TITLE IX (SEXUAL MISCONDUCT)

St. Catherine University Sexual Misconduct Policy

Approved by: Office of Student Affairs | Human Resources

History: N/A | Updated: August 2023

Related Policies:

Related Forms, Procedures and References: Reporting Form for Sexual Assault, Sexual Harassment, and Sexual Misconduct (https://cm.maxient.com/reportingform.php?StKate&layout_id=2)

For Questions Contact: Title IX Coordinator (VP of Student Affairs & Dean of Students)|651.690.6038|jrvanhecke016@stkate.edu |or|Office of Student Affairs | 651.690.6778 | studentaffairs@stkate.edu

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Nothing in this Policy is intended to create a contract between St. Catherine's University and any student, employee, independent contractor, vendor, or other individual or entity.

I. PURPOSE

This Policy outlines the University's commitment to ensuring a community free from Sexual Misconduct, the steps for recourse for those individuals who have been subject to Sexual Misconduct, and the procedures for determining whether a violation of University Policy occurred. 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. For the University's more general nondiscrimination Policy, please see the Harassment, Discrimination, General Harassment and Bullying Policy in the student handbook and employee handbook. Allegations of sex discrimination that do not involve Sexual Misconduct will be handled in accordance with the Harassment Policy.

This Policy is distributed annually to all students and employees of St. Catherine University and is posted in the following locations: university website, Title IX web page, student handbook (student policies), employee handbook, break rooms including faculty/staff lounges Title IX coordinator offices, and student common areas. For specific information about where the Policy is posted please see the Resources section at the end of the Policy. This Policy also will be provided by the University to any student, employee, or other individual who reports to the University that they have been a victim of Sexual Misconduct.

II. SCOPE OF THE POLICY

This Policy applies to all University community members – including students, faculty, staff, administrators, applicants for admission or employment, independent contractors, volunteers, visitors to campus, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the University or on University property. The Policy may also apply to individuals who interact with University community members under certain circumstances. All community members share in the responsibility for creating and maintaining an environment that promotes the safety and dignity of each person. All University community members are required to follow University policies and local, state, and federal law.

This Policy applies to Sexual Misconduct committed by or against a University community member, including conduct occurring on campus or University property, conduct that occurs at University-sanctioned events or programs that take place off campus, including study abroad, clinicals and internships, and off-campus conduct that occurs outside the context of a University-sponsored event or program, but that the University determines may (i) have continuing adverse effects on campus, University property, or in a University program or activity, (ii) substantially and unreasonably interfere with a community member's employment, education, or environment on campus, University property, or in a University program or activity, or (iii) create a hostile environment for community members on campus, University property, or in a University 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 University 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 the section VII. Prohibited Conduct below and more information about the process applicable to different types of Sexual Misconduct is provided in the section XI. General Provisions for Complaint Resolution Process below.

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

III. POLICY STATEMENT: NOTICE OF NON-DISCRIMINATION

In compliance with applicable law, such as Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Minnesota Human Rights Act, the University does not unlawfully discriminate on the basis of gender/sex (including pregnancy or pregnancy-related conditions), gender identity/expression, race, color, national origin, age, religion, creed, disability, marital status, familial status, sexual orientation, membership or activity in a local human

rights commission, family genetics and medical history, veteran status, status with regard to public assistance, or any other legally protected characteristic in its education programs and activities, its admissions policies in employment policies and practices, and all other areas of the University. This non-discrimination policy applies to all employment practices and terms and conditions of employment, including but not limited to promotions, transfers, compensation, terminations, training and participation in University sponsored benefits or programs. Notwithstanding the foregoing, as a historical women's undergraduate institution and as permitted by law, the University limits student admissions to its undergraduate College of Women to individuals who identify as female.

The University is required by Title IX and its regulations not to engage in sex discrimination in its education program or activity, including admissions and employment. 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." 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. The University does not, in accordance with Title IX, discriminate on the basis of sex or gender in its employment, education, educational, extracurricular, athletic, or other programs. In accordance with Title IX and its regulations, this Policy addresses the University's prohibition of the following forms of sex discrimination: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation.

The University will not tolerate Sexual Misconduct in any form. The University will promptly and equitably respond to all reports of Sexual Misconduct in order to take steps to eliminate the misconduct, prevent its recurrence, and address its effects on any individual and/or the community.

Questions or concerns about Title IX, sex discrimination, or Sexual Misconduct may be directed to the University's Title IX Coordinator:

JoNes VanHecke
Title IX Coordinator
Derham Hall, Room 305
2004 Randolph Avenue
St. Paul, MN 55105
651 690-6038
jvankecke016@stkate.edu

Questions or concerns may also be directed to the US Department of Education's Office of Civil Rights:

The Office of Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: 312-730-1560
FAX: 312-730-1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

IV. COMMUNITY EXPECTATIONS

St. Catherine University seeks to foster and maintain a community of mutual respect and concern for all of its members. It is a significant violation of the terms of that community, and of the essential dignity of any member of it, to engage in an act of Sexual Misconduct described in this Policy. These acts constitute the deepest affront to University standards and will not be tolerated in any form.

All members of the St. Catherine University community are expected to engage in behaviors that support the values of the University and that do not infringe upon the rights of others and assist in creating a safe, welcoming and respectful campus environment. In particular, the University expects that all community members will take reasonable and prudent actions to prevent or stop an act of Sexual Misconduct. Taking action may include direct intervention when it is safe to do so, enlisting the assistance of friends or a person in authority, or contacting law enforcement. University community members are expected to educate themselves about such behavior and be vigilant in protecting the right to an environment free of Sexual Misconduct.

In addition, the University expects all members of the St. Catherine community to conduct themselves in a manner consistent with the St. Catherine Mission Statement and its Enduring Commitments available at https://www.stkate.edu/about/mission-and-vision (https://www.stkate.edu/about/mission-and-vision/) the Environmental and Relational Expectations as described in the Code of Student Conduct, the Human Resources Handbook, and the Faculty Handbook.

Consensual Relationships Policy

In order to protect the integrity of the academic, living and work environment, the University's Consensual Relationship Policy outlines limitations on consensual romantic or sexual relationships between faculty, staff and students at the University. The purpose of the Policy is to ensure that the University's academic, living and work environment remains free from real or apparent conflicts of interest that may exist if individuals in positions of unequal power at the University are involved in consensual romantic or sexual relationships. When individuals involved in a consensual romantic or sexual relationship are in positions of unequal power at the University, there is the potential for a conflict of interest, favoritism, exploitation and sexual or gender-based misconduct. For more information, see the University's Consensual Relationship Policy.

V. DEFINITION OF TERMS

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 Sexual Misconduct that has allegedly occurred that has been provided to the University by the complainant, a third party, or an anonymous source.

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

Sexual Misconduct refers to the following forms of sex discrimination: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual

Assault, Domestic Violence, Dating Violence, Stalking[1], and Sexual Exploitation.

[1] Some instances of Dating Violence, Domestic Violence, and Stalking may not be sexual in nature. For purposes of this Policy, the term "Sexual Misconduct" encompasses all instances of Dating Violence, Domestic violence, and Stalking (as those terms are defined in this Policy), regardless of whether there is a sexual component to the behavior.

VI. ST. CATHERINE UNIVERSITY TITLE IX TEAM

The Title IX Coordinator is the designated staff member of the University with primary responsibility for coordinating University Title IX Compliance efforts, including the University's efforts to end Sexual Misconduct, prevent its recurrence, and address its effects. The Title IX Coordinator oversees and monitors the University's overall compliance with Title IX-related policies; the implementation and oversight of complaint resolution processes, including review, investigation, and adjudication of formal complaints of Sexual Misconduct; the provision of educational materials and training for the campus community; and monitoring all other aspects of the University's Title IX compliance. Responsibilities of the Title IX Coordinator include, but are not limited to:

- Ensuring University 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 the University, and about resources available at the University and in the community;
- Training and assisting any University employee regarding how to respond appropriately to a report of sex discrimination or Sexual Misconduct;
- Monitoring full compliance with all procedural requirements and timeframes 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 University's climate and culture take place;
- Coordinating the University's 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 Coordinator;
- Complying with written notice requirements of the Violence Against Women Act; and
- Assisting in answering any questions related to this Policy.

The University's Title IX Team includes the Title IX Coordinator, as well **as Title IX Deputies**, who are appointed staff and faculty designees who have shared responsibility for consulting with, and supporting, the Title IX Coordinator and may serve as the Title IX Coordinator's designee. Title IX Deputies 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 University will also train faculty and staff to serve as investigators, Title IX Hearing Panel members/adjudicators, appeal officers, and facilitators of the informal resolution process in the complaint resolution process. These trained faculty and staff will be members of the University's Title IX Team, along with the Title IX Coordinator and Deputy Coordinators. The University also reserves the right to appoint a trained individual from outside of the University to serve in any role on the Title IX team.

The Title IX Coordinator 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, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee.

VII. PROHIBITED CONDUCT

St. Catherine University prohibits 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 the University'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 the University, including a student-employee, conditions the provision of an aid, benefit, or service of the University 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 University's education program or activity.
   For the purposes of the definition of Title IX Hostile Environment Harassment, 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.
   Multiple instances of the following conduct, or other unwelcome conduct on the basis of sex, may constitute Title IX Hostile Environment:
   - Sexual flirtations, advances, or propositions
   - Requests for sexual favors;
   - Verbal abuse of a sexual nature or obscene language;
   - Gender- or sexually-oriented jokes and comments;
   - Non-verbal, verbal or physical harassment directed at an individual or a group of individuals solely on the basis of gender;
   - Displaying derogatory or sexually suggestive pictures or other objects in an office, on the exterior of a residence hall door, or on a computer monitor in a public space;
   - "Rating" individuals' bodies and sex appeal, commenting suggestively about their clothing and appearance, or other verbal commentary about an individual's body;

- Visual conduct such as leering or making gestures;
- Gossip about sexual relations;
- Repeated and unwelcome sexual flirtations, attention, or advances;
- Unwanted kissing;
- Unwelcome touching of a sexual nature such as patting, pinching, or brushing against another's body;
- Cyber or electronic harassment.

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 University'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 protections of academic freedom

3. Sexual Assault, Domestic Violence, Dating Violence, and Stalking as those terms are defined below (when such conduct occurs (1) in the University's education program or activity and (2) against a person in the United States.

For the purposes of the Title IX Sexual Harassment definition, 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.

At a minimum, the University's **education program or activity** includes all of the operations of the University, including (1) locations on campus or otherwise owned or controlled by the University, such as residence halls and learning spaces, (2) locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged Sexual Misconduct occurred, such as University athletic events and other University-sponsored off-campus activities and (3) any building owned or controlled by a student organization that is officially recognized by the University. Whether alleged conduct occurred in the University'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 University also prohibits unwelcome conduct of a sexual nature or based on sex and/or gender or gender identity (1) that may not rise to the level of Title IX Sexual Harassment (as defined above), (2) that did not occur in the University's education program or activity, but may nevertheless cause or threaten to cause an unacceptable disruption at the University or interfere with an individual's right to a non-discriminatory 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 or based on sex, including unwelcome sexual advances, requests for sexual favors, offensive comments, sexually motivated physical contact, or other verbal, nonverbal, or physical conduct or communication of a sexual nature, when:

- submission to that conduct is made, either explicitly or implicitly, a term or condition of an individual's educational or employment experience, or the individual's submission or rejection of such conduct is used as a basis for an educational program or activity decision or employment decision affecting such individual ("quid pro quo" harassment); or
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's employment or education, or 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 University's education program or activity; (2) does not occur in the University's education program or activity; or (3) does not occur against a person in the United States.

For the purposes of the Non-Title IX Sexual Harassment definition, conduct is **unwelcome** when the individual did not request or invite it and regarded the conduct 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.

Non-Title IX Sexual Harassment does not include conduct covered under the definition of Title IX Sexual Harassment.

C. Sexual Assault

Sexual Assault is any actual or attempted sexual contact, including contact with an 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 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, or 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 (including the 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.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Sexual Assault that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, University property, or in a University program or activity.

Sexual Assault is a crime under Minnesota law. See Minnesota Statutes Section 609.341 et seq. As defined by Minnesota law, criminal sexual conduct includes non-consensual sexual contact and nonconsensual sexual penetration as those terms are defined in Minnesota Statutes Section 609.341.

Consent is words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. 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 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 activity to obtain consent for that activity.

The University applies the following principles in determining whether an individual consented to a particular act.

- 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 other forms of sexual activity.
- Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- Previous relationships or prior consent does not, by itself, 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.
- Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.
- Prior sexual activity with other individuals does not imply consent.
- Consent cannot be procured, expressly or implicitly, by use of physical force, threats, intimidating behavior, or **coercion**, as defined by the Policy.
- An individual known to be—or who should be known to be —**incapacitated**, as defined by this 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.
- Consent can only be given if one is of legal age. In Minnesota, the legal age of consent is 16.
- The University has a Consensual Relationship Policy that places limitations on romantic or sexual relationships between faculty, staff, and students, even when it may appear that consent is present.

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 cause a reasonable person to fear 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 alcohol or other drugs, incapacitation requires more than being under the influence of alcohol or other drugs; a person is not incapacitated just because they have been drinking or using other drugs. Where alcohol and other drugs 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 should have been known to the respondent or a reasonable, sober person in the respondent's position. Use of drugs or alcohol by the respondent is not a defense against allegations of Sexual Misconduct.

D. Sexual Exploitation

Sexual Exploitation occurs when a person takes sexual advantage of another for their own advantage or benefit or to benefit or advantage anyone other than the one being exploited without that person's consent. Examples of Sexual Exploitation include, but are not limited to:

- Intentional and repeated invasion of sexual privacy (e.g., walking into the other person's room or private space);
- Prostituting another person;
- Non#consensual video- or audio#taping of sexual activity;
- 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;
- Intentionally allowing others to view/hear a sexual encounter (such as letting individuals hide in the closet or watch consensual sex) without consent;
- Exposing one's genitals or breasts or inducing another to expose their genitals or breasts in non-consensual circumstances;

- Knowingly transmitting a sexually transmitted disease or sexually transmitted infection to another person;
- Ejaculating on another person without consent;
- Intentional removal or attempted removal of clothing that exposes an individual's bra, underwear, breast, inner thigh, buttocks, genitals and/or groin area, or that is otherwise sexual in nature, without consent;
- Posting sexually explicit photos or videos in public or on social media sites or other distribution or displaying of such photos or videos without consent;
- Intentionally, knowingly, or surreptitiously providing drugs or alcohol to a person for the purpose of Sexual Exploitation; or
- Distributing or displaying pornography to another without that individual's consent.

Sexual Exploitation does not include conduct covered under the definition of Title IX Sexual Harassment.

E. Stalking

Stalking is engaging in a **course of conduct** directed at a specific person that would cause a **reasonable person** to (1) fear for their safety or the safety of others or (2) to 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.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking behavior includes, but is not limited to:

- Repeated, unwanted and intrusive communications by phone, mail, text message, email and/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
- 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;
- Repeated 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.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Stalking that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, University property, or in a University program or activity.

Stalking is also prohibited by Minnesota law. See Minnesota Statutes Section 609.749. As defined by Minnesota law, Stalking means "to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim."

F. 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 will be determined with consideration of the following factors:

- the length of the relationship;
- the type of relationship; and
- the frequency of interaction between the persons involved in the relationship.

For purposes of this Policy, 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. Dating Violence does not include acts covered under the definition of Domestic Violence.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Dating Violence that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, University property, or in a University program or activity.

Dating Violence is also prohibited by Minnesota law. See Minnesota Statutes Section 518B.01; 609.2242.

G. Domestic Violence

Domestic Violence includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the victim.
- A person with whom the victim shares a child in common.
- A person who is a current or former cohabitant of the victim as a spouse or intimate partner.
- A person similarly situated to a spouse of the victim under Minnesota's domestic or family violence law.
- Any other person against an adult or youth victim who is protected from that person's acts under applicable domestic or family violence laws of Minnesota (or, if the crime occurred outside of Minnesota, the jurisdiction in which the crime of violence occurred). In addition to the relationships described above, Minnesota law defines Domestic Violence to include violence committed between parents and children, blood relatives, persons who are presently residing together or who have resided together in the past, persons who have a child together, persons involved in a significant romantic or sexual

relationship, and a man and women, if the woman is pregnant and the man is alleged to be the father.

While not exhaustive, the following are examples of conduct that can constitute Domestic Violence: (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.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Domestic Violence that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, University property, or in a University program or activity.

Domestic Violence is also prohibited by Minnesota law. See Minnesota Statutes Section 518B.01; 609.2242.

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 University does 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 University is 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 Coordinator. For more information, see section XIV. Complaints of Related Misconduct below.

VIII. CONFIDENTIALITY

The University encourages individuals who have experienced Sexual Misconduct to talk to someone about what happened. Privacy and confidentiality have distinct meanings under this Policy, and different people on campus have different reporting responsibilities, and different abilities to maintain privacy or confidentiality, depending on their roles at the University.

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

A. Confidential Communications and Resources

The University recognizes 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 or sexual abuse 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 licensed medical professional, professional counselor, minister or other pastoral counselor, or trained victims' advocates. On-campus resources who can provide confidentiality regarding a report of Sexual Misconduct are:

- **Licensed Mental Health Counselors in Counseling Center,** Derham 330, 651-690-6805, counselingcenter@stkate.edu, acting in their capacity as a counselor or therapist
- **Priest in Center for Spirituality and Social Justice,** Our Lady of Victory Chapel, 651-690-6724, spiritandjustice@stkate.edu, who is acting in a pastoral capacity
- **Licensed Social Workers in Access and Success Center,** CDC 065, 651-690-6894, accessandsuccess@stkate.edu, engaged in a psychological or social assessment or treatment of an individual
- **Licensed Physicians, nurses and nurse practitioners in Health and Wellness Center,** Butler Center 100, 651-690-6714, healthwellness@stkate.edu, acting in their capacity as health care providers

Some confidential resources serve in multiple roles on campus. If you are seeking assistance in their role as a confidential resource, you should contact them through the contact information listed above and should make clear prior to disclosing information that you are seeking assistance of a confidential resource.

Off campus confidential resources include:

- SOS Sexual Violence Services
  https://www.ramseycounty.us/residents/health-medical/clinics-services/sos-sexual-violence-services (https://www.ramseycounty.us/residents/health-medical/clinics-services/sos-sexual-violence-services/)
  651-266-1000
  Answered 24/7

- RAINN (Rape, Assault, and Incest National Network)

https://www.rainn.org/
(800) 656-HOPE
24-hour hotline; free and confidential

An individual who speaks to a confidential resource should understand that, if the person does not report the concern to the University, the University will be unable to provide certain supportive/interim measures, 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 the University or report the incident to law enforcement.

B. Non-Confidential Communications

Non-confidential communications are those communications with any University employee who is not a confidential resource as identified above. Only confidential resources can promise confidentiality. All other University employees who become aware of incidents or allegations of Sexual Misconduct have a responsibility to report the matter to the Title IX Coordinator. University 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 the Title IX Coordinator. Failure of a University employee who is not a confidential resource to report allegations of Sexual Misconduct to the Title IX Coordinator may result in disciplinary action.

Although most University employees cannot promise confidentiality, the University is 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 University employees on a need to know basis, as permitted by law. The University 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 X(C) Mandatory Reporting Concerning Minors below for more information) or unless compelled to do so pursuant to a subpoena or court order.

In addition, although the University will strive to protect the privacy of all individuals involved to the extent possible consistent with the University's legal obligations, the University may be required to share information with individuals or organizations outside the University 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, the University may be subject to a subpoena or court order requiring the University 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 University's responsibilities under FERPA, as allowed by law.

C. Requesting Confidentiality or Non-Action

When the University receives a report of Sexual Misconduct, it has a legal obligation to respond in a timely and appropriate manner. Making a report to the University does not require an individual to begin or participate in the complaint resolution process or to report to local law enforcement. However, based on the information gathered, the University may determine that it has a responsibility to move forward with the complaint resolution process (even without the participation of the complainant). Individuals may request confidentiality or that no action be taken against the respondent at the time they report an alleged incident. The Title IX Coordinator will evaluate the request based upon several factors, including:

- The seriousness of the alleged misconduct;
- The respective ages and roles of the complainant and respondent;
- The increased risk that the respondent will commit additional acts of Sexual Misconduct or other violence, such as:
  - 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 University possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g., security footage, eyewitness, physical evidence); and
- Whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol, at a given location or by a particular group).
- The extent of any threat to the University community.

The University will take all reasonable steps to respond to the complaint 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 University may be impacted or limited based on the nature of the complainant's request. The University will likely be unable to conduct an investigation into the particular incident or to pursue disciplinary action against the respondent and also maintain confidentiality.

The University will strive to accommodate the complainant's requests for confidentiality or non-action in most cases, to the extent possible consistent with the University's legal obligations. There may be times when, in order to provide a safe, non-discriminatory environment for all students and employees, the University 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 University to move forward with a complaint resolution process (without the participation of the complainant). If the Title IX Coordinator determines that it cannot maintain a complainant's confidentiality or request for no action, the Title IX Coordinator will inform the complainant prior to starting a complaint resolution process. In such cases, the Title IX Coordinator may, at the complainant's request, communicate to the respondent that the complainant asked the University not to investigate and that the University determined it needed to do so. A complainant can choose not to participate in any complaint resolution process.

In instances where the University moves 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

The University is obligated to provide the University community with general information regarding incidents of sexual violence and other crimes occurring on campus. However, 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. As required by state and federal law, the University includes statistics about certain offenses in its annual security reports and provides those statistics to the United States Department of Education and the Minnesota Office of Higher Education in a manner that does not include any personally identifying information about individuals involved in an incident. To ensure that a complainant's and respondent's personally identifying information will not be included in publicly available recordkeeping, the Title IX Coordinator and/or Director of Public Safety describes 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.

In addition, the Clery Act requires the University 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 information that identifies the complainant.

Minnesota law, Minn. Stat. 135A.15, 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. 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 University to comply with other applicable state or federal laws.

IX. IMMEDIATE AND ONGOING ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT

The University will support any person adversely impacted by Sexual Misconduct. Both the University and the Minneapolis/St. Paul 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 University 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 the section XI(G) Supportive/Interim Measures below. To receive information about obtaining support services, individuals should contact the Title IX Coordinator or a confidential resource. The University 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 University and in the community.

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

X. MAKING A REPORT OF SEXUAL MISCONDUCT

Individuals have several options for reporting allegations of Sexual Misconduct.

A. Reporting to the University

The University encourages anyone who has experienced or knows of Sexual Misconduct to report the incident to the University by contacting the following:

- **JoNes VanHecke, Vice President of Student Affairs & Dean of Students**
  Title IX Coordinator
  651-690-6038
  Derham Hall 305

(sbschnell@stkate.edu) jrvanhecke016@stkate.edu

- **Madge Makowske, Associate Director of Athletics**

Deputy Title IX Coordinator

651-690-8779

Butler Center 111

mmmakowske@stkate.edu

- **Department of Public Safety**
  651-690-8888

Butler Center 103

dps@stkate.edu

Reports to the University may be submitted in person, via phone, online via this reporting form (https://cm.maxient.com/reportingform.php?StKate&layout_id=2), mail, or via email. Reports may be made at any time, including non-business hours by phone, email, mail, or the University's website. Reports to the University 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 incidents, to enable the University to respond appropriately.

Upon receiving a report of Sexual Misconduct, the 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 the University that they have been a victim of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, whether the offense occurred on or off campus, the University will provide the student or employee with a written explanation of the student's or employee's rights and options, along with the procedures the victims should follow.

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

The individuals listed above—the Title IX Coordinator, Deputy Title IX Coordinators, and Director of Public Safety—along with the President and the Senior Vice President for Human Resources, Equity and Inclusion, and Co-Provosts are considered officials with authority to institute corrective measures on behalf of the University.

B. Employee Reporting Obligations

In order to enable the University to respond effectively and to prevent future instances of Sexual Misconduct, all University employees who are not confidential resources, who obtain or receive information regarding a possible violation of this Policy must report that information to the Title IX Coordinator. Student employees who receive such information in the course of their work position or duties also must report the information to the Title IX Coordinator. 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. The failure of an employee who is not a confidential resource to report information regarding possible Sexual Misconduct to the Title IX Coordinator may result in discipline, up to and including termination of employment.

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 such detail, that information should be provided to the 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.

University employees who are not confidential resources and receive a report of Sexual Misconduct should bring the report directly to the Title IX Coordinator and should not share information about the report with any other individual. If the employee is uncertain whether the information should be reported to the Title IX Coordinator, the employee should seek guidance from the Title IX Coordinator before providing the Title IX Coordinator with any identifiable information regarding the report.

C. Mandatory Reporting Concerning Minors

Any University 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 University event, program, or activity must report it immediately to Public Safety and the Title IX Coordinator. In addition, as a mandatory reporter under Minnesota law, such individual must also immediately report the abuse or neglect to the local welfare agency, agency responsible for assessing or investigating the report, police department, or county sheriff.

D. Anonymous Reporting

Reports of Sexual Misconduct may be made via the online reporting form found here (https://cm.maxient.com/reportingform.php?StKate&layout_id=2). Individuals who file a report online can choose to do so anonymously. The individual making the report is encouraged to provide as much detailed information as possible to allow the University to investigate the report and respond as appropriate. The University will likely be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the University to conduct a meaningful investigation.

E. Reporting to Law Enforcement

Some types of Sexual Misconduct prohibited by this Policy are also crimes. Individuals who believe they may have been subjected to criminal Sexual Misconduct are strongly encouraged to notify local law enforcement authorities or Public Safety. Individuals who would like to report Sexual Misconduct to law enforcement should contact the St. Paul Police Department by calling 911 or (651) 291-1111 or their local police department. Campus authorities will assist an individual in notifying law enforcement authorities and will also accompany the complainant to the police station upon request. If you'd like assistance in notifying law enforcement, please contact the Title IX Coordinator or Public Safety.

Individuals may file a criminal complaint and a Title IX complaint simultaneously. Reporting to law enforcement is not necessary for the University to proceed with a complaint resolution process. Campus authorities can assist with contacting law enforcement and can be present while a police report is made. Filing of a police report typically involves speaking with 1-2 officers about what occurred, officers will ask follow up questions, and will talk about next steps and other resources.

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 Public Safety, or Minnesota Statutes Chapter 611A.

F. Protective Orders, Criminal No-Contact Orders, and University No-Contact Directives

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

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 University does not issue harassment restraining orders or orders for protection, but one can be obtained through making an application to the Ramsey County District Court. Petition forms to apply for harassment restraining orders or to seek an order for protection are available at the Ramsey County Courthouse, 15 West Kellogg Blvd., Saint Paul, MN 55102, or online from the Minnesota Judicial Branch website, http://www.mncourts.gov/Help-Topics/Domestic-Abuse-and-Harassment.aspx. Forms must be submitted to the Court Administrator at the Ramsey County Courthouse. Individuals seeking a harassment restraining order or an order for protection may seek assistance over the phone with the MN Courts Self-Help Center at 651-435-6535. For more information and assistance, individuals should contact the Title IX Coordinator.

A no-contact directive is a University-issued directive that prohibits one or both parties from communication or contact with another. No-contact directives may be mutual or one-sided. Generally, no-contact directives

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 directive from the University, individuals should contact the Title IX Coordinator. A University no-contact directive may be enforced by contacting Public Safety or the Title IX Coordinator.

The University is responsible for honoring requests for information about available options for orders for protection, restraining orders, and no-contact directives and has 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 directives, contact the Title IX Coordinator. An order of protection and/or harassment restraining order can be enforced by contacting local law enforcement. The University 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 also is available from the Title IX Coordinator or from the Minnesota Department of Public Safety, Office of Justice Programs, and in Minnesota Statutes Chapter 611A.

H. Amnesty for Drug/Alcohol Violations

The University encourages the reporting of incidents of Sexual Misconduct. At times, complainants or witnesses may be hesitant to report to University officials or to participate in a Sexual Misconduct complaint resolution process because they fear that they themselves may be accused of Policy violations, such as intoxication due to alcohol consumption, at the time of the incident. It is in the best interests of the University community that incidents are reported to University officials. Therefore, the University will not discipline individuals who make a good faith report to the University or individuals who participate in a complaint resolution process for any violation of the University's drug and alcohol policies in which they might have engaged in connection with the reported incident, except as outlined in this section. The University, however, reserves the right to require individuals to participate in training or educational programming designed to reduce risk and promote health and wellbeing. The participation in such training or educational programming will not be reflected on a community member's official records. In addition, amnesty may not be extended in instances where any other individual is harmed by the conduct constituting a violation of another University policy, where an employee who engaged in a violation of another University policy holds a leadership role on campus, including a leadership role over students or employees, or where an employee is engaged in a violation of another University policy with a student. In those cases the University may still pursue disciplinary action for the alleged violation of other University policies.

I. Emergency Removal

The University reserves the right to remove a student respondent, in whole or in part, from the University's education program or activity on an emergency basis. Prior to removing the student respondent on an emergency basis, the University 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 University will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal.

J. Administrative Leave

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

XI. GENERAL PROVISIONS FOR COMPLAINT RESOLUTION PROCESS

When the University receives a formal complaint of a potential Policy violation, the University will promptly and equitably respond to the formal complaint pursuant to the guidelines and procedures set forth below. The University 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 this Policy and an opportunity to present evidence of the allegations prior to a decision on responsibility, and 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 XII. Sexual Misconduct Complaint Resolution Procedures 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 University and not on the parties. The University 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 University 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, the 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, the 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 University 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

The complaint resolution process will be conducted by individuals 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 the University'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, 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 investigator 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 University's policies and procedures.

B. Equal Rights of the Parties

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 University;
- Privacy to the extent possible based on applicable law and University Policy;
- Information on the Policy and procedures;
- Written information about available support and resources and an opportunity to discuss those 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;
- Equitable procedures that provide both parties with a prompt and equitable complaint resolution process 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 be free from retaliation, as defined in this Policy;
- The right to appeal the decision in certain circumstances, as discussed in the section XII(F)(7) Appeals below;
- The right to notification, in writing, of the resolution, including the outcome of any appeal;
- The complainant and respondent have 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 University issued no-contact directive, transfer to alternative classes or to alternative University-owned housing (if alternative classes or housing are available and feasible), change in work location or schedule, or reassignment (if available and feasible); and to receive assistance with academic issues;
- The complainant has the right to decide when to repeat a description of an incident of Sexual Misconduct, and the respondent has the right to decide when to repeat a description of a defense to such allegations;
- The complainant and respondent have 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 complainant and respondent have the right to the assistance of campus authorities in preserving materials relevant to a campus complaint proceeding;

- The complainant and the respondent have the right to be provided access to their description of the incident, as it was reported to the University, 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 the Title IX Coordinator.

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

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 University 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 the section XI(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 the section XII(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 the section XII(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 the section XII(F)(3)(a) Live Hearings below.

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

- To be informed by the University 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 treated in a manner that suggests she or he is at fault for the Sexual Assault or violence or that she or he should have acted in a different manner to avoid becoming a victim;
- 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;
- To the complete and prompt assistance of campus authorities, at the complainant's request, in notifying the appropriate law enforcement officials and University 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, 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 University 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 the section X(IE) 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 the section XII(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 University 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 treated in a manner that suggests she or he is at fault for the Sexual Assault or violence or that she or he should have acted in a different manner to avoid becoming a victim;
- 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;
- To the complete and prompt assistance of campus authorities, at the complainant's request, in notifying law enforcement officials and University 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, and 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, Dating Violence, Domestic Violence, or Stalking advocacy 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 University'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 University 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 University's complaint resolution process.

Guidelines for advisors are:

- 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 University will not delay its proceedings to accommodate the schedules of advisors.
- Advisors may confer with their advisee, but, with the exception of the 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 the University. The advisor may not communicate directly with the investigator(s), Title IX Hearing Panel/adjudicators, 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 other party and any witnesses all relevant questions and follow-up questions. Additional information about an advisor's role at the live hearing is included in the section XII(F)(3)(a) Live Hearing below.
  - Advisors will receive a copy of all directly-related evidence and the investigation report, as set forth in the section XII(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 University'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 the section XII(F)(2) Access to Information below.
- 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 the Title IX Coordinator who they have selected as their advisor. The University 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 University reserves the right to dismiss an advisor.

F. Requests for Reasonable Accommodations

Individuals who need a reasonable accommodation should contact the Title IX Coordinator. The University will consider requests for reasonable accommodations submitted to the Title IX Coordinator on a case-by-case basis. Accommodations the University 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.
- Providing an interpreter for individuals who are deaf or hard of hearing.

G. Supportive/Interim Measures

After receiving a report of alleged Sexual Misconduct, the Title IX Coordinator will consider whether supportive/interim actions, accommodations or protective measures are reasonably necessary or appropriate to protect the parties and the broader University community. 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 the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or to deter sexual harassment.

The University is required to comply with a student's reasonable request for a living and/or academic situation change following an alleged incident of Sexual Misconduct. The University will make appropriate accommodations and provide appropriate protective measures with or without a formal complaint, even when a complainant asks that the University keep a reported violation of this Policy confidential and that it not investigate the matter and regardless of whether an individual chooses to report to law enforcement or campus security.

Examples of supportive/interim measures include, without limitation:

- Establishing a "no contact" directive prohibiting the parties involved from communicating with each other;
- Changing an individual's on campus residency, dining, or transportation arrangements;
- Special parking arrangements;
- Assistance in finding alternative housing;

- 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 protective orders and criminal no contact orders available and providing assistance with respect to obtaining and enforcing such orders;
- Assistance in 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 University determines 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 individual. The Title IX Coordinator will be responsible for determining what measures will be put in place.

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

The University will maintain as confidential any accommodations or protective measures provided to an individual, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures. The University 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 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 University will inform the individual before sharing personally identifying information that the University believes is necessary to provide an accommodation or protective measure. The University will tell the individual which information will be shared, with whom it will be shared, and why it will be shared.

Additional services are available on campus and/or in the community, as described in the Resources section at the end of this Policy and on the University's website.

Any concern about a violation of a supportive/interim measure should be reported to the Title IX Coordinator promptly. Complaints of a violation of a supportive/interim measure will be handled as discussed in the section XIV. 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 University 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 XIV. Complaints of Related Misconduct.

I. Conflicts of Interest and Bias

If a complainant or respondent has any concern that any individual acting for the University 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, the complainant or respondent should submit the concern in writing to the Title IX Coordinator 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 the party feels that the Title IX Coordinator has a conflict of interest or bias, the party should notify the Senior Vice President for Human Resources, Equity, and Inclusion in writing of the concern. If the Title IX Coordinator has a conflict of interest or bias with respect to a formal complaint, the Senior Vice President for Human Resources, Equity, and Inclusion shall appoint an alternative person to oversee adherence to the Sexual Misconduct Policy with respect to the formal complaint at issue.

The parties should be mindful that the University has a small and close-knit campus community. That a party simply knows an individual acting for the University 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 University encourages the parties to bring any concern of conflict of interest or bias to the 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 University policies. Comments or actions intended to influence other individuals to not be truthful in the complaint resolution process may also violate this Policy and/or other University policies. An allegation that a person has violated the obligation to be truthful will be handled through the procedures identified in section XIV. 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 during the complaint resolution process, a party decides not to participate, the University may proceed with the complaint resolution process and make a determination based upon the information available. If at any time the complainant declines to participate in the process, the University's ability to meaningfully investigate and adjudicate a complaint may be limited. In such cases, the University will proceed with the complaint resolution process, if possible to do so 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 University 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.

L. Time Frames for Resolution

The University is 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 the section XII. Sexual Misconduct Complaint Resolution Procedures 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: forty-five (45) 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 the section XII. Sexual Misconduct Complaint Resolution Procedures 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: forty-five (45) 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 University transitions 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 assistance or accommodation of disabilities, or other unforeseen circumstances.

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

To the extent additional time is needed during any of the phases of the process discussed above and further below, the University 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 University may, in its 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. There is no statute of limitation for reporting prohibited conduct to the University under this Policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the University. If a complaint is brought forward more than four (4) calendar years after an alleged incident, the University, in its discretion, may decline to process a complaint under these procedures, but reserves the right to take other administrative action as appropriate depending on the specific circumstances of the report, 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 the respondent is still a member of the University community as a student or employee, the formal 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/adjudicators conclude 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 University receives a report or formal complaint of a violation of this Policy, the University 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 University 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 University's desire to respond to complaints in good faith and in compliance with legal requirements. The University recognizes 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 University reserves 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 the University, the University reserves discretion to use a process or procedures other than those outlined below, as appropriate under the circumstances.

XII. SEXUAL MISCONDUCT COMPLAINT RESOLUTION PROCEDURES

When the University receives a formal complaint of potential Sexual Misconduct, the University will use the protocol outlined below to promptly and equitably investigate and adjudicate the formal complaint.

As discussed above in the section XI. 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. Initial Meeting Between the Complainant and Title IX Coordinator

In most cases, the first step of the complaint resolution process is a preliminary meeting between the complainant and the 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 and the campus, in consultation with appropriate campus officials;
- Notify the complainant of the right to contact law enforcement and seek medical treatment;
- Notify the complainant of the importance of preservation of evidence;
- Identify resources available to the complainant on- and off-campus;
- 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;
- Inform 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 University's Policy prohibiting retaliation.

All reports and formal complaints of Sexual Misconduct will be reviewed by the 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 formal 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 Policy. In most cases, the complainant files a formal complaint with the Title IX Coordinator. However, in some cases, the University may move forward with a complaint resolution process even if the complainant chooses not to make or move forward with a formal complaint. If the University decides that it has an obligation to move forward with a complaint resolution process, the Title IX Coordinator will sign the formal complaint and the University will notify the complainant before proceeding. See section X(C) Requesting Confidentiality or Non-Action above for more information. The Title IX Coordinator signing the formal complaint does not make the Title IX Coordinator a party to the complaint resolution process or adverse to the respondent.

When the 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 University's 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 XI(H) Obligation to Act in Good Faith and section XI(J) Obligation to be Truthful above.

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

- Notify the respondent of the complaint and alleged Policy violations;
- 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;
- Inform the respondent of the right to have an advisor of choice, as applicable under this Policy; and
- Explain the University's 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 University Policy Violations

If a formal complaint of Sexual Misconduct also implicates alleged violations of other University policies, the Title IX Coordinator and other appropriate conduct related personnel 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, in coordination with other appropriate personnel, determines 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 University reserves 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 University may facilitate an informal resolution process. In cases involving allegations of Sexual Assault or more serious Sexual Misconduct, informal resolution 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 University all agree to pursue an informal resolution, the Title IX Coordinator will attempt to facilitate a resolution that is agreeable to all parties. The Title IX Coordinator 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 the formal complaint in a non-adversarial manner. Under the informal process, the University 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 University, and the University community.

The University 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 resolution process at any time prior to reaching an agreed upon resolution. In addition, the University also always has 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 University wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal complaint resolution process outlined below will be invoked. Prior to engaging in an informal resolution process, the University 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 University will obtain the parties' voluntary, written consent to the informal resolution process.

Informal resolution may involve the imposition of individual and community remedies designed to maximize the complainant's access to the educational and extracurricular activities of the University. Examples of potential remedies are provided in the section XI(G) Supportive/ Interim Measures above. The proposed resolution may also include other institutional responses or requirements imposed on the respondent. 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 University to stop, remedy, and prevent Policy violations.

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

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

1. Investigation

Upon determination to open an investigation, the Title IX Coordinator will designate one or more investigators to conduct a prompt and equitable investigation. The University reserves the right to appoint any trained investigator who is free of conflict of interest or bias. The parties will receive written notice of the investigator(s) appointed. If any party has a concern that the investigator(s) has/have a conflict of interest, the party should report the concern in writing as indicated in the section XI(I) Conflicts of Interest and Bias above.

The investigator(s) will conduct the investigation in a manner appropriate to the circumstances of the case, which will typically include interviews with the complainant, the respondent, and witnesses; in most instances, these interviews will be audio-recorded. The complainant and respondent will have the opportunity to advise the investigator(s) of any witnesses they believe should be interviewed, other evidence they believe should be reviewed by the investigator(s), and questions they would like the investigator(s) to consider asking the other party and any witnesses, including questions challenging credibility. The investigator(s), in consultation with the Title IX Coordinator, has/have discretion to assess the relevancy of any proposed witnesses, evidence, and questions, and to determine which interviews to conduct, including the discretion to conduct interviews of individuals not identified by the parties. The investigator may also determine whether to ask some or all of the questions suggested by the parties. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. 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.

The parties will be informed of a close of evidence date. 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(s), in consultation with the Title IX Coordinator, determine(s) 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.

At the conclusion of the investigation, the investigator(s) will prepare an investigation 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/ adjudicators. 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 will be forwarded to the Title IX Coordinator who will review the investigation report and has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report.

The University will strive to complete the investigation within (i) forty-five (45) calendar days from 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. Time frame may be extended depending on the circumstances of each case. In cases involving allegations of Title IX Sexual Harassment, the University 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 the section XII(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 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

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 University does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source. The Title IX Coordinator or investigator 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 the 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.

The 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.

Review of Investigation Report

For complaints involving allegations of Title IX Sexual Harassment, the Title IX Coordinator or investigator 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 the 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(s) 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.

The 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(s) 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 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, and Stalking *Occurring Outside* of the Education Program or Activity or Against a Person *Outside* of the United States

For complaints involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the University's 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. The 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. The parties' access to the investigation report generally will be provided during normal business hours in a designated on campus location. The investigation report cannot be removed from that location, nor can duplications be made or pictures taken of the report.

Both parties will have the opportunity to provide a written response to the investigation report (the "Written Response Statement"). To do so, the party must submit a Written Response Statement, which may not exceed 4,500 words in length, to the 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(s) 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 will have an opportunity to review the Written Response Statement submitted by the other party and, if desired, may submit a rebuttal statement ("Written Rebuttal Statement") not to exceed 2,500 words. The 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 parties' access to the Written Response Statement generally will be provided during normal business hours in a designated on campus location. The Written Response Statement cannot be removed from that location, nor can duplications be made or pictures taken of the contents. The Written Rebuttal Statement must be submitted within the 2-day period described above. The Written Rebuttal Statement may only be used to respond to arguments made 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 will have an opportunity to review the Written Rebuttal Statement submitted by the other party. The Title IX Coordinator will provide a two (2) day period for the complainant and respondent to have access to review the other party's Written Rebuttal Statement. The parties' access to the Written Rebuttal Statement generally will be provided during normal business hours in a designated on campus location. The Written Rebuttal Statement cannot be removed from that location, nor can duplications be made or pictures taken of the contents. While the parties have the opportunity to review the 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.

The Title IX Coordinator will review the Written Response Statement and Written Rebuttal Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator(s) 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 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).

3. Adjudication

Upon completion of the investigation, the Title IX Coordinator will compile the adjudication file which will be shared with the Title IX Hearing Panel/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 University's 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 XII(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.

Appointment of the Title IX Hearing Panel

The 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 members of the Title IX Team who have not previously been involved in the specific complaint resolution process and trained external Title IX consultants. Usually, no more than one member of the Title IX Hearing Panel shall be a trained external Title IX consultant. The University reserves the right to appoint any trained individuals who are without conflict or bias to the Title IX Hearing Panel. 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 XI(I) Conflicts of Interest or Bias above.

Live Hearing

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 videoconference 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 University reserves 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 University 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 University 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.

University Appointed Advisors

If a party does not have an advisor present at the live hearing, the University 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 the Title IX Coordinator at least three (3) calendar days prior to the live hearing so that the University 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 University reserves the right to appoint any individual as the University deems appropriate to act as an advisor at a live hearing. The University's 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.

Live Hearing Procedures

For additional information about live hearings please contact the Title IX Coordinator.

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. As part of that determination of sanctions and remedies, the Title IX Coordinator may, in their discretion, provide the Title IX Hearing Panel with information regarding previous violations of the Sexual Misconduct Policy or other University policies by the respondent, if any. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking, if such information is shared with the Title IX Hearing Panel, the parties will be notified and provided access to that information.

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.

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 University 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 University may, in its discretion, require the respondent to receive appropriate education and/or training. The University may also recommend counseling or other support services for the respondent.

b. Cases Involving Allegations of Other Forms of Sexual Misconduct

Upon completion of an investigation in matters involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, the Title IX Coordinator will appoint appropriate adjudicators. Typically, a panel of two adjudicators will be appointed to each case. However, the University reserves the right to appoint additional adjudicators to assist in making a determination in any given case. In addition, in any complaint resolution process, the assigned adjudicators may request to have a third adjudicator appointed to the case at any point during the adjudication prior to the issuance of the written notice of determination. Generally, the adjudicators shall be chosen from members of the Title IX Team who have not previously been involved in the specific complaint resolution process and trained external Title IX consultants. Usually, no more than one of the adjudicators shall be a trained external Title IX consultant. The University reserves the right to appoint any trained adjudicator who are free from conflict of interest or bias. If any party has a concern that the adjudicators have a conflict of interest or bias, the party should report the concern in writing as indicated in section XI(I) Conflicts of Interest and Bias above.

The adjudicators will review the adjudication file. The adjudicators 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 adjudicators, the parties will be notified and provided access to that information.

The adjudicators 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. 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 adjudicators conclude that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the respondent engaged in Sexual Misconduct.

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

If the adjudicators determine that the respondent is responsible for a policy violation, they will then impose remedies and/or sanctions as necessary to end the misconduct, prevent its recurrence, and address its effects. As part of that determination of sanctions and remedies, the Title IX Coordinator may, in their discretion, provide the adjudicators with information regarding previous violations of the Sexual Misconduct Policy or other University 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 adjudicators, 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 University may, in its discretion, require the respondent to receive appropriate education and/or training. The University may also recommend counseling or other support services for the respondent.

4. Sanctions and Remedies

The Title IX Hearing Panel/adjudicators will impose remedies and/or sanctions as necessary to end the misconduct, prevent its recurrence, and address its effects. The University reserves the right to take whatever measures deemed necessary in response to an allegation of Sexual Misconduct in order to protect the rights and personal safety of the complainant and St. Catherine's community members. Not all forms of Sexual Misconduct are deemed equally serious offenses and, as a result, different remedies or sanctions may be imposed depending on the severity of the offense and any previous conduct violations.

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:

- Required assessment, education, or training;
- Probation;
- Warnings;
- Loss of privileges;
- Fines;
- Restitution;
- Behavioral contracts;
- Community service hours;
- Campus housing suspension, ranging from 2 weeks to 5 years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and

conditions upon the individual's presence on campus or at University events;
- Temporary or permanent restricted access to areas of campus, and campus events, activities, organizations, or courses;
- Conditions upon presence on campus or at University events;
- No trespass or no-contact orders;
- Removal or non-renewal of scholarships or honors;
- Suspension from the University, ranging from 2 weeks to 5 years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Expulsion from the University;
- Withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions;
- Temporary or permanent revocation of degree;
- Revocation of admission to the University;
- Loss of salary or benefit such as sabbatical or research or travel funding;
- Suspension of promotion and salary increases, ranging from 2 weeks to 5 years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Suspension or withdrawal of faculty privileges, ranging from 2 weeks to 5 years, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Transfer or change of job or responsibilities;
- Reassignment or removal from an elected or appointed position;
- Formal censure;
- Revocation of tenure;
- Demotion; and/or
- Termination of employment.

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 University privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of University 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.

Violations of imposed sanctions should be reported to the Title IX Coordinator. Such reports will be handled according to the section XIV. Complaints of Related Misconduct below.

Remedies for the complainant are designed to restore or preserve equal access to the University'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 supportive/interim measures, including, without limitation, the following examples:

- A mutual or one-sided no-contact order
- Prohibiting an individual involved from being on University property
- Prohibiting an individual involved from participating in University-sponsored events
- Changing an individual's on campus residency, dining, or transportation arrangements
- 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
- Providing a temporary cell phone
- 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

The University will undertake, to the extent possible, additional remedies as dictated by the circumstances, such as increased training to prevent Sexual Misconduct; additional written education materials (policies and resources); review campus security relative to monitoring, supervision, or security at locations where the reported Sexual Misconduct occurred; and/or revisiting other policies and practices. In addition, the University may recommend education, training, counseling, treatment, or other support services for others involved in the complaint resolution process, including complainants and witnesses, in some instances—for example, when individuals have engaged in high-risk use of alcohol or drugs.

The Title IX Coordinator is responsible for effective implementation of any remedies.

5. Notice of Determination

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

Prior to being provided the notice of determination, the parties and parties' advisors will be required to sign a non-disclosure agreement. The parties and parties' advisors are prohibited from disseminating or otherwise sharing the notice of determination with any other individual, except as permitted in the non-disclosure agreement.

For formal complaints alleging (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 University's 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 University has 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 adjudicators.

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 adjudicators receive the adjudication file. In some cases, more time may be required.

The determination of the Title IX Hearing Panel/adjudicators 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 University 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 University reserves 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 University may, at its 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 the 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 University, or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the University dismisses a formal complaint, the University 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.

7. Appeals

The complainant and respondent have the right to appeal a decision to dismiss a formal complaint or any allegations therein, as discussed above in the section XII(F)(6) Dismissal of Formal Complaint Prior to Adjudication above. The parties may also appeal the Title IX Hearing Panel's/adjudicator(s)' decision regarding responsibility.

Grounds for appeal 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
- The Title IX Coordinator, investigator(s), Title IX Hearing Panel or adjudicator(s) 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.

a. Submitting an Appeal

Either party may request an appeal by submitting to the Title IX Coordinator, within two (2) calendar days after the complainant and respondent receive the notice of determination, a written appeal statement challenging the outcome of the complaint resolution process. The written appeal may not exceed 2,000 words. 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.

The 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. The 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 will be considered, 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 the 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.

Upon receipt of the response, the Title IX Coordinator will review the responsive appeal statement and may remove or redact any portions of the statements 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).

The Title IX Coordinator generally will compile an appeal file, which may consist of any information, documents, or other evidence that will be provided to the appeal officer. Such information may include, as applicable, 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. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the appeal file and such access generally will be provided during normal business hours in a designated on-campus location. The appeal file cannot be removed from that location, nor can copies be made or pictures taken of the contents.

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.

The parties shall receive written notice of the appeal officer appointed. Generally, the appeal officer will be the Senior Vice President for Human Resources, Equity and Inclusion. However, the University reserves the right to appoint any trained appeal officer who is free of conflict of interest or bias. If any party has a concern that the appeal officer has a conflict of interest, the party should report the concern in writing as indicated in the section XI(l) Conflicts of Interest and Bias above.

b. Consideration of Appeal

The appeal officer will not rehear the case, but will review the appeal file and consider whether it is more likely than not that any of the above-listed grounds for appeal have been satisfied. The appeal panel may choose to meet with the parties and consider other additional information, in the appeal panel'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 panel receives any additional information, the parties shall have an opportunity to review the additional information.

If the appeal officer determines that there is sufficient evidence to conclude that it is more likely than not that one 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/adjudicator(s), and/or an additional live hearing, as determined by the appeal officer.

When the matter is remanded, the appeal officer, in consultation with the Title IX Coordinator, will determine whether the matter should be remanded to the previous Title IX Hearing Panel/adjudicator(s) or whether a new Title IX Hearing Panel/adjudicator(s) should review the matter. The appeal officer may not change the Title IX Hearing Panel's/adjudicator(s)' determination of whether the respondent was responsible or not responsible for a Policy violation. Only the Title IX Hearing Panel/adjudicator(s) reviewing the matter on remand from an appeal may change the determination of the original Title IX Hearing Panel/adjudicator(s) 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 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/adjudicator(s) shall utilize the same process as required for all complaint resolution 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 determines 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 will dismiss the appeal. This decision is final and is not appealable. If the appeal officer dismisses the appeal, the sanctions will be effective on the date the appeal officer's decision is provided to the parties.

The appeal officer will simultaneously issue to the parties a written decision describing the result of the appeal and the appeal officer's rationale for the result. The University will strive to complete the appeal within twenty (20) calendar days following the appeal 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.

XIII. RECORDKEEPING RELATED TO SEXUAL MISCONDUCT

The Title IX Coordinator is responsible for maintaining the official University records of Sexual Misconduct reports and formal complaints. When a formal complaint is pending, each official having a role in the complaint resolution process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the formal complaint or report will be provided to the Title IX Coordinator, who will maintain such records in accordance with the University's 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.

XIV. 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 act in good faith, the obligation to be truthful, or a nondisclosure agreement should be reported promptly to the Title IX Coordinator. The University will provide a prompt and equitable process for the resolution of complaints alleging retaliation or interference with process or violations of supportive/interim measures, sanctions, the obligation to act in good faith, the obligation to be truthful, or a nondisclosure agreement and will take appropriate action against any individual who engages in such conduct.

When the University receives a complaint of retaliation or interference with process or of violations of supportive/interim measures, sanctions, the obligation to act in good faith, the obligation to be truthful, or a nondisclosure agreement, the Title IX Coordinator 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 the Title IX Coordinator, investigation and/or determination by the 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 Procedures outlined above for addressing Sexual Misconduct formal complaints. The Title IX Coordinator will document the complaint received, the process used, and the outcome. The University will notify the parties of the outcome of the complaint. 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 set forth in this Policy.

XV. 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 is 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 can be found about filing a complaint at http://www2.ed.gov/about/offices/list/ocr/complaints-how.html.

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

XVI. RESOURCES

Reporting Options and Medical Care:
St. Catherine University
Department of Public Safety **651-690-8888**

Local Law Enforcement | 911
Minneapolis Police Department #612-348-2345
Saint Paul Police Department #651-291-1111

Sexual Assault
Resource Coordinator **651-643-3006 (St. Paul)**
612-348-4003 (Minneapolis)
612-374-4804 (Minneapolis)

Medical or Hospital Care

St. Catherine Student Health and Wellness Center #651-690-9714
Fairview Riverside General Information #612-273-3000
Hennepin County Medical Center #612-347-5832
Regions Hospital Emergency Center #651-254-5000
United Hospital Emergency Department | 651-242-8260

APPENDIX A

Campus and Community Resources, Confidential and Non-Confidential, For Sexual Assault, Sexual Harassment, and Other Sexual Misconduct

ON-CAMPUS RESOURCES: please note that "confidential" sources will generally offer to connect the reporting person to Public Safety to report the incident and pursue an investigation.

Resource	Telephone Contact	Email Contact @stkate.edu	Office Location	Confidential Resource*	Availability
Public Safety Office Victor Juran, Director	651-690-8888	vjuron@	CDC 103	No	24/7
Sexual Assault Resource Coordinator (SARC)	Minneapolis 612-348-40 612-374-48 612-347-58 800-800-03 612-825-43 Saint Paul: 651-643-30 651-223-48			No	24/7
Student Health and Wellness Center	651-690-6714	healthwellness@	Butler Center, Room 100	CONFIDENTIAL if treated by a nurse/ nurse practitioner. Not confidential if treated by a physician, who is required by law to report sexual violence to the local police authorities	24/7 when classes are in session; 8am-4pm at other times
University Counseling Center	651-690-68	counselingc	Derham, Room 330		Normal business hours and after hours - contact Student Health Center
Residence Life / Resident Assistants Amanda Perrin, Director	651-690-6617 or RAs located in each residence hall	aperrin655@	St. Mary's Hall	No	24/7 (through RA and professional on-call)
Clergy (through Campus Ministry)	651-690-672	campusmin	Our Lady of Victory Chapel	CONFIDENT if reporting to a priest in his capacity as pastoral counselor	Normal business hours

VP of Student Affairs & Dean of Students JoNes VanHecke, Student Affairs	651-690-6038	jvanhecke0	Derham, Room 305	No	Normal business hours
Health Promotion	651-690-671	healthprom	Butler Center	No	Normal business hours
Sexual Harassment Complaint Office & Title IX Deputy					Normal business hours
Title IX Coordinator JoNes VanHecke, VP Student Affairs	651-690-603	jrvanhecke0	Derham, Room 305	No	Normal business hours
Off-Campus Community Resources					
Local Law Enforcemen	911			No	
Minneapolis Police Department	612-348-234				
Saint Paul Police Department	651-291-111				
St. Catherine University Public Safety	651-690-888				
Community Legal Services of Minnesota	612-334-5970				
Minnesota Sexual Assault Resource Center Minneapolis	612-348-400 (Hennepin) 612-374-480 (Wheatley)				
Saint Paul	651-643-300				

Local Hospitals (medical treatment and collection of evidence available; predatory drug testing might not be available)	651-273-3000
	612-347-5832
	612-254-5000
M Health Fairview West Bank General	651-241-8260
Hennepin County Medical Center	
Regions Hospital Emergency Center	
United Hospital Emergency Department	

APPENDIX B

SEXUAL ASSAULT, SEXUAL HARASSMENT, AND OTHER SEXUAL MISCONDUCT

PREVENTION AND EDUCATION EFFORTS

St. Catherine University is committed to the prevention of Sexual Assault, Sexual Harassment, and other Sexual Misconduct through education and awareness. Throughout the year, programs and campaigns designed to promote sexual violence awareness and prevention are presented by a variety of campus resources including New Student Orientation, Health Promotion, peer educators and other St. Catherine students, and Public Safety. The University also promotes participation of student groups in prevention activities, through training provided in

Residence Life, and Athletics, among others. Prevention programs stress the added risks involved when the use of alcohol or other drugs is present. Incoming first year students, as part of their orientation, attend programs that cover the topic of sexual violence given by Public Safety and the Office of Health Promotion. Flyers about Sexual Assault, Sexual Harassment, and other Sexual Misconduct are posted in residence halls. The educational programs review strategies for prevention and inform students of options and resources available should such violence occur. The following are prevention and training programs and campaigns that are currently offered:

Initiative	Audience	Frequency
Haven: Online education course aimed at population-level sexual violence prevention; required of all incoming first year students (formerly known as SexualAssaultEdu®)	100% of students, pre-matriculation	Annual Initiative
Moments that Matter: video presentation (part of New Student Orientation program) delivered by current St. Catherine students, faculty and staff with follow-up discussion (led by Orientation Counselors) focused on high-risk alcohol use and sexual violence, with a particular focus on safe and effective intervention skills and campus resources	First year students, Day 3 and 4 of New Student Orientation	Annual Initiative
Sexual Violence Resource Brochure:brochure highlighting St. Catherine's Policy and Minnesota law regarding sexual violence; campus and community resources; general information about sexual violence on University campuses; safe and effective bystander intervention strategies	All first year students receive a copy at New Student Orientation; all upperclassmen residential students receive one hard copy per room at the "community of respect" floor meeting; all graduate, law and upperclassmen also receive e-copies of the brochure (to account for students living off campus)	Annual Initiative
Wildcat Newswire Sexual Violence Resource Highlight: Short description of a resource related to sexual violence, how to access the resource, and what reasons a student might access a particular resource	All undergraduate students	Weekly, when classes are in session
Did You Know? e-mail: : Outlines the protections and rights enjoyed as a result of various St. Catherine policies, reinforcement of existing resources around a variety of areas (e.g., Code of Student Conduct, academic policies, Title IX)	All undergraduate students	Periodically throughout the academic year
Where is the Love? campaign: Where is the Love? campaign: We believe that love (caritas) is essential to the life of our community. It is in the caring of self and others that make us strive to our All undergraduate students Year-round fullest potential. Throughout the year you will see the Where is the Love? logo (see below) to indicate that we will be learning how to extend an unconditional hand of friendship to each other as well as how to keep ourselves healthy and safe. This campaign will focus on a variety of health-related issues but will focus largely on alcohol and Sexual Assault-related issues.	ll undergraduate students	Year-round

Where is the Love? bystander intervention training initiative around situations of concern (e.g., alcohol poisoning and sexual violence), understanding consent, understanding how alcohol is involved in most incidents of sexual violence, safe and effective ways to intervene in situations involving alcohol and/or Sexual Assault, and resources on campus for survivors; facilitated by Health Promotion (all of whom serve on the SARC team as well)	The following students are trained: RA staff; Student Athletic Advisory Committee leaders; and optional for students participating in the Leadership Academy	Annual initiative
Healthy Relationships Awareness Month: Activities and information related to maintaining healthy relationships, to include identifying signs of an unhealthy or violent relationship, how to help a friend in an unhealthy relationship, and related issues	All undergraduate students	Annual initiative
Sexual Assault Awareness Month: Activities and information related to Sexual Assault, to include how to help a survivor of Sexual Assault, resource awareness, and risk reduction strategies	All undergraduate students	Annual initiative
Stall Street Journal toilet stall & Student Health 101 e-publication: publication featuring tips and strategies related to a variety of student health issues, including sexual violence, relationships, consent, bystander intervention strategies, and resources related to these issues; provides a companion parent/faculty/staff-friendly version of each student publication each month; starting in 2014-15, every Student Health 101 issue will feature sexual violence-related information	All undergraduate students; all faculty, staff and parents	Monthly (with the exception of the summer months – one issue posted from May-July)
Web resources & materials: various departmental sites feature general information about sexual violence on University campuses, specific resources available at St. Catherine and in the community, risk reduction strategies, how to help a friend, etc.	External and internal constituencies have access to Web materials; featured on a variety of departmental Web sites (Health Promotion, Counseling Center, Public Safety, to name a few); NEW Sexual Assault & other Sexual Misconduct Web site housed on the Health Promotion Web site	Reviewed and updated annually and/or as information becomes available or necessary to post
Sexual Harassment on-line training module	Mandatory for all employees	Year-round with all new hires; all current employees were required to complete the module in 2012 and periodically
Conduct Review Board training: Training regarding sexual violence on University campuses, the role of alcohol in campus Sexual Assaults, and general complainant and respondent experiences in the wake of a Sexual Assault incident and report	Conduct Review Board members assigned to Sexual Assault cases	Required when serving on a panel adjudicating a Sexual Assault case

POWER peer education training & programming: Trained undergraduate students provide programs by request to any student organization, most often by Resident Assistants, Greek organizations, and athletes; sexual violence programming is available by request, along with programs regarding alcohol and other drugs, sexual health, and nutrition and fitness.	All POWER peer educators apply, interview and train to become a peer educator; training related to sexual violence is provided jointly by a SARC team member and a representative from Women Organized Against Rape (WOAR); the POWER peer educators are supervised by a trained SARC team member	POWER peer educator training occurs every semester; POWER programs are presented by request, when classes are in session
Healthy Living Learning Community: One-credit, first year student learning community focused on the six dimensions of health: social, physical, intellectual, cultural, emotional, and spiritual; several class discussions focus on relationships, sexual violence, and emotional health.	First year students who opt into the learning community and live together	Annual initiative, part of the Living Learning Community program at St. Catherine
Residence hall floor meeting discussion: RA-facilitated floor meeting focused on building community which includes specific information about sexual violence on University campuses, along with campus and community resources; includes distribution of the sexual violence resource brochure to all upperclassmen residentsow	All residential students within the first two weeks of the fall semester	Annual initiative

National University Health Assessment (ACHA-NCHA): nationally recognized research survey collecting precise data about student health habits, behaviors, and perceptions; St. Catherine participates in this survey, along with over 450 Universities and universities annuallyNew Row	February (February 2013 is the most recent random sample administration; February 2014 is the most recent Greek Chapter survey administration)	Bi-annually on odd years