student Residential Assistants who live on each of the floors of the residence halls. This training information acquaints the staff with fire safety, common hazards in dormitories or apartments, evacuation skills, and accountability for residents.

IV. FIRE SAFETY IMPROVEMENTS AND UPGRADES

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

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

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

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

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

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

- <http://www.csbsju.edu/Environmental-Health-Safety/Programs/Fire-Safety.htm#drill>
- <http://www.csbsju.edu/SJU-Student-Development/J-Book/University-Policies.htm#cords>
- <http://www.csbsju.edu/Documents/About/EmergencyRe-WEB.pdf>

Residential Fire Safety Systems

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

Residence	Central Fire Alarm	Detectors	Sprinkler System	Fire	Evacuation	Emergency	Fire Drills Each Year
Building	Monitoring			Extinguishers	Plans	Guides	
	24 hr/day				Posted	Posted	

Benet Hall	Yes	Smoke	Yes	Yes	Yes	Yes	2
		Heat					
		Pull Stations					
Bernard Hall	Yes	Smoke	Yes	Yes	Yes	Yes	2
		Heat					
Boniface Hall	Yes	Smoke	Yes	Yes	Yes	Yes	2
		Heat					
Emmaus Hall	Yes	Smoke	Yes	Yes	Yes	Yes	2
		Heat					
		Pull Stations					
Flyntown Apts.	Yes	Smoke	Yes	Yes		Yes	2
		CO					
St. Francis House	Yes	Smoke	Yes	Yes	Yes	Yes	2
		Heat					
St. Gregory House	Yes	Smoke	Yes	Yes	Yes	Yes	2
		Heat					
St. Joseph Hall	Yes	Smoke	Yes	Yes	Yes	Yes	2
		Heat					
		Pull Stations					
Marmion House	Local Alarm System	Smoke		Yes		Yes	
		CO					
Mary Hall	Yes	Smoke	Yes	Yes	Yes	Yes	2

		Heat					
		Pull Stations					
St. Maur Apts.	Yes	Smoke	Yes	Yes		Yes	
Metten Court Apts.	Yes	Smoke	Yes	Yes		Yes	
		CO					
Patrick Hall	Yes	Smoke	Yes	Yes	Yes	Yes	2
		Heat					
St. Placid Apts.	Yes	Smoke	Yes	Yes		Yes	
St. Thomas Hall	Yes	Smoke	Yes	Yes	Yes	Yes	2
		Heat					
Seton Apts.	Yes	Smoke		Yes		Yes	
Vincent Court Apts.	Yes	Smoke	Yes	Yes		Yes	
		CO					
Virgil Michel Apts.	Yes	Smoke	Yes	Yes	Yes	Yes	2
		Heat					
Tholl House	No	Smoke	No	Yes	No	Yes	0
		CO					
Huschle House	No	Smoke	No	Yes	No	Yes	0
		CO					

V. FIRE SAFETY REGULATIONS

At the beginning of each academic year the Fire Department and the Life Safety Services Office conduct a fire and safety inspection in each on-campus residence hall, apartment building, or house. Students receive written notices of safety problems. Follow up inspections are then performed to see that appropriate corrective actions have been completed.

This list identifies some common fire and safety problems, but the inspection teams will advise residents of other safety problems that exist and ways to correct them.

- Extension cords and multi-tap electric units without a breaker
- Items hanging on or blocking the operation of sprinkler system or detectors
- Indoor storage of flammable products such as charcoal, lighter fluid, gasoline, or propane cylinders
- Blocking of egress (exit) pathways
- Use of candles, incense, or other burning or open flame items
- Use of portable heater
- Use of halogen lamp/lighting
- Use of lava lamps
- Unsafe lofting or raising of beds

VII. SMOKING POLICY

The Order of Saint Benedict prohibits smoking and the use of tobacco products in all campus buildings. Smoking is prohibited in all residence areas. Smoking outside of campus buildings must take place at least 25 feet from an entrance and/or exit. Receptacles have been provided outside all residence areas. See also the Minnesota Clean Indoor Air Act "Freedom to Breathe" which prohibits cigarette smoke in public places and takes effect October 1, 2007.

Information Resources

Faculty and Staff handbooks

CSB Department of Security, Mary Hall Commons

SJU Department of Life Safety Services, St. Thomas Hall (lower level)

CSB - Bennie Book / SJU - J-Book

- CSB/SJU policies
- Catalog of CSB/SJU resources
- Judicial System/Grievance Procedures
- Alcohol policies
- Minnesota Liquor Law (excerpts)
- St. Joseph Liquor and Noise Ordinances (summary)
- CSB/SJU building schedules and open hours

Human Resources Office, CSB, Main 240

- Human Rights Statement
- Policy on Sexual Harassment
- Policy on Sexual Misconduct
- Complaint Procedures for Human Rights Violations

Crisis Management Policies/Procedures

- CSB Department of Security (Mary Commons), or
- CSB Communications and Marketing Services
- SJU Department of Life Safety Services (St. Thomas Hall-lower level), or
- SJU Communications and Marketing Services

Crime Prevention materials

- CSB Department of Security (Mary Commons)
- CSB Counseling Center, (CSB Health Center)
- Student Human Rights and Diversity, CSB, Murray Hall
- SJU Department of Life Safety Services (St. Thomas Hall-lower level)
- SJU Counseling Office, Mary Hall, Ground Floor 010

Statistics on campus crime and fire safety

- CSB Department of Security (Mary Commons)
- CSB/SJU Human Resources Office, CSB, Main 240
- SJU Department of Life Safety Services (St. Thomas Hall-lower level)
- The Record, student newspaper

Key Policy & Procedures

Facility Maintenance Department, CSB, Main G43, Physical Plant Department

Emergency Numbers

CSB Department of Security: 320-363-5000

- Mary Hall Commons
- College of Saint Benedict
- 37 South College Avenue
- St. Joseph, MN 56374

SJU Department of Life Safety Services: 320-363-2144

- St. Thomas Hall
- St. John's University
- P. O. Box 2000
- Collegeville, MN 56321

Emergency/Outside agencies

- EMERGENCY 9-911
- Gold Cross Ambulance: 9-320-251-8505
- [St. Cloud Hospital](#): 9-320-251-2700
- [St. Cloud Police Department](#): 9-320-251-1200
- [St. Joseph Police Department](#): 9-320-363-8250
- [Stearns County Sheriff's Department](#): 9-320-251-4240

Emergency/campus dispatch: 9-1-1

CSB Health Center: 5605

HealthPartners Central MN Clinics - SJU Campus: 320-203-2430