

# Title IX and Sexual Misconduct Policy of the College of Saint Benedict and Saint John's University

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

## I. Purpose

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

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

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## II. Non-Discrimination

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

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

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

violate the sacredness of the person, weaken the health of the community, and are antithetical to the missions of our Institutions.

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

Questions or concerns regarding Title IX, sex discrimination, or Sexual Misconduct may be directed to the Institutions' Title IX Coordinators, listed below, or to the Assistant Secretary for Civil Rights at the Department of Education, or both.

**CSB Title IX Coordinator:**

Jody Terhaar, Dean of Students  
[jterhaar@csbsju.edu](mailto:jterhaar@csbsju.edu)  
320-363-5270  
37 South College Ave.  
Saint Joseph, MN 56374

**SJU Title IX Coordinator:**

Amanda Erdman, Dean of Students  
[aerdman001@csbsju.edu](mailto:aerdman001@csbsju.edu)  
320-363-3120  
2850 Abbey Plaza  
Collegeville, MN 56321

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### III. Scope

This policy applies to all members of CSB and SJU's community, including but not limited to, students, employees, faculty, staff, administrators, applicants for admission or employment, Board of Trustee members, and third parties such as volunteers, vendors, independent contractors, visitors, and any individuals and entities that do business with CSB or SJU or are regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with CSB and/or SJU or on CSB and/or SJU property. This Policy may also apply to individuals who interact with the Institutions' community members under certain circumstances. All CSB and SJU members are required to follow CSB and/or SJU policies and local, state, and federal law.

This Policy applies to Sexual Misconduct committed by or against a CSB and/or SJU community member, including conduct occurring on campus or CSB and/or SJU property like a residence hall, classroom or on-campus event, conduct that occurs at CSB and/or SJU-sanctioned events or programs that take place off campus, such as study abroad and internships, and off-campus conduct that may: (1) have continuing adverse effects on campus, CSB and/or SJU property, or in a CSB and/or SJU program or activity; (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, CSB and/or SJU property, or in a CSB and/or SJU program or activity; or (3) create a hostile environment for community members on campus, CSB and/or SJU property, or in a CSB and/or SJU program or activity.

This Policy applies to Sexual Misconduct within the scope of Title IX, as well as Sexual Misconduct committed by or against a CSB or SJU community member that does not fall within the scope of Title IX. More information about what Sexual Misconduct falls within the scope of Title IX is provided in Section VI. Prohibited Conduct below and more information about the process applicable to different types of Sexual Misconduct is provided in Section X., General Provisions for Complaint Resolution Process, below.

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

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## IV. Title IX Coordinator and Title IX Team

The CSB and SJU Title IX Coordinators are responsible for the coordination of the Institutions' Title IX compliance efforts, including the Institutions' efforts to end Sexual Misconduct, prevent its recurrence, and address its effects. The Title IX Coordinators oversee and monitor the Institutions' overall compliance with Title IX-related policies and developments and the administration of this Policy; the implementation of complaint resolution processes, including investigation and adjudication of all formal complaints of Sexual Misconduct; the provision of educational materials and training for the campus community; and all other aspects of the Institutions' Title IX compliance. These responsibilities include, but are not limited to:

- Ensuring the Institutions' policies and procedures and relevant state and federal laws are followed;
- Informing any individual, including a complainant, a respondent or another individual, about the procedural options and processes used by CSB and SJU and about resources available at CSB and SJU and in the community;
- Training and assisting the Institutions' employees regarding how to respond appropriately to a report of sex discrimination or Sexual Misconduct;
- Monitoring full compliance with all procedural requirements and time frames outlined in this Policy;
- Evaluating allegations of bias or conflict of interest relating to this Policy;
- Determining whether grounds for appeal under this Policy have been stated;
- Ensuring that appropriate training, prevention and education efforts, and periodic reviews of the Institutions' climate and culture take place;
- Coordinating the Institutions' efforts to identify and address any patterns or systemic problems revealed by reports and formal complaints;
- Recordkeeping of all incidents reported to the Title IX Coordinators;
- Complying with written notice requirements of the Violence Against Women Act; and
- Assisting in answering any other questions related to this Policy.

Questions regarding this policy should be directed to the Title IX Coordinators.

The Deputy Title IX Coordinators assist with case management, training, and prevention. Other trained individuals may also be called upon to investigate or adjudicate formal complaints of Sexual Misconduct, review appeals, and/or facilitate informal resolutions to formal complaints.

The Title IX Coordinators may appoint a designee to fulfill the functions of the Coordinator under this Policy. When this Policy refers to actions of the Title IX Coordinator(s), these actions may be fulfilled by a Title IX Coordinator or a Title IX Coordinator's designee.

### **Title IX Coordinators:**

#### **CSB Title IX Coordinator:**

Jody Terhaar, Dean of Students  
[jterhaar@csbsju.edu](mailto:jterhaar@csbsju.edu)  
320-363-5270  
37 South College Avenue  
Saint Joseph, MN 56374

#### **SJU Title IX Coordinator:**

Amanda Erdman, Dean of Students  
[aerdman001@csbsju.edu](mailto:aerdman001@csbsju.edu)  
320-363-3120  
2850 Abbey Plaza  
Collegeville, MN 56321

### **Deputy Coordinators:**

#### **CSB:**

Janet Satern  
Assistant Dean of Students  
[jsatern001@csbsju.edu](mailto:jsatern001@csbsju.edu)  
320-363-5992

Jessica Reiter  
Human Resources Partner  
[jreiter@csbsju.edu](mailto:jreiter@csbsju.edu)  
320-363-5516

Kelly Anderson Diercks  
CSB Athletic Director  
[kellyad@csbsju.edu](mailto:kellyad@csbsju.edu)  
320-363-5201

Jennifer Schaefer  
Interim Dean of the Faculty  
[jschaefer@csbsju.edu](mailto:jschaefer@csbsju.edu)  
(320) 363-5401

#### **SJU:**

Daryl Bass  
Assistant Dean of Students  
[dbass001@csbsju.edu](mailto:dbass001@csbsju.edu)  
(320) 363-2045

Jessica Reiter  
Human Resources Partner  
[jreiter@csbsju.edu](mailto:jreiter@csbsju.edu)  
320-363-5516

Scott Bierscheid  
SJU Head Athletic Trainer  
[sbierscheid@csbsju.edu](mailto:sbierscheid@csbsju.edu)  
320-363-3813

Patricia Weishaar  
Director of Student Life  
School of Theology and Seminary  
[pweishaar@csbsju.edu](mailto:pweishaar@csbsju.edu)  
320-363-2113

Jennifer Schaefer  
Interim Dean of the Faculty  
[jschaefer@csbsju.edu](mailto:jschaefer@csbsju.edu)  
(320) 363-5401

## V. Definitions

**Complainant** refers to an individual who is alleged to be the victim of conduct that could violate this Policy.

**Respondent** refers to an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.

A **report** is an account of the Sexual Misconduct that has allegedly occurred that has been provided to the CSB or SJU by the complainant, a third party, or an anonymous source.

A **formal complaint** is a document filed by a complainant or signed by a Title IX Coordinator alleging a violation of this Policy and requesting that CSB and/or SJU investigate the allegation of the Policy violation. A formal complaint begins the complaint resolution process as set forth in Section X. General Provisions for Complaint Resolution Process below.

**Sexual Misconduct** as used in this Policy means the following forms of sex discrimination and other misconduct: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Stalking, Domestic Violence, Dating Violence, and Sexual Exploitation, as each of those terms is defined below.

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

The definition of consent is subject to the following:

Consent is active, not passive. Silence or the absence of resistance or saying “no,” in and of themselves, cannot be interpreted as consent.

- Consent to one form of sexual activity does not, by itself, constitute consent to any other forms of sexual activity.
- Previous relationships or prior consent do not, by themselves, constitute consent to future sexual acts. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.
- Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.

- An existing sexual, romantic, or marital relationship does not, by itself, constitute consent.
- Prior sexual activity with other individuals does not imply consent.
- Consent cannot be procured, expressly or implicitly, by use of force, intimidation, threats, or **coercion**, as that term is defined below.
- An individual known to be – or who should be known to be – **incapacitated**, as defined by the Policy, cannot consent to sexual activity initiated by another individual.
- Use of alcohol or other drugs will never function to excuse behavior that violates this Policy.
- In order to give consent, one must be of legal age (16).

**Coercion** is conduct or intimidation that would compel an individual to do something against their will by: (1) the use of physical force, (2) threats of severely damaging consequences, or (3) pressure that would reasonably place an individual in fear 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 uses to obtain consent from another.

**Incapacitation** means the physical and/or mental 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 just because they have been drinking or using drugs. Where drugs and/or alcohol are involved, incapacitation is determined based on the facts and circumstances of the particular situation looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation, whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent, and whether such condition was known or reasonably known to the respondent or a reasonable sober person in respondent's position.

Use of drugs or alcohol by the accused is not a defense against allegations of Sexual Misconduct. Regardless of their own level of intoxication, individuals who are initiating sexual contact are always responsible for obtaining consent before proceeding with sexual activity.

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



**On the Basis of Sex:** For the purposes of the Title IX Sexual Harassment and Non-Title IX Sexual Harassment definitions below, conduct is on the basis of sex when it is sexual in nature or is referencing or aimed at a particular sex.

**Reasonable Person:** For the purposes of the Title IX Sexual Harassment and Non-Title IX Sexual Harassment definitions below, reasonable person means a reasonable person in the shoes of the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident.

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## VI. Prohibited Conduct

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

### A. Title IX Sexual Harassment

As used in this Policy, Title IX Sexual Harassment includes conduct on the basis of sex that satisfies one or more of the following definitions, when the conduct occurs (1) in CSB and/or SJU's education program or activity and (2) against a person in the United States.

1. **Title IX Quid Pro Quo Harassment:** Title IX Quid Pro Quo Harassment occurs when an employee of CSB and/or SJU, including a student-employee, conditions the provision of an aid, benefit, or service of CSB or SJU on an individual's participation in unwelcome sexual conduct. Such unwelcome sexual conduct could include, but is not limited to, sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature.
2. **Title IX Hostile Environment Harassment:** Title IX Hostile Environment Harassment is unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the CSB and/or SJU's education program or activity.

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

- Unwelcome sexual flirtations, advances, or propositions;
- Requests for sexual favors;
- Punishing or threatening to punish a refusal to comply with a sexual-based request;
- Offering a benefit (such as a grade, promotion, or athletic participation) in exchange for sexual favors or other verbal or physical conduct of a sexual nature;

- Verbal abuse of a sexual nature, obscene language, gender- or sexually-oriented jokes, verbal commentary about an individual's body, sexual innuendo, and gossip about sexual relations;
- The display of derogatory or sexually suggestive posters, cartoons, drawings, or objects, or suggestive notes or letters or e-mails or text messages or in a public space;
- Visual conduct such as leering or making gestures;
- Sexually suggestive comments about an individual's body or body parts, or sexual degrading words to describe an individual;
- Unwanted kissing;
- Unwelcome touching of a sexual nature such as patting, pinching or brushing against another's body;
- Unwelcome verbal or physical conduct against an individual related to the individual's gender identity or the individual's conformity or failure to conform to gender stereotypes;
- Cyber or electronic harassment on the basis of sex.

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

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

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

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

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

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

As used in this Policy, Non-Title IX Sexual Harassment is unwelcome conduct of a sexual nature, including sexual advances, requests for sexual favors, offensive comments or other conduct based on sex, sexually motivated physical contact, or other verbal, nonverbal, or physical conduct or communication of a sexual nature, when:

- An individual conditions the provision of an aid, benefit, or service of the Institutions on another individual's participation in such conduct ("quid pro quo" harassment); or
- such conduct has the purpose or effect of substantially interfering with an individual's employment or education, or of creating an intimidating, hostile, or offensive employment or educational environment ("hostile environment" harassment).

Examples of Non-Title IX Hostile Environment Harassment may include the same type of conduct listed above for Title IX Hostile Environment Harassment, when such conduct (1) does not rise to the level of being so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institutions' education program or activity; (2) does not occur in the Institutions' education program or activity; or (3) does not occur against a person in the United States.

## **C. Sexual Exploitation**

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited. Examples of Sexual Exploitation may include, but are not limited to:

- Intentional and repeated invasion of sexual privacy without consent (e.g., walking into the other person's room or private space without consent);
- Prostituting another person;
- Sex trafficking;
- Taking of or distribution of photographs/images, video or audio recording, or electronically broadcasting (e.g., with a web cam) a sexual activity without consent;
- Nonconsensual distribution of sexual images;
- Nonconsensual dissemination of a deepfake depicting intimate parts or sexual acts;
- Intentional removal or attempted removal of clothing that exposes an individual's bra, underwear, or intimate body part, or that is otherwise sexual in nature, without consent;

- Intentionally allowing others to view/hear a sexual encounter (such as letting individuals hide in the closet or watch consensual sex) without consent;
- Viewing or permitting someone else to view another's sexual activity or intimate body parts, in a place where that person would have a reasonable expectation of privacy, without consent;
- Engaging in voyeurism without consent;
- Exposing one's genitals or breasts in non-consensual circumstances;
- Inducing another to expose his or her genitals or breasts in non-consensual circumstances;
- Knowingly transmitting a sexually transmitted disease or sexually transmitted infection to another person without his or her knowledge and consent;
- Ejaculating on another person without consent;
- Distributing or displaying pornography to another in non-consensual or unwelcomed circumstances;
- Sexual extortion.

Conduct cannot constitute both (1) Sexual Exploitation and (2) Title IX Sexual Harassment or Non-Title IX Sexual Harassment. Accordingly, if conduct is determined to be part of a finding of hostile environment harassment pursuant to either the Title IX Sexual Harassment or Non-Title IX Sexual Harassment definition, then that conduct will not separately be analyzed as Sexual Exploitation.

Some forms of Sexual Exploitation are also prohibited by Minnesota law. See the State Law Definitions section below for applicable criminal law definitions.

#### **D. Sexual Assault**

Sexual Assault is any actual or attempted sexual contact, including penetration and contact with any object, with another person without that person's consent. As used in this Policy, sexual contact includes intentional contact by the accused with the victim's intimate parts (genital area, groin, inner thigh, buttocks, or breasts), whether clothed or unclothed; touching another with any of these body parts, whether clothed or unclothed; coerced touching by the victim of another's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; or forcing another to touch oneself with or on any of these body parts. Sexual Assault includes but is not limited to an offense that meets any of the following definitions:

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

Sexual Assault also is prohibited by Minnesota law. See Minnesota Statutes Section 609.341 et seq. or the State Law Definitions section below for applicable criminal law definitions of criminal sexual conduct.

### **E. Dating Violence**

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined with consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse, such as physical harm, bodily injury, or criminal assault, or the threat of such abuse, and intimate partner violence, which includes physical or sexual harm or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior against an individual. For purposes of this Dating Violence definition, consent will not be a defense to a complaint of physical abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is also prohibited by Minnesota law. See Minnesota Statutes Section 518B.01; 609.2242 or the State Law Definitions section below for applicable criminal law definitions relating to Dating Violence.

### **F. Domestic Violence**

As used in this Policy, Domestic Violence includes (i) a felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim under Minnesota family or domestic violence laws (or if the crime occurred outside of Minnesota, the jurisdiction in which the crime occurred), and (ii) intimate partner violence, which includes any physical or sexual harm or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior against an individual, caused by a current or former spouse or intimate partner of the individual.

Domestic Violence is prohibited by Minnesota law. See Minnesota Statutes Section 518B.01; 609.2242 or the State Law Definitions section below for applicable criminal law definitions relating to Domestic Violence. While not exhaustive, the following are examples of conduct that can constitute Domestic Violence: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, criminal sexual conduct, or interference with an emergency call.

For purposes of this Domestic Violence definition, consent will not be a defense to a complaint of physical abuse.

### **G. Stalking**

Stalking is engaging in a course of conduct directed at a specific person that would cause a

reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

**Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through others (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. For purposes of this definition, not all communication about a person will be considered to be directed at that person.

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

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

Stalking behavior may include, but is not limited to:

- Repeated, unwanted and intrusive communications by phone, mail, text message, and/or email or other electronic communications, including social media;
- Repeatedly leaving or sending the victim unwanted items, presents, or flowers;
- Following or lying in wait for the victim at places such as home, school, work, or recreational facilities;
- Making direct or indirect threats to harm the victim, or the victim's children, relatives, friends, or pets;
- Damaging or threatening to damage the victim's property;
- Repeatedly posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth, that would cause a person to feel threatened or intimidated;
- Unreasonably obtaining personal information about the victim.

Stalking is also prohibited by Minnesota law. See Minnesota Statutes Section 609.749 or the State Law Definitions section below for applicable definitions of criminal Stalking.

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

Retaliation and Interference with Process is any act of intimidation, threat, coercion, or discrimination or any other adverse action or threat thereof against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Encouraging or assisting others to engage in retaliation or to interfere with the process are also considered Retaliation/Interference with Process and violate this Policy. While the Institutions do not prohibit the parties from discussing the allegations in a formal complaint, acts that could constitute Retaliation and Interference with Process may include, but are not limited to: acts or comments that are intended to discourage a person from engaging in activity protected under this Policy or that would discourage a reasonable person from engaging in activity protected under this Policy; acts or comments that are intended to influence whether

someone participates in the complaint resolution process, including the live hearing; acts or comments intended to embarrass the individual; adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational, and extra-curricular opportunities. Retaliation and Interference with Process may be in person, through social media, email, text, and other forms of communication, representatives, or any other person. Retaliation and Interference with Process may be present against a person even when the person's allegations of Sexual Misconduct are unsubstantiated.

The Institutions are committed to protecting the rights of the complainant, the respondent, and anyone else involved in the complaint resolution process. Any conduct constituting Retaliation or Interference with Process is a violation of this Policy, which is subject to disciplinary action up to and including termination of employment or expulsion. Concerned individuals should report acts of retaliation to the Title IX Coordinators. For more information, see Section XII. Complaints of Related Misconduct below.

### **I. Consensual Relationships**

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

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## **VII. Confidentiality**

The Institutions encourage individuals who have experienced Sexual Misconduct to talk to someone about what happened. Privacy and confidentiality have distinct meanings under this Policy. Different people on campus have different legal reporting responsibilities, and different abilities to maintain privacy or confidentiality, depending on their roles at CSB and/or SJU.

In making a decision about whom to contact for support and information, it is important to understand that most of the Institutions' employees are not confidential resources, and are therefore obligated to report to CSB and/or SJU any information they receive about Sexual Misconduct. Persons who have experienced Sexual Misconduct are encouraged to consider the following information in choosing whom to contact for information and support, and are encouraged to ask about a person's ability to maintain confidentiality before offering any information about alleged Sexual Misconduct.

### **A. Confidential Resources**

The Institutions recognize that some individuals may wish to keep their concerns confidential. Confidential communications are those communications which cannot be disclosed to another person, without the reporter's consent, except under very limited circumstances such as allegations involving the physical abuse, sexual abuse, or neglect of a child (under the age of 18) or vulnerable adult or an imminent threat to the life of any person. Individuals who desire the details of Sexual Misconduct to be kept confidential should speak with a medical professional, professional counselor, professionals at CSB and SJU and in the community, including designated staff members in Counseling and Health Promotion and CSB Health Services, ordained clergy (when bound by the seal of sacramental confession), the Central MN Sexual Assault Center, the Employee Assistance Program, and care providers at the St. Cloud Hospital. Individuals that desire the details of the incident be kept confidential should contact any of the following confidential resources:

**CSB/SJU Counseling and Health Promotion**

[Well-Being Center – CSB/SJU \(csbsju.edu\)](http://csbsju.edu)

CSB Campus

Lottie Hall, Lower level

320-363-3236

SJU Campus

Mary Hall #10

320-363-3236

**CSB/SJU Health Services**

[Well-Being Center – CSB/SJU \(csbsju.edu\)](http://csbsju.edu)

CSB Lottie Hall, Lower Level or SJU Mary Hall, Lower Level

320-363-5605

**Central MN Sexual Assault Center**

[www.cmsac.org](http://www.cmsac.org)

15 Riverside Drive NE Saint Cloud, MN 56304

320 251-4357 or 1-800-237-5090

**CSB/SJU Employee Assistance Program**

*VITAL WorkLife Employee Assistance Program (EAP) – CSB/SJU (csbsju.edu)*

**Vital WorkLife**

800-383-1908

**St. Cloud Hospital**

[www.centracare.com/locations/centracare-st-cloud-hospital/](http://www.centracare.com/locations/centracare-st-cloud-hospital/)

1406 6th Ave N

Saint Cloud, MN 56303 320-251-2700

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

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



A person who speaks to a confidential resource should understand that if the person does not report the concern to a non-confidential resource at CSB or SJU, the Institutions will be unable to provide certain supportive/interim measures that would require involvement from the Institutions (such as issuing a no-contact order), conduct an investigation into the particular incident, or pursue disciplinary action. Individuals who first speak with a confidential resource may later decide to file a formal complaint with CSB or SJU or report the incident to local law enforcement.

## **B. Non-Confidential Communications**

Non-confidential communications are those communications with any CSB or SJU employee who is not a confidential resource. Only confidential resources can promise confidentiality. All other CSB and SJU employees who become aware of incidents or allegations of Sexual Misconduct have a responsibility to report the matter to a Title IX Coordinator. CSB and SJU employees who are not confidential resources will strive to remind an individual of their reporting obligations before the individual has disclosed a situation that requires reporting to a Title IX Coordinator.

Although most CSB and SJU employees cannot promise confidentiality, the Institutions are committed to protecting the privacy of individuals involved in a report of Sexual Misconduct. Allegations of Policy violations will be considered private and will only be shared with other CSB and/or SJU employees on a need-to-know basis, as permitted by law, even if the individuals involved do not specifically request confidentiality. The Institutions will keep confidential the identity of any individual who has made a report or filed a formal complaint alleging a violation of this Policy, as well as any complainant, respondent, and witness, except as permitted by law or to carry out the complaint resolution process pursuant to this Policy. Allegations of Sexual Misconduct will not be shared with law enforcement without the consent of the individual who has alleged the Sexual Misconduct, unless the allegations relate to physical abuse, sexual abuse, or neglect of a child under the age of 18 (see Section IX.D. Mandatory Reporting Concerning Minors below for more information) or unless CSB and/or SJU are compelled to do so pursuant to a subpoena or court order.

In addition, although the Institutions will strive to protect the privacy of all individuals involved to the extent possible consistent with the Institutions' legal obligations, CSB and/or SJU may be required to share information with individuals or organizations outside the Institutions under reporting or other obligations under federal and state law, such as reporting of Clery Act crime statistics and mandatory reporting of child abuse and neglect. In addition, if there is a criminal investigation or civil lawsuit related to the alleged misconduct, CSB and/or SJU may be subject to a subpoena or court order requiring CSB and/or SJU to disclose information to law enforcement and/or the parties to a lawsuit. In these cases, personally identifying information will not be reported to the extent allowed by law and, if reported, affected students will be notified consistent with the Institutions' responsibilities under FERPA, as allowed by law.

## **C. Requests for Confidentiality or Non-Action**

When CSB and/or SJU receive a report of Sexual Misconduct, the Institutions have a legal obligation to respond in a timely and appropriate manner. Making a report to CSB or SJU does not require an individual to begin or participate in a complaint resolution process or to report to

local law enforcement. However, based on the information gathered, the Institutions may determine that they have a responsibility to move forward with the complaint resolution process (even without the participation of the complainant). In a situation in which the complainant requests that their name or other identifiable information not be shared with the respondent, or that no action be taken against the respondent, the Institutions will evaluate the request considering the following factors: the seriousness of the alleged misconduct, the respective ages and roles of the complainant and respondent, whether there have been other Sexual Misconduct complaints about the same respondent, whether the respondent has a history of arrests or records from a prior school indicating a history of Sexual Misconduct, whether the respondent threatened further Sexual Misconduct or other violence against the complainant or others, whether the Sexual Misconduct was committed by multiple respondents, whether the Sexual Misconduct was perpetrated with a weapon, whether the Institutions possess other means to obtain relevant evidence of the Sexual Misconduct (e.g., security footage, eyewitness, physical evidence), whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol, at a given location, or by a particular group), and the extent of any threat to the Institutions' community.

The Institutions will take all reasonable steps to investigate and respond to the report consistent with the request for confidentiality or request not to pursue an investigation made by the complainant; however, the scope of the response by the Institutions may be impacted or limited based on the nature of the complainant's request. The Institutions will likely be unable to conduct an investigation into the particular incident or to pursue disciplinary action against the respondent and also maintain confidentiality. Action while honoring the complainant's request could include steps to limit the effects of the alleged Sexual Misconduct and prevent its recurrence that do not involve an investigation or disciplinary action against the respondent or reveal the identity of complainant.

The Institutions will strive to accommodate the complainant's requests for confidentiality or non-action in most cases, to the extent possible consistent with the Institutions' legal obligations. There may be times when, in order to provide a safe, non-discriminatory environment for all students and employees, the Institutions may not be able to honor a complainant's request for confidentiality or non-action. The presence of one or more of the factors above could lead the Institutions to move forward with a complaint resolution process (even without the participation of the complainant). In this instance, a Title IX Coordinator will inform the complainant and may, at the complainant's request, communicate to the respondent that the complainant asked the Institutions not to investigate and that the Institutions determined it needed to do so. A complainant can choose not to participate in any complaint resolution process.

In instances where the Institutions move forward with a complaint resolution process without the participation of the complainant, the complainant will have the same rights as provided to a complainant under this Policy even if the complainant did not sign the formal complaint.

#### **D. Clery Act Reporting and Timely Warning**

Pursuant to the Clery Act, the Institutions include statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education and Minnesota Office of Higher Education in a manner that does not include any personally

identifying information about individuals involved in an incident. In addition, the Clery Act requires the Institutions to issue a crime alert (timely warning) to the campus community about certain reported offenses which may represent a serious or continuing threat to students and employees. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future. The timely warning will not include any identifying information about the complainant. In addition, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either party, to the extent permitted by law. To ensure that a complainant's and respondent's personally identifying information will not be included in publicly available recordkeeping, a Title IX Coordinator will describe the alleged incidents by removing the complainant's and respondent's names and any other identifiers that would enable the public to identify either party in the context of the incident report.

All of the Institutions' complaint resolution processes are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state and federal law. No information shall be released from such processes except as required or permitted by law and CSB and/or SJU policy.

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

Employees who are confidential resources contribute to the Institutions' statistical reporting requirements by reporting non-identifying information about reports they have received.

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## VIII. Reporting Sexual Misconduct

### A. Reporting to CSB and/or SJU

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

The Institutions encourage anyone who has experienced or knows of Sexual Misconduct to report the incident to CSB and/or SJU. An individual may report Sexual Misconduct to CSB and/or SJU by contacting the following:

## **Title IX Coordinators:**

### **CSB Title IX Coordinator:**

Jody Terhaar, Dean of Students  
[jterhaar@csbsju.edu](mailto:jterhaar@csbsju.edu)  
320-363-5270  
37 South College Ave.  
Saint Joseph, MN 56374

### **SJU Title IX Coordinator:**

Amanda Erdman, Dean of Students  
[aerdman001@csbsju.edu](mailto:aerdman001@csbsju.edu)  
320-363-3120  
2850 Abbey Plaza  
Collegeville, MN 56321

## **Deputy Title IX Coordinators**

### **CSB Deputy Title IX Coordinators:**

Janet Satern  
Assistant Dean of Students, CSB  
[jsatern001@csbsju.edu](mailto:jsatern001@csbsju.edu)  
320-363-5992

Jessica Reiter  
Human Resources Partner  
[jreiter@csbsju.edu](mailto:jreiter@csbsju.edu)  
320-363-5516

Kelly Anderson Diercks  
Athletic Director, CSB  
[KellyAD@csbsju.edu](mailto:KellyAD@csbsju.edu)  
320-363-5201

Jennifer Schaefer  
Interim Dean of Faculty  
[jschaefer@csbsju.edu](mailto:jschaefer@csbsju.edu)  
(320) 363-5401

### **SJU Deputy Title IX Coordinators:**

Daryl Bass  
Assistant Dean of Students, SJU  
[dbass001@csbsju.edu](mailto:dbass001@csbsju.edu)  
320-363-2045

Jessica Reiter  
Human Resources Partner  
[jreiter@csbsju.edu](mailto:jreiter@csbsju.edu)  
320-363-5516

Scott Bierscheid  
Head Athletic Trainer  
[sbierscheid@csbsju.edu](mailto:sbierscheid@csbsju.edu)  
320-363-3813

Patricia Weishaar  
Director of Student Life  
School of Theology and Seminary  
[pweishaar@csbsju.edu](mailto:pweishaar@csbsju.edu)  
320-363-2113

Jennifer Schaefer  
Interim Dean of Faculty  
[jschaefer@csbsju.edu](mailto:jschaefer@csbsju.edu)  
(320) 363-5401

## **Safety and Security**

### **CSB Department of Security**

[csbsecurity@csbsju.edu](mailto:csbsecurity@csbsju.edu)  
(320) 363-5000  
37 South College Avenue  
St. Joseph, MN 56374  
<https://www.csbsju.edu/csb-security>

### **SJU Life Safety Services**

[lsafety@csbsju.edu](mailto:lsafety@csbsju.edu)  
320-363-2144  
St. Thomas Hall Basement  
Collegeville, MN 56321  
<https://www.csbsju.edu/sju-life-safety-services>

CSB and SJU take all reports seriously. Reports can be made by telephone, via email, via mail, or in person. Reports may be made at any time, including non-business hours by phone, email, mail, or the Institutions' website through the online form: <https://www.csbsju.edu/title-ix/self-report>.

Reports to the Institutions should include as much information as possible, including the names of the complainant, the respondent, and any other involved individuals, and the date, time, place, and circumstances of the incident, to enable the Institutions to respond appropriately.

When CSB or SJU receives a report of Sexual Misconduct, a Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint and to explain the process of filing a formal complaint. When a student or employee reports to CSB or SJU that they have been a victim of Sexual Misconduct, whether the offense occurred on or off campus, the Institutions will provide the student or employee with a written explanation of the student's or employee's rights and options and procedures victims should follow.

If an individual has made a report to a CSB or SJU employee who is not a confidential resource and has not yet heard from a Title IX Coordinator, please report directly to a Title IX Coordinator.

## **B. Employee Reporting Obligations**

All CSB and SJU employees who are not confidential resources and who obtain or receive information regarding possible Sexual Misconduct must report that information to a Title IX Coordinator. Student employees who receive such information in the course of their work position or duties must report the information to a Title IX Coordinator.

Incidents that must be reported by CSB or SJU employees and student employees include:

- Incidents personally observed;
- Incidents that are reported to the employee or student employee; and
- Incidents of which the employee or student employee otherwise becomes aware

Such report should be made as soon as possible and should include all relevant details needed to assess the situation. This includes, to the extent known, the names of the complainant, respondent, and other individuals involved in the incident, as well as relevant facts, including the date, time, and location.

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

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

If an individual has made a report to a CSB and/or SJU employee who is not a confidential resource and has not yet heard from a Title IX Coordinator, they should make the report directly to a Title IX Coordinator.

### **C. Anonymous Reports**

The Institutions will accept anonymous reports of Sexual Misconduct. Reports may be filed anonymously using the Institutions' online reporting form: <https://www.csbsju.edu/title-ix/self-report>. The individual making the report is encouraged to provide as much detailed information as possible to allow the Institutions to investigate the report and respond as appropriate. The Institutions will likely be limited in their ability to investigate an anonymous report unless sufficient information is furnished to enable the Institutions to conduct a meaningful investigation. A Title IX Coordinator will receive anonymous reports and meet with the Title IX team to determine the best way to respond.

### **D. Mandatory Reporting Concerning Minors**

Any CSB or SJU employee who becomes aware of the abuse (physical or sexual) or neglect of a child under the age of 18 on campus or in connection with any CSB and/or SJU event, program, or activity must report it immediately to a Title IX Coordinator. In addition, as a mandatory reporter under Minnesota law, such individuals must also immediately report the abuse or neglect to the local welfare agency responsible for assessing or investigating the report, police department, or county sheriff.

### **E. Reporting to Law Enforcement**

Some types of Sexual Misconduct prohibited by this Policy, such as Sexual Assault, also constitute criminal conduct. Individuals who believe they may have been subjected to criminal Sexual Misconduct are strongly encouraged to notify local law enforcement authorities, CSB Security or SJU Life Safety. The Institutions will comply with an individual's request for assistance in notifying authorities. The Institutions will, at the direction of law enforcement, provide complete and prompt assistance in obtaining, securing, and maintaining evidence in connection with criminal conduct that violates this Policy. Individuals also have the option to decline to notify law enforcement.

Individuals may file a criminal complaint and a formal complaint under this Policy simultaneously. Reporting to law enforcement is not necessary for the Institutions to proceed with a complaint resolution process.

If you would like to report Sexual Misconduct to law enforcement, for incidents occurring on the CSB campus in the St. Joseph community, contact the St. Joseph Police by calling (320) 363-8250; for incidents occurring on the SJU campus, contact the Stearns County Sheriff's Department by calling (320) 251-1200; and for incidents occurring in St. Cloud, contact the St. Cloud Police by calling (320) 251-1200. Ask to speak to an officer regarding a sexual assault. If you are not comfortable indicating the specific reason for the call, you can ask to speak with an officer regarding a possible crime. The Institutions are available to support you during this process.

Minnesota law provides individuals who report crimes to law enforcement with certain rights. For further information, consult [Crime Victim Rights](#), a publication of the Minnesota Department of Safety, or Minnesota Statutes Chapter 611A.

#### **F. Harassment Orders, Protective Orders and No-Contact Orders**

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a harassment restraining order or protective order from a civil court or requesting a no-contact order from the Institutions.

Harassment restraining orders and orders for protection are legal orders issued by a state court which forbid someone from harassing and/or making contact with another. A harassment restraining order is a court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member. The Institutions do not issue harassment restraining orders or orders for protection; however, petition forms to apply for a harassment restraining order or to seek an order for protection are available at the Court Administration Office located at the Stearns County District Courthouse, 725 Courthouse Square, St. Cloud, MN 56303 or online from the Minnesota Judicial Branch website, <http://www.mncourts.gov/GetForms.aspx?c=17#subcat39>. The telephone number for the Court Administrator is (320) 656-3620. More information about writing and filing a petition for a restraining order is available at <https://www.stearnscountymn.gov/455/Orders-for-Protection>.

A no-contact order is a directive issued by the Institutions that prohibits both parties from communication or contact with another. Generally, no-contact orders issued prior to the conclusion of the complaint resolution process will be mutual and serve as notice to both parties that they must not have verbal, electronic, written, or third-party communication with one another. To request a no-contact order from the CSB and/or SJU, individuals should contact a Title IX Coordinator.

The Institutions are responsible for honoring requests for information about available options for orders for protection, restraining orders, and no-contact orders and have a responsibility to comply with and enforce such orders. To request additional information about available options for orders for protection, restraining orders, and no-contact orders, contact a Title IX

Coordinator. An order of protection and/or harassment restraining order can be enforced by contacting local law enforcement. A no-contact order issued by CSB and/or SJU may be enforced by contacting CSB Security, SJU Life Safety or a Title IX Coordinator. The Institutions will fully cooperate with any harassment restraining order and/or order for protection issued by a criminal, civil, or tribal court.

### **G. Crime Victims Bill of Rights**

Pursuant to state law, victims of crime must be informed of their rights under the Crime Victims Bill of 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 Title IX Coordinators or from the Minnesota Department of Public Safety, Office of Justice Programs, and in Minnesota Statutes Chapter 611A.

### **H. Waiver of Drug, Alcohol or Open House Policy Violations**

CSB and SJU strongly encourage students to report instances of Sexual Misconduct. Therefore, any student who makes a good faith report about Sexual Misconduct and/or who participates in



a Complaint Resolution Process will not be disciplined by CSB or SJU for any violation of the institutions' drug, alcohol, or open house policies in which they might have engaged in connection with the reported incident, except as outlined in this section. CSB or SJU may still require the individual to participate in educational or restorative action. In addition, a waiver may not be extended in instances where the conduct constituting a violation of the Institutions' drug, alcohol, or open house policies causes harm to any individuals or where the conduct constitutes a felony crime. In such cases, the Institutions may still pursue disciplinary action for the alleged violation of the Institutions' drug, alcohol, or open house policies.

### **I. Emergency Removal**

The Institutions reserve the right to remove a student respondent, in whole or in part, from the CSB and/or SJU education program or activity on an emergency basis. Prior to removing the student respondent on an emergency basis, the Institutions will undertake an individualized safety and risk analysis and will determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifies removal. If a student respondent is removed on an emergency basis, the Institutions will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **J. Administrative Leave**

The Institutions reserve the right to place a non-student employee respondent on administrative leave during the pendency of the complaint resolution process.

An employee may also be assigned other duties during the pendency of the complaint resolution process.

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## **IX. General Provisions for Complaint Resolution Process**

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

Written Rebuttal Statements in response to the other party's Written Response Statement as discussed in Section XI. Procedures for Sexual Misconduct Complaint Resolution below.

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

This Policy provides different procedures depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Upon receiving a formal complaint, a Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process. The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information at the end of the investigation phase, a Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

If a formal complaint includes both an allegation of Title IX Sexual Harassment and an allegation of Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment, the College reserves the right to process the allegations in the same complaint resolution process or to separate the allegations into separate complaint resolution processes.

#### **A. Trained Officials**

Each complaint resolution process will be conducted by individuals, including coordinators, investigators, Title IX Hearing Panel members, and any person who facilitates an informal resolution process, who do not have a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent. In addition, those individuals will receive annual training on the definition of Title IX Sexual Harassment; the scope of CSB and/or SJU's education program or activity; how to conduct an investigation and complaint resolution process, including hearings, appeals, and informal resolution processes, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at interest, conflicts of interest, and bias; issues related to sexual harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking; and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. Investigators will receive training on issues of relevance to create an investigation report that fairly summarizes

relevant evidence. Title IX Hearing Panel members will receive training on any technology to be used at a live hearing and issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The training is free of bias such as sex stereotypes or generalizations, promotes impartial investigations and adjudications, and includes the following topics, as applicable: relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, and the Institutions' policies and procedures.

## **B. Rights of the Complainant and Respondent**

In all Sexual Misconduct complaint resolution processes under this Policy, the complainant and respondent are entitled to:

- be treated with respect, sensitivity, and dignity;
- appropriate support from the Institutions;
- privacy to the extent possible based on applicable law and this Policy;
- information on the Policy and procedures;
- written explanation of available resources;
- the right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
- be free from retaliation as defined in this Policy;
- equitable procedures that provide both parties with a prompt and equitable complaint resolution procedure conducted by officials who receive annual training on conduct prohibited by the Policy;
- notice of the allegations and defenses and an opportunity to respond;
- an equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the formal complaint resolution process;
- written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings at which the party's participation is invited or expected, with sufficient time for the party to prepare to participate;
- timely notice of meetings that are part of the complaint resolution process at which the complainant or respondent may be present;
- the right to appeal the decision and/or the dismissal of a formal complaint in certain circumstances as discussed in Section XI.G.7. Appeal below;
- the right to notification, in writing, of the resolution, including the outcome of any appeal;
- the right to the assistance of campus personnel (during and after the complaint process), in cooperation with the appropriate law enforcement authorities, in shielding the complainant or respondent, at their request, from unwanted contact with the complainant or respondent, including but not limited to a no-contact order issued by the Institutions, transfer to alternative classes or to alternative housing owned by CSJ or SJU (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;

- the complainant has the right to decide when to repeat a description of an incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, and the respondent has the right to decide when to repeat a description of a defense to such allegations;
- the right to the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident;
- the right to the assistance of campus authorities in preserving materials relevant to a campus complaint proceeding;
- the right to be provided access to their description of the incident, as it was reported to the Institutions, including if the individual transfers to another post-secondary institution, subject to compliance with FERPA, the Clery Act, Title IX, and other federal or state law. Requests for an individual's description of the incident should be made to a Title IX Coordinator.

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

In cases involving allegations of Title IX Sexual Harassment, in addition to the rights provided in Section X.B. Equal Rights in Cases Involving Allegations of Title IX Sexual Harassment, the following additional rights will be afforded to the complainant and the respondent:

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

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

- To be informed by the Institutions of options to notify proper law enforcement authorities of a Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident, and the right to report to law enforcement at any time or to decline to notify such authorities;
- Not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent, unless such questions or

evidence are to prove that someone other than the respondent committed the alleged Sexual Misconduct;

- Not to be treated by campus authorities in a manner that suggests that they are at fault for the Sexual Misconduct or that they should have acted in a different manner to avoid the Sexual Misconduct;
- To the complete and prompt assistance of campus authorities, at the complainant's request, in notifying the appropriate law enforcement officials and CSB and/or SJU officials of a Sexual Assault Dating Violence, Domestic Violence, or Stalking incident and filing criminal charges with local law enforcement officials in Sexual Assault, Dating Violence, Domestic Violence, or Stalking cases;
- To be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services;
- To be offered assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety.
- For students who choose to transfer to another post-secondary institution, at the student's request, the right to receive information about resources for victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking at the institution to which the victim is transferring.

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

In cases involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, in addition to the rights provided in Section X.B. Equal Rights of the Complainant and Respondent above, the following additional rights will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The Institutions will not limit the choice or presence of advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See Section X.E. Advisors below for additional information and requirements regarding the conduct of advisors.
- The complainant and respondent have the right to timely and equal access to information that will be used during informal and formal disciplinary meetings during the adjudication phase of the complaint resolution process, as set forth in Section XI.F.2. Access to Information below.

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

- To be informed by the Institutions of options to notify proper law enforcement authorities of a Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident, and the right to report to law enforcement at any time or to decline to notify such authorities;
- Not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove that someone other than the respondent committed the alleged Sexual Misconduct;
- Not to be treated by campus authorities in a manner that suggests that they are at fault for the Sexual Misconduct or that they should have acted in a different manner to avoid the Sexual Misconduct;
- To the complete and prompt assistance of campus authorities, at the complainant's request, in notifying the appropriate law enforcement officials and CSB and/or SJU officials of a Sexual Assault Dating Violence, Domestic Violence, or Stalking incident and filing criminal charges with local law enforcement officials in Sexual Assault, Dating Violence, Domestic Violence, or Stalking cases;
- To be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services;
- To be offered assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety.
- For students who choose to transfer to another post-secondary institution, at the student's request, the right to receive information about resources for victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking at the institution to which the victim is transferring.

## **E. Advisors**

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

The following guidelines apply to advisors:

- The purpose of the advisor is to support an individual during the complaint resolution process. An advisor is permitted to accompany the individual to interviews or other meetings or proceedings during the complaint resolution process. In selecting an advisor, each party should consider the potential advisor's availability to attend interviews and meetings which may occur in person. As a general matter, the Institutions will not delay their proceedings to accommodate the schedules of advisors.

- Advisors may confer with their advisee, but, with the exception of live hearings for cases involving allegations of Title IX Sexual Harassment (discussed below), advisors may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution process. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to CSB and/or SJU. The advisor may not communicate directly with the investigator, Title IX Hearing Panel/Adjudication Panel, Appeal Officers, Title IX Coordinator or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.
- In complaint resolution processes involving allegations of Title IX Sexual Harassment:
  - At the live hearing, advisors will be permitted to ask the parties and any witnesses all relevant questions and follow-up questions. Additional information about an advisor's role at the live hearing is included in Section XI.F.3.(a)(ii), Live Hearing below.
  - Advisors will receive a copy of all directly-related evidence and the investigation report, as set forth in Section XI.F.2. Access to Information below.
- In complaint resolution processes involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the CSB and/or SJU's education program or activity or against a person *outside* of the United States:
  - Advisors may have access to information as is described further below in Section XI.F.2. Access to Information.
- If a party selects an attorney as an advisor, the advisor's participation in the complaint process is in the role of an advisor and not as an attorney representing a party. The advisor will have access to highly confidential information and is prohibited from sharing information obtained as an advisor during the complaint process with anyone, including other individuals who may be part of an attorney-client relationship with the party.
- Parties must notify a Title IX Coordinator who they have selected as their advisor. The Institutions will notify a party to a complaint resolution process if another party involved in the complaint resolution process has obtained an advisor. The notice shall indicate if the other party's advisor is an attorney.
- 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 resolution process by the advisor may result in disqualification of an advisor. The Institutions reserve the right to dismiss an advisor.

## **F. Requests for Reasonable Accommodations**

Individuals who need a reasonable accommodation should contact a Title IX Coordinator. The Institutions will consider requests for reasonable accommodations submitted to a Title IX Coordinator on a case-by-case basis. Accommodations the Institutions may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the complaint resolution process.
- Providing an interpreter for individuals who are limited English-language proficient.

## **G. Supportive/Interim Measures**

After receiving a report of alleged Sexual Misconduct, the Title IX Coordinator(s) will consider whether supportive/interim actions, accommodations, or protective measures are reasonably necessary or appropriate to protect the parties and the broader community of the Institutions. Such supportive/interim measures will be available without fee or charge to the complainant, respondent, and others adversely impacted by the complaint resolution process, if requested and reasonably available. Such measures will be designed to restore or preserve equal access to CSB or SJU's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or CSB and/or SJU's educational environment, or to deter sexual harassment.

The Institutions will provide written notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The Institutions are obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged incident of Sexual Misconduct. The Institutions will make appropriate accommodations and provide appropriate supportive/interim measures with or without a formal complaint, even when an individual asks to keep a reported violation of this Policy confidential, when a request is made to not investigate the matter, and regardless of whether an individual chooses to report to law enforcement.

Examples of supportive/interim measures include, without limitation:

- Establishing a no-contact order prohibiting the parties involved from communicating with each other.
- Changing an individual's dining arrangements.
- Assistance in finding alternative housing.
- Special parking arrangements.
- Changing an individual's student or employee status or job responsibilities.
- Changing an individual's work or class schedule.
- Providing academic accommodations or providing assistance with academic issues.
- Providing security escorts.
- Access to counseling and medical services.



- Making information about orders for protection and harassment restraining orders available to a complainant.
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.
- For students who choose to transfer to another institution: At the student's request, providing information about resources for victims of Sexual Assault at the institution to which the student is transferring.

The Institutions determine which measures are appropriate for a particular individual on a case-by-case basis. Such measures will vary based on the particular facts and circumstances, including but not limited to the specific need expressed by the individual, the age of the individuals involved, the severity or pervasiveness of the allegations, any continuing effects on the individual, whether the complainant and respondent share the same residence hall, dining hall, class, transportation, or job location, and whether other judicial measures have been taken to protect the complainant. A Title IX Coordinator will be responsible for determining what measures will be put in place.

To request supportive/interim measures, individuals should contact a Title IX Coordinator.

The Institutions will maintain as confidential any supportive/interim measures provided to an individual, to the extent that maintaining such confidentiality would not impair the ability of the Institutions to provide the accommodations or protective measures. The Institutions will only disclose information necessary to provide the accommodations or protective measures in a timely manner to individuals who need to know the information in order to effectively provide the accommodations or protective measures. The Title IX Coordinator(s) will determine what information about an individual should be disclosed and to whom this information will be disclosed based on the facts and circumstances of the specific situation and the accommodation to be provided. The Institutions will inform the individual before sharing personally identifying information that the Institutions believe is necessary to provide an accommodation or protective measure. The Institutions will tell the individual which information will be shared, with whom it will be shared, and why it will be shared.

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

#### **H. Obligation to Act in Good Faith**

Reports and formal complaints of alleged Sexual Misconduct should be made only in good faith. Reports and formal complaints that are not made in good faith may be a form of retaliation under this Policy and/or may violate other CSB and/or SJU policies.

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

## **I. Conflicts of Interest and Bias**

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

If complainant or respondent has any concern that a Title IX Coordinator has a conflict of interest or bias, such concern should be reported in writing to the Institutions' President. If a Title IX Coordinator has a conflict of interest with respect to a complaint, the President or the President's designee shall appoint an alternate person to oversee adherence to the Sexual Misconduct Policy with respect to the formal complaint at issue. In cases where the President of CSB and SJU is a party to the complaint or has a conflict of interest with respect to a complaint, the Chair of the Board of Trustees for the institution shall ensure that the institution puts in place appropriate safeguards under the circumstances to ensure that the institution promptly and equitably responds to the formal complaint, including, but not limited to appointment of alternate individuals to serve in roles of Lead Title IX Coordinator.

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

## **J. Obligation to be Truthful**

All parties and witnesses have an obligation to be truthful in this process. Engaging in dishonesty may be considered retaliation or interference with process under this Policy and/or violate other CSB and/or SJU policies. An allegation that a person has violated the obligation to be truthful will be handled through the procedures identified in Section XII. Complaints of Related Misconduct below.

## **K. Non-Participation and Silence**

Either party may decline, at any time, to provide information or participate further in the complaint resolution process. If at any time the complainant declines to participate in the process, the Institutions' ability to meaningfully investigate and adjudicate a formal complaint may be limited. In such cases, the Institutions will proceed with the complaint resolution process, if possible, without the complainant's participation, and will make a determination based upon the information available. The respondent also has the right to decline to participate in the complaint resolution process. In such cases, the Institutions will proceed with the

complaint resolution process and will make a determination based upon the information available. A respondent's silence in response to a complainant's allegation will not necessarily be viewed as an admission of the allegation but may leave the complainant's allegations undisputed. Similarly, a complainant's silence in response to a respondent's denials or defenses will not necessarily be viewed as an admission of the denials or defenses but may leave the respondent's denials or defenses undisputed.

Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process.

In cases involving allegations of Title IX Sexual Harassment, the Title IX Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions. However, the Title IX Hearing Panel may consider a party's or witness's refusal to answer one or more questions at the hearing when determining how much weight to give the party's or witness's statements.

## **L. Time Frames for Resolution**

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

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

Specific time frames for each phase of the complaint resolution process for formal complaints involving allegations of Title IX Sexual Harassment are set forth in Section XI. Procedures for Sexual Misconduct Complaint Resolution below. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: fifty (50) calendar days
- Review of directly-related evidence and investigator consideration of evidence response statements: seventeen (17) calendar days
- Review of investigation report and written response: five (5) calendar days
- Live Hearing and Determination: twenty-five (25) calendar days
- Appeal: twenty (20) calendar days

### **2. Cases Involving Allegations of Other Forms of Sexual Misconduct**

Specific time frames for each phase of the complaint resolution process for formal complaints involving allegations of any other form of Sexual Misconduct are set forth in Section XI.

Procedures for Sexual Misconduct Complaint Resolution below. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: fifty (50) calendar days
- Review of investigation report and written response/rebuttal, if applicable: ten (10) calendar days
- Adjudication: twenty-five (25) calendar days
- Appeal: twenty (20) calendar days

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

Circumstances may arise that require the extension of time frames based on the complexity of the allegations, the number of witnesses involved, the availability of the parties and witnesses involved, the addition of new parties or new allegations to an amended notice of allegations, the effect of a concurrent criminal investigation, unsuccessful attempts at informal resolution, any intervening school break, the need for language or assistance or accommodation of disabilities, or other unforeseen circumstance.

In cases where conduct that violates this Policy has also been reported to the police, the Institutions will not delay their complaint resolution process in order to wait for the conclusion of a criminal investigation or proceeding. However, the Institutions will comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the Institutions may need to delay temporarily an investigation under this Policy while law enforcement is in the process of gathering evidence. This process typically takes 7-10 days. Once law enforcement has completed its gathering of evidence, the Institutions will promptly resume and complete their investigation and resolution procedures.

To the extent additional time is needed during any of the phases of the process discussed above or below, the Institutions will notify all parties of the delay and the reasons for it. When a time frame for a specific phase of the process, as set forth below, is less than five (5) calendar days, the Institutions may, in their discretion, use business days to calculate the time frame deadline. Efforts will be made to complete the process in a timely manner balancing principles of thoroughness, fundamental fairness, and promptness.

Complainants are encouraged to begin the complaint resolution process as soon as possible following an alleged incident of Sexual Misconduct. The Institutions do not impose a time limit for reporting an incident of Sexual Misconduct; however, the Institutions' ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with CSB or SJU. If a formal complaint is brought forward more than four (4) calendar years after an alleged incident, CSB and/or SJU, in their discretion, may decline to

process a formal complaint under these procedures, but reserve the right to take other administrative action as appropriate depending on the specific circumstances of the formal complaint, and will provide reasonably appropriate supportive/interim measures, assist the complainant in identifying external reporting options, and take reasonable steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. If respondent is still a member of the Institutions' community as a student or employee, the complaint generally will be processed under these procedures.

#### **M. Presumption of Non-Responsibility**

The presumption is that the respondent is not responsible for a policy violation. The respondent is presumed not responsible until a determination regarding responsibility is made at the conclusion of the complaint resolution process. The respondent will be deemed responsible for a policy violation only if the appointed Title IX Hearing Panel/Adjudication Panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent more likely than not engaged in Sexual Misconduct.

#### **N. Application of Policy**

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

#### **O. Reservation of Flexibility**

The procedures set forth in this Policy reflect the Institutions' desire to respond to formal complaints in good faith and in compliance with legal requirements. The Institutions recognize that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. The Institutions reserve the right to modify the procedures or to take other administrative action as appropriate under the circumstances.

In instances where a formal complaint is made against an individual who is not a student or employee of CSB and/or SJU, and in instances when the conduct alleged, if true, would not meet the definition of Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking, the Institutions reserve discretion to use a process or procedures other than those outlined below, as appropriate under the circumstances.

## X. Procedures for Sexual Misconduct Complaint Resolution

When the Institutions receive a formal complaint of a potential Sexual Misconduct Policy violation, the Institutions will promptly and equitably respond, investigating and adjudicating the formal complaint pursuant to the guidelines and procedures set forth below.

As discussed above in Section X. General Provisions for Complaint Resolution Process, different procedures apply to the complaint resolution process depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Further information about the different procedures is provided below.

### A. Meeting Between Complainant and Title IX Coordinator

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

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

- assess the nature and circumstances of the allegation;
- address immediate physical safety and emotional well-being of the complainant;
- notify the complainant of the right to contact law enforcement and seek medical treatment;
- notify the complainant of the importance of preservation of evidence;
- provide the complainant with information about on- and off-campus resources;
- notify the complainant of the range of supportive/interim measures with or without filing a formal complaint;
- provide the complainant with an explanation of the procedural options, including how to file a formal complaint, if not already filed, and the complaint resolution process;
- advise the complainant of the right to have an advisor of choice, as applicable under this Policy;
- discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- explain the Institutions' policy prohibiting retaliation.

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

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

## **B. Formal Complaint and Notice of Allegations**

The filing of a formal complaint begins the complaint resolution process under this procedure. In most cases, formal complaints are made by the complainant. However, the Institutions reserve the right to move forward with the complaint resolution process to protect the safety and welfare of the community, even if a complainant chooses not to make or move forward with a formal complaint. Generally, a Title IX Coordinator will make a determination of whether the Institutions will move forward with a complaint resolution process when the complainant has not filed a formal complaint. If the Institutions decide that they have an obligation to move forward with the complaint resolution process, a Title IX Coordinator will sign the formal complaint and CSB or SJU will notify the complainant before proceeding. See Section VII.C. Requests for Confidentiality or Non-Action above for more information. The signing of the formal complaint by a Title IX Coordinator does not make the Title IX Coordinator a party to the complaint resolution process or adverse to the respondent.

Formal complaints of Sexual Misconduct should be made through a Title IX Coordinator.

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

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

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

In addition, upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process.

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

- notify the respondent of the complaint and alleged Policy violation(s);
- provide the respondent an explanation of the complaint resolution process;
- notify the respondent of the importance of preservation of evidence;
- notify the respondent of any supportive/interim measures that have been put in place that directly relate to the respondent (i.e., no-contact order);
- notify the respondent of available supportive/interim measures;
- provide the respondent with information about on- and off-campus resources;
- advise the respondent of the right to have an advisor of choice, as applicable under this Policy; and
- explain the Institutions' Policy prohibiting retaliation.

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

### **C. Investigation of Other Policy Violations of CSB and/or SJU**

If a formal complaint of Sexual Misconduct also implicates alleged violations of other CSB and/or SJU policies, the Title IX Coordinator(s), in coordination with other appropriate school officials, will evaluate the allegations to determine whether the investigation of the alleged Sexual Misconduct and the other alleged policy violations may be appropriately investigated together without unduly delaying the resolution of the Sexual Misconduct formal complaint. Where the Title IX Coordinator(s), in coordination with other appropriate school officials, determine that a single investigation is appropriate, the determination of responsibility for each of the alleged policy violations will be evaluated under the applicable policy. The adjudication may be conducted in accordance with this Policy or the adjudication of the other policy violation may be conducted separately from the adjudication of the alleged Sexual Misconduct.

### **D. Consolidation of Formal Complaints**

The Institutions reserve the right to consolidate formal complaints into one complaint resolution process as to allegations of Sexual Misconduct against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

### **E. Informal Resolution Process**

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



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

The Institutions will not compel a complainant or respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Participation in informal resolution is voluntary, and the complainant and respondent have the option to discontinue the informal process and request a formal complaint resolution process at any time prior to reaching an agreed upon resolution. In addition, the Institutions also always have the discretion to discontinue the informal process and move forward with a formal complaint resolution process. If at any point during the informal resolution process prior to reaching an agreed upon resolution, the complainant or respondent or the Institutions wish to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined below will be invoked.

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

Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the Institutions to stop, remedy, and prevent Policy violations. In their effort to stop, remedy, and prevent Policy violations, the Institutions will take prompt and corrective action which may involve the imposition of individual and community remedies designed to maximize the complainant's access to the educational and extracurricular activities of the Institutions. Examples of potential remedies are provided in Section X.G. Supportive/Interim Measures above. The proposed resolution may also include other institutional responses, requirements, or sanctions imposed on the respondent.

The informal resolution process ends when a resolution has been reached or when the complainant, the respondent, or the Institutions terminate the process. A successful informal resolution results in a binding agreement between the parties. If the parties to the formal complaint and the Institutions agree in writing to the terms and conditions of a proposed resolution within five (5) calendar days of the Deputy Title IX Coordinator (or their assignee) presenting the proposed resolution to the parties, the case will be resolved without further process under this procedure. If all parties to the formal complaint and the Institutions do not

agree in writing to the terms and conditions of the proposed resolution within five (5) calendar days of the Deputy Title IX Coordinator (or their assignee) presenting the proposed resolution to the parties, the formal complaint will be referred to the formal complaint resolution process.

Appeals are not allowed in cases where the parties have agreed to a voluntary alternative resolution of the matter.

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

## **F. Formal Resolution Process**

If the formal complaint is not processed or resolved through the informal resolution process discussed above, the formal complaint will be processed according to the formal resolution process outlined below.

### **1. Investigation**

The Institutions will appoint one or more trained and impartial investigators to conduct a prompt and equitable investigation. The Institutions will ensure that the investigator has received the appropriate training, is impartial, and is free of any conflict of interest or bias for or against complainants and respondents generally and for or against the complainant and respondent in the case. The Institutions reserve the right to appoint any trained investigator who is free of conflict of interest and bias, including a third-party investigator. The parties will receive written notice of the investigator appointed. If a party has a concern that the investigator has a conflict of interest or bias, the party should report the concern in writing as set forth in Section X.I. Conflicts of Interest and Bias above.

The investigator will conduct the investigation in a manner appropriate to the circumstances of the case. The investigation will typically involve interviews of the complainant and respondent and may also involve questioning of other witnesses and/or review of other information. The investigator will audio record interviews. The parties will have the opportunity to advise the investigator of any witnesses they believe should be interviewed, other evidence they believed should be reviewed by the investigator, and questions they believe the investigator should ask the other party or witnesses, including questions challenging credibility. The investigator, in consultation with the Title IX Coordinator(s), has discretion to assess the relevancy of any proposed witnesses, evidence, and questions, and, in their discretion, may decline to interview witnesses suggested by the parties and may interview witnesses who were not suggested by either party. The investigator may also determine whether to ask some or all of the questions suggested by the parties. The complainant and respondent will be given an equal opportunity to present witnesses they believe should be interviewed, and other inculpatory and exculpatory evidence, as part of the investigation. In cases involving allegations of Title IX Sexual Harassment, any witness that a party wishes to call at a hearing must be suggested as part of the investigation process, prior to the issuing of the investigation report, unless extraordinary

circumstances exist as determined by the Title IX Hearing Panel, in consultation with the Title IX Coordinator(s).

The parties will be informed of a close of evidence date before the end of the investigation phase. The parties must submit any and all information and evidence they would like considered as part of the investigation by the close of evidence date. After the close of evidence date, the parties will not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator, in consultation with the Title IX Coordinator(s), determines otherwise. In cases involving allegations of Title IX Sexual Harassment, all evidence a party wishes to offer or refer to at the hearing must have been provided as part of the investigation process, prior to the close of evidence, unless extraordinary circumstances exist as determined by the Title IX Hearing Panel, in consultation with the Title IX Coordinator(s).

At the conclusion of the investigation, the investigator will prepare a report that fairly summarizes the relevant evidence. The investigation report may consist of any information, documents, or other evidence that will be provided to the Title IX Hearing Panel/Adjudication Panel. At the investigator's discretion, such information may include, as applicable: the formal complaint, the notice of allegations, any other evidence obtained during the investigation, and the investigator's report of the investigation. The investigation report shall be forwarded to the Title IX Coordinator(s) who will review the investigation report and has the discretion to ask the investigator for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report.

The Institutions will strive to complete the investigation within (i) fifty (50) calendar days from the date the investigator is appointed or (ii) if, after the date the investigator is appointed, the parties receive an amended notice of allegations that includes new allegations or new parties, forty-five (45) calendar days from the date of the amended notice of allegations. This time frame may be extended depending on the circumstances of each case. In cases involving allegations of Title IX Sexual Harassment, the Institutions will strive to complete the initial investigation in this 45-day time frame, but the final investigation report will not be completed until after the review of directly related evidence. See Section XI.F.2. Access to Information below for more information.

## **2. Access to Information**

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

### **(a) Cases Involving Allegations of Title IX Sexual Harassment**

#### *(i) Review of Directly Related Evidence*

For formal complaints involving allegations of Title IX Sexual Harassment, the parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon

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

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

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

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

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

#### *(ii) Review of Investigation Report*

For complaints involving allegations of Title IX Sexual Harassment, a Title IX Coordinator will send the investigation report to each party and each party's advisor in electronic format or hard copy at least ten (10) days prior to the live hearing. The parties will have a five (5) calendar day period to review the investigation report and prepare a written response to the report (the "Written Response Statement"). Each party's Written Response Statement may not exceed 2,000 words in length. The Written Response Statement must be submitted to a Title IX Coordinator within the five (5) calendar day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify

information previously given to the investigator that is not included in the investigation report which the party believes should have been included, or raise other concerns regarding the evidence. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

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

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

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

*(i) Review of Investigation Report*

For complaints involving allegations of Sexual Assault, Dating Violence, Domestic Violence or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the investigation report will be made available for review by the complainant and respondent. A Title IX Coordinator will provide a five (5) calendar day period for the complainant and respondent to have access to review the investigation report and prepare a response to the investigation report, as discussed below.

Both parties will have the opportunity to provide a written response to the report (the "Written Response Statement"). To do so, the party must submit Written Response Statement, which shall not exceed 4,000 words in length, to a Title IX Coordinator. The Written Response Statement must be submitted by the conclusion of the 5-day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the investigator that is not included in the investigation report which the party believes should have been included, identify questions a party believes the other party has not yet answered or evidence the other party has not explained, raise other concerns regarding the evidence, and to challenge the credibility of the other party and witnesses. While the parties may be assisted by their advisors in preparation of

the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties shall have an opportunity to review the Written Response Statement submitted by the other party and, if desired, may submit a rebuttal statement (the "Written Rebuttal Statement"), not to exceed 2,500 words. A Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party's Written Response Statement and submit a Written Rebuttal Statement.

The Written Rebuttal Statement may only be used to respond to arguments made or concerns raised in the other party's Written Response Statement and to challenge the credibility of the other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Rebuttal Statement, the Written Rebuttal Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Rebuttal Statement.

The parties shall have an opportunity to review the Written Rebuttal Statement submitted by the other party. A Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party's Written Rebuttal Statement. While the parties have the opportunity to review the Written Rebuttal Statement of the other party, no further responses are permitted by either party.

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

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

### **3. Adjudication**

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

#### **(a) Cases Involving Allegations of Title IX Sexual Harassment**

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

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

##### *(i) Appointment of the Title IX Hearing Panel*

A Title IX Coordinator will designate a panel of three adjudicators to serve as the Title IX Hearing Panel. Generally, the Title IX Hearing Panel shall be chosen from a pool of trained faculty and administrators. The Institutions reserve the right to appoint any trained individuals who are without conflict or bias to the Title IX Hearing Panel, including third-party adjudicators. The Title IX Hearing Panel will not include the Title IX Coordinator or the investigator from the same matter. If any party has a concern that a member of the Title IX Hearing Panel has a conflict of interest or bias, the party should report the concern in writing as indicated in Section X.I. Conflicts of Interest and Bias above.

##### *(ii) Live Hearings*

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

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

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

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

#### *(iii) Advisors Appointed by the Institutions*

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

#### *(iv) Live Hearing Procedures*

Additional information about live hearings can be found by contacting a Title IX Coordinator.

#### *(v) Decision-Making Process*

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

The Title IX Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to



answer cross-examination or other questions. However, the Title IX Hearing Panel may consider a party's or witness's refusal to answer one or more questions at the hearing when determining how much weight to give the party's or witness's statements.

Lie detector test results will not be considered credible by the Title IX Hearing Panel in the decision-making process. Character evidence and allegations of prior bad acts by a party without a finding of responsibility by the Institutions or a court of law will generally be given little weight, if any, by the Title IX Hearing Panel in the decision-making process.

When a respondent is found not responsible for a policy violation, but nevertheless is found to have engaged in inappropriate conduct—for example, inappropriate remarks that do not rise to the level of a violation of this Policy—the Institutions may, in their discretion, require the respondent to receive appropriate education and/or training. The Institutions may also recommend counseling or other support services for the respondent.

### **(b) Cases Involving Allegations of Other Forms of Sexual Misconduct**

Upon completion of the investigation in matters involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, a Title IX Coordinator will appoint appropriate adjudicators to the Adjudication Panel. Generally, a three-person Adjudication Panel will be appointed from a group of trained faculty and staff members. However, the Institutions reserve the right to appoint any trained adjudicators who are free from conflict of interest or bias, including third-party adjudicators. If any party has a concern that a member of the Adjudication Panel has a conflict of interest or bias, the party should report the concern in writing as indicated in Section X.I. Conflicts of Interest and Bias above.

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

The respondent is presumed to be not responsible for violating this Policy. The Adjudication Panel will use a preponderance of the evidence standard to determine whether there is sufficient evidence to conclude it is more likely than not that the respondent violated the Policy. If the Adjudication Panel determines that the respondent is responsible for a policy violation, typically the Adjudication Panel will impose remedies and/or sanctions as necessary to end the misconduct, prevent its recurrence, and address its effects. A Title IX Coordinator has discretion to appoint a different sanctioning officer as they determine appropriate. The Institutions reserve the right to appoint any trained sanctioning officer who is free from conflict of interest or bias, including third-party sanctioning officers.

Lie detector test results will not be considered credible by the Adjudication Panel in the decision-making process. Character evidence and allegations of prior bad acts by a party without a finding of responsibility by the Institutions or a court of law will generally be given little weight, if any, by the Adjudication Panel in the decision-making process.

As part of the determination of sanctions and remedies, a Title IX Coordinator may, in their discretion, provide the Adjudication Panel with information regarding previous violations of the Sexual Misconduct Policy or other CSB and/or SJU policies by the respondent, if any. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that *occurred outside* of the education program or activity or against a person *outside* of the United States), if such information is shared with the Adjudication Panel, the parties will be notified and provided access to that information.

When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate conduct—for example, inappropriate remarks that do not rise to the level of a violation of this Policy—the Institutions may, in their discretion, require the respondent to receive appropriate education and/or training. The Institutions may also recommend counseling or other support services for the respondent.

#### **4. Sanctions and Remedies**

The Title IX Hearing Panel/Adjudication Panel, in consultations with the Title IX Coordinator will impose remedies and/or sanctions as necessary to end the misconduct, prevent its recurrence, and address its effects. The Institutions reserve the right to take whatever measures deemed necessary in response to an allegation of Sexual Misconduct to protect the rights and personal safety of the complainant and the Institutions' community members. In determining sanctions, the Title IX Hearing Panel/Adjudication Panel will consider the following factors, among others: the nature and severity of the misconduct, the need to protect the safety and educational/employment environment of the campus community, the particular facts and circumstances of the matter, any previous conduct violations by respondent, any aggravating or mitigating factors, and sanctions imposed in similar cases by the Institutions.

Individuals who are found responsible under this Policy may face sanctions as appropriate for students, employees, visitors, or others, including, but not limited to the following sanctions. Each of these sanctions and other sanctions may be imposed alone or in combination for a respondent found responsible for Sexual Misconduct, as defined by this Policy:

- verbal warning;
- written warning;
- disciplinary probation;
- suspension, ranging from 1 semester to 5 years with reinstatement requirements that could include behavioral contracts, required attendance at educational programs, required assessment or counseling, and other potential conditions on reinstatement;
- expulsion;

- withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions;
- ~~suspension or withdrawal~~ restriction of privileges
- conference
- temporary revocation of degree;
- revocation of admission to CSB or SJU;
- temporary or permanent restricted access to areas of campus, and campus events, activities, organizations or courses;
- temporary or permanent removal from class or living or housing assignment;
- conditions upon presence on campus or at CSB and/or SJU events;
- no trespass or no-contact orders;
- educational or behavioral intervention;
- behavioral contracts;
- required assessment or counseling;
- community service hours;
- fines
- unpaid suspension;
- loss or reduction of salary or benefit such as travel funding;
- suspension of promotion and salary increments ranging from 1 semester to 5 years, with reinstatement requirements that could include behavioral contracts, required attendance at educational programs, required assessment or counseling, and other potential conditions on reinstatement;
- removal or non-renewal of scholarships or honors;
- transfer or change of job or responsibilities;
- demotion;
- termination of employment;
- payment of restitution or costs incurred.

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

When an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, staff/faculty committee) has committed or promoted behavior involving Sexual Misconduct, the organization may be sanctioned. Sanctions to the organization may include, but are not limited to, loss of CSB and/or SJU privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of CSB and/or SJU facilities), educational requirements for organization members, required additional oversight of organization activities, temporary loss of organization recognition and/or funding, and permanent loss of organization recognition, in addition to individual members of the organization who are determined responsible for a Policy violation being subject to the sanctions listed above. All campus organizations/departments are responsible for the actions of its members when they are operating on behalf of the organization/department.

Remedies for the complainant are designed to restore or preserve equal access to CSB and/or SJU's education program or activity. Remedies need not be non-disciplinary or non-punitive and

need not avoid burdening the respondent. Remedies, accommodations, and protective measures for the complainant include implementing or extending remedial or protective measures, including, without limitation, the following examples:

- A mutual no-contact order;
- Restricted contact;
- Prohibiting an individual involved from being on the Institutions' property;
- Prohibiting an individual involved from participating in CSB or SJU-sponsored events;
- Changing an individual's living or housing, or dining arrangements;
- Changing an individual's student or employee status or job responsibilities.
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Access to counseling;
- Making information about orders for protection and harassment restraining orders available to a complainant;
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

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

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

## **5. Notice of Determination**

The complainant and respondent will simultaneously receive a written notice of the determination.

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

For all other complaints of Sexual Misconduct, the written notice shall include the determination of the Adjudication Panel.

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

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

## **6. Dismissal of Formal Complaint Prior to Adjudication**

If the allegations in a formal complaint are initially included in the notice of allegations as allegations of Title IX Sexual Harassment, but facts are gathered during the course of the complaint resolution process that indicate that the alleged conduct does not meet the definition of Title IX Sexual Harassment, the Institutions will dismiss the formal complaint as to those allegations. Even if a formal complaint or any allegations of Title IX Sexual Harassment are dismissed, the Institutions reserve the right to move forward with a complaint resolution process using the other Sexual Misconduct definitions and the other procedures in this Policy, as applicable.

In cases involving allegations of any Sexual Misconduct, the Institutions may, at their discretion, dismiss the case prior to adjudication in certain circumstances. Circumstances that may lead to dismissal prior to adjudication, include, but are not limited to: the complainant notifies a Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by the Institutions, or specific circumstances prevent the Institutions from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. If the Institutions dismiss a formal complaint, the Institutions will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. A dismissal of a formal complaint may be appealed as provided below.

## **G. Appeal**

Either the complainant or the respondent may appeal a decision to dismiss a formal complaint or any allegations therein, as discussed above in Section XI.F.6. Dismissal of Formal Complaint Prior to Adjudication. The parties may also appeal the Title IX Hearing Panel's/Adjudication Panel's decision regarding responsibility.

Grounds for appeals are as follows:

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

### **1. Submitting an Appeal**

Either party may request an appeal by submitting a written appeal statement, which may not exceed 2,000 words, challenging the outcome of the complaint resolution process. The written appeal statement must be submitted to a Title IX Coordinator at [TitleIXAppeals@cbsju.edu](mailto:TitleIXAppeals@cbsju.edu) within two (2) calendar days of receiving the notice of determination and must explain which of the above grounds the party is invoking for the appeal. While the parties may be assisted by their advisors in preparation of the appeal, the appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

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

If the Title IX Coordinator determines that the appeal states a permissible ground for appeal, the non-appealing party will be notified of the appeal and provided an opportunity to review the appeal statement and submit a written response in support of the outcome. Any written response from the non-appealing party in support of the outcome must not exceed 2,000 words and must be submitted to a Title IX Coordinator within two (2) calendar days of receiving notice of the appeal. While the party may be assisted by their advisors in preparation of the responsive appeal statement, the responsive appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

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

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

For complaints involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the appeal file will be made available for review by the complainant and respondent. A Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the appeal file.

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

## **2. Consideration of Appeal**

Appeals will be considered by one or more Appeal Officers. When the respondent is a student, the Appeal Officer will generally be the Associate Provost for Student Success or other senior level officers of the Institutions. When the respondent is a faculty or staff member, the Appeal Officer(s) will generally be the Dean of Faculty, the Academic Dean, Vice Presidents of the Institutions or other senior level officers of the Institutions. The Institutions reserve the right to appoint any trained individual who is free of conflict of interest or bias as an Appeal Officer, including a third-party Appeal Officer. The Appeal Officer(s) will not be one of the Title IX Hearing Panel/Adjudication Panel members, the investigator, or the Title IX Coordinator on the same matter. The parties shall receive written notice of the Appeal Officer(s) who have been appointed. If any party has a concern that an Appeal Officer has a conflict of interest, the party should report the concern in writing as indicated in Section X.I. Conflicts of Interest and Bias above.

The Appeal Officer(s) will not rehear the case, but will review the appeal file and consider whether it is more likely than not that the above-listed grounds for appeal have been satisfied. The Appeal Officer(s) may choose to meet with the parties and consider other additional information, in the Appeal Officer(s)' sole discretion. For cases of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, if

the Appeal Officer(s) receive(s) any additional information, the parties shall have an opportunity to review the additional information.

If the Appeal Officer(s) determine(s) that there is sufficient evidence to conclude that it is more likely than not that one or more of the above grounds for appeal is satisfied, generally, the matter will be remanded for further investigation and/or deliberations by the Title IX Hearing Panel/Adjudication Panel and/or an additional live hearing, as determined by the Appeal Officer(s).

When the matter is remanded, the Appeal Officer(s), in consultation with a Title IX Coordinator, will determine whether the matter should be remanded to the original Title IX Hearing Panel/Adjudication Panel or whether a new Title IX Hearing Panel/Adjudication Panel should review the matter. The Appeal Officer(s) may not change Title IX Hearing Panel's/Adjudication Panel's determination of whether the respondent was responsible or not responsible for a Policy violation. Only the Title IX Hearing Panel/Adjudication Panel reviewing the matter on remand from an appeal may change the determination of the original Title IX Hearing Panel/Adjudication Panel of whether the respondent was responsible or not responsible for a Policy violation. If the reasons for remand relate to the investigation or warrant additional investigation, the Appeal Officer(s), in consultation with a Title IX Coordinator, will determine whether the matter should be remanded to the previous investigator or whether a new investigator should be appointed.

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

If the Appeal Officer(s) determine(s) that there is insufficient evidence to conclude that it is more likely than not that one or more grounds for appeal have been satisfied, the Appeal Officer(s) will dismiss the appeal. This decision is final and is not appealable. If the Appeal Officer(s) dismiss the appeal, the sanctions will be effective on the date the Appeal Officer(s)' decision is provided to the parties.

The Appeal Officer(s) will simultaneously issue to the parties a written decision describing the result of the appeal and Appeal Officer(s)' rationale for the result. The Institutions will strive to complete the appeal within twenty (20) calendar days following the Appeals Officer(s)' receipt of the appeal file from the Title IX Coordinator; however, in some cases, more time may be required.

Appeals arising out of alleged violations of this Policy must be made under this appeal process and are not eligible for consideration under faculty, staff or student grievance policies or processes.



## XI. Complaints of Related Misconduct

Any complaint relating to retaliation or interference with process in violation of this policy or violations of supportive/interim measures, sanctions, the obligation to be truthful, the obligation to action in good faith, or a nondisclosure agreement should be reported promptly to a Title IX Coordinator. The Institutions will provide a prompt and equitable process for the resolution of complaints alleging retaliation or interference with process or a violation of supportive/interim measures, sanctions, the obligation to be truthful, the obligation to action in good faith, or a nondisclosure agreement.

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

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## XII. Recordkeeping

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

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### XIII. Alternative Procedures

Nothing in this Policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR). The person filing the complaint need not be a complainant of the alleged Sexual Misconduct, but may complain on behalf of another person. More information about filing a complaint can be found at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>.

The OCR office for institutions located in Minnesota is:

**U.S. Department of Education**

Office for Civil Rights

Citigroup Center

500 W. Madison Street, Suite 1475

Chicago IL 60661-4544

Tel: (312) 730-1560

TDD: (877) 521-2172

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

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### XIV. Immediate and Ongoing Assistance Following an Incident of Sexual Misconduct

The Institutions will support any person adversely impacted by Sexual Misconduct. Both the Institutions and the surrounding community provide a variety of resources to assist and support individuals who have experienced Sexual Misconduct or are affected by allegations of Sexual Misconduct. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report to the Institutions or to law enforcement.

Support services that may be available include, but are not limited to, 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; making changes to academic, living, transportation, and/or working arrangements; assistance in filing a criminal complaint; and providing information about restraining orders and other available protections and services. Additional information about ongoing assistance is in Section X.G. Supportive/Interim Measures below. To receive information about obtaining support services, individuals should contact a Title IX Coordinator or a confidential resource.

The Institutions will provide written notification to affected individuals about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance,

student financial aid, and other services available for victims, both within the Institutions and in the community.

A complete description of CSB and SJU and community resources, both confidential and non-confidential, and additional information regarding what to do if you experience Sexual Misconduct is provided in Section XV. Resources at the end of this Policy and on the Institutions' website. Individuals who believe they have been subjected to any form of Sexual Misconduct are encouraged to seek support from these resources.

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## XV. Resources

### Emergency Contacts:

- 911
- Anna Marie's Alliance (Emergency Domestic Violence Shelter and Services)  
Tel: (320) 253-6900
- Central Minnesota Sexual Assault Center (CMSAC)  
Tel: (320) 251-4357

CMSAC is a 24-hour crisis intervention center for victims of all forms of sexual violence. The Center's purpose is to provide non-judgmental direct services to victims of sexual assault, their families and friends, to provide professional training and prevention education regarding sexual assault; and to improve the coordination of services of various agencies that deal with sexual assault and its victims.

At CMSAC Forensic Nurse Examiners ("FNE") (formerly Sexual Assault Forensic Examiners "SAFE Nurses") perform a special exam and collect evidence in a "rape kit." There is no charge for the sexual assault exam.

You can have a sexual assault exam within 120 hours after the rape or sexual assault. The purpose of the sexual assault exam is to collect forensic evidence, receive preventative health care, and see if you have any physical injuries that need tending. The exam will take place at the sexual assault exam site, in a confidential room with trained staff and volunteers. During the exam, the FNE will collect evidence such as your clothing, DNA swabs, etc. Prior to the exam, preserve all evidence and do not shower, bathe, change clothes, douche, brush teeth, drink or eat, or throw away any clothing until police or medical personnel say it is okay. If you have done any of the above, it is still possible to do an exam, but it is not as effective. If possible, please try to avoid any of these actions.

### Campus Resources:

- |                                  |                |
|----------------------------------|----------------|
| • SJU Life Safety                | (320) 363-2144 |
| • CSB Security                   | (320) 363-5000 |
| • CSB Dean of Students           | (320) 363-5601 |
| • SJU Assistant Dean of Students | (320) 363-3120 |
| • Title IX Office                | (320) 363-5943 |
| • CSB/SJU Counseling             | (320) 363-3236 |
| • VISA/Immigration concerns      | (320) 363-5455 |

- CSB/SJU Health Center (320) 363-5605
- Financial Aid (320) 363-5388

#### **Community Resources:**

- St. Joseph Police  
Tel: (320) 363-8250
- St. Cloud Police  
Tel: (320) 251-1200
- Stearns County Sheriff's Office  
Tel: (320) 251-4240
- St Cloud Hospital  
1406 Sixth Avenue North  
St. Cloud, MN 56303  
Tel: (320) 251-2700
- Mid-Minnesota Legal Aid - St. Cloud Office  
Tel: (320) 253-0121
- Harassment Restraining Orders & Orders for Protection  
Court Administration Office  
Stearns County District Courthouse  
725 Courthouse Square  
St. Cloud, MN 56303  
Tel: (320) 656-3620  
Online Forms Available at Minnesota Judicial Branch website:  
<http://www.mncourts.gov/GetForms.aspx?c=17#subcat39>  
More information: <https://www.stearnscountymn.gov/455/Orders-for-Protection>

#### **State Resource:**

- Minnesota Coalition Against Sexual Assault: <https://www.mncasa.org/>

#### **National Resources:**

- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- Rape, Abuse and Incest National Network: <http://www.rainn.org/>
- The Office on Violence Against Women (Department of Justice):  
<https://www.justice.gov/ovw>
- U.S. Department of Education, Office for Civil Rights  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
Tel: (312) 730-1560  
TDD: (877) 521-2172  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

**Hotlines:**

- Central Minnesota Sexual Assault Center (CMSAC): (320) 251-4357
- National Sexual Assault Hotline: 1 (800) 656-HOPE
- Anna Marie's Alliance (Domestic abuse services): (320) 253-6900
- Mental Health Hotline: Central MN Mental Health Center: 1 (800) 635-8008

**Survivor Information:**Books

- <http://www.voicesofcourage.com/>

Resources for Friends and Family of Survivors:

- Secondary Survivors/Concerned Persons – Central MN Sexual Assault Center (cmsac.org)

For more information, contact:

- Jody Terhaar, CSB Title IX Coordinator  
(320) 363-5270; or
- Amanda Erdman, SJU Title IX Coordinator  
(320) 363-3120; or
- Jessica Reiter, Faculty/Staff Human Rights Officer,  
(320) 363-5516

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## XVI. Minnesota Criminal Law Definitions

Some of the conduct prohibited by this Policy may be crimes. Links to relevant Minnesota criminal law definitions are provided below. The Minnesota criminal law citations are provided for informational purposes only. The definitions set forth in Section VI. Prohibited Conduct above will be used for all purposes under this Policy.

**Sexual Assault:**

See [Minnesota Statutes Section 609.341](#) et seq. for applicable criminal law definitions relating to sexual assault. Minnesota law prohibits criminal sexual conduct in the first through fifth degrees as set forth in Minnesota Statutes Sections 609.342-609.3451; criminal sexual conduct includes non-consensual sexual contact and non-consensual sexual penetration as those terms are defined in Minnesota Statutes Section 609.341.

**Dating Violence:**

See [Minnesota Statutes Sections 518B.01](#); [609.2242](#) for applicable criminal law definitions relating to dating violence. Minnesota law does not specifically define dating violence; however, Minnesota law prohibiting domestic abuse includes physical harm, bodily injury, or assault committed between persons involved in a significant romantic or sexual relationship.

**Domestic Violence:**

See [Minnesota Statutes Sections 518B.01](#); [609.2242](#) for applicable criminal law definitions relating to domestic violence. Minnesota law prohibits domestic abuse committed against a family or household member by a family or householder member, as those terms are defined in Minnesota Statutes Section 518B.01.

**Stalking:**

See [Minnesota Statutes Section 609.749](#) for applicable criminal law definitions relating to stalking. Minnesota law prohibits stalking as defined in Minnesota Statutes Section 609.749.

**Nonconsensual Distribution of Sexual Images:**

See [Minnesota Statutes Section 617.261](#) for applicable criminal law definitions relating to nonconsensual distribution of sexual images. Minnesota law prohibits nonconsensual distribution of sexual images as defined in Minnesota Statutes Section 617.261.

**Sexual Extortion:**

See [Minnesota Statutes Section 609.3458](#) for applicable criminal law definitions relating to sexual extortion. Minnesota law prohibits sexual extortion as defined in Minnesota Statutes Section 609.3458.

**Sex Trafficking:**

See [Minnesota Statutes Section 609.321, subd. 7a](#) for applicable criminal law definitions related to sex trafficking. Minnesota law prohibits sex trafficking as defined in Minnesota Statutes Section 609.321, subd. 7a.