

Policy Against Harassment/Discrimination and Complaint Resolution Overview

I. Policy Statement	3
II. Scope of Policy	3
III. Title IX Statement and Contacts	4
IV. Non-Discrimination Statement	5
V. Policy Definitions	6
VI. Involved Parties	10
VII. Sexual Misconduct	10
VIII. Roles and Responsibilities	16
IX. Resources	19
X. Complaint Resolution Procedures	22
XI. Academic Freedom	31
XII. Education	31
XIII. Review	32
XIV. Distribution	32
XV. Related Campus Policies, Procedures, and Documents	32

I. Policy Statement

St. Norbert College (“college”) is committed to providing and maintaining a healthy learning and working environment for all students, staff, faculty, and other members of the college community, free of discrimination and all forms of sex and gender-based discrimination, harassment, and violence (“Sexual Misconduct”). Sexual Misconduct is a clear violation of the sacred dignity of each person and erodes the best vision of *communio*, an ideal which cannot exist where trust and responsibility are violated. Sexual Misconduct has the effect of limiting or prohibiting opportunities for members of the campus community to fully benefit and engage in a productive and supportive living, learning, and working environment.

In accordance with the college’s values, its role as an institution of higher education, and both state and federal law, the college will not tolerate any form of Sexual Misconduct and is committed to taking immediate responsive action to prevent and eliminate all forms of Sexual Misconduct impacting the college community. In compliance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities, Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment, the Campus Sexual Violence Elimination Act (SaVE Act), the Violence Against Women Act (VAWA), and all related implementing regulations, the college has implemented this policy in coordination with other campus discrimination and harassment policies to eliminate, prevent, and address conduct that constitutes sexual and gender harassment and discrimination.

The college recognizes that some community members (student, staff, and faculty) are or may be transgender, intersex, agender, or gender diverse, and that an individual’s gender identity and/or expression may change during their time as a member of the College community. To uphold the sacred dignity of all humans and minimize stigma faced by many transgender, intersex, agender, or gender diverse individuals, campus practices exist to affirm this acknowledgement.

II. Scope of Policy

This policy applies to students, faculty, staff, administrators, alumni, prospective students or employees, and third parties on campus, including visitors, guests, and the agents, representatives and employees of suppliers or contractors (the “college community.”). This policy and its [accompanying procedures](#) apply regardless of whether a student or employee is on a leave of absence, whether informal or formal, prior to, during, or following an investigation or hearing.

The college’s prohibition on Sexual Misconduct extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, and student services. Conduct falling within the definition of Sexual Misconduct is covered by this Policy regardless of its form (e.g., physically, remotely, online, via social media). Such conduct reported in the Children’s Center or with individuals who are minors, will follow a special procedure as indicated in the [Parent Handbook](#).

The college has jurisdiction over complaints regarding Sexual Misconduct that occur on campus, during or at an official college program or activity (regardless of location or method of delivery, i.e. virtual or in person), or off campus when the conduct continues to create a hostile environment on campus. The college will investigate all complaints made under this policy and, as necessary, take action to prevent the recurrence of Sexual Misconduct and to remedy its effects.

III. Title IX Statement and Contacts

It is the policy of the college to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the college's educational programs and activities, including employment and admissions. Title IX and its implementing regulations also prohibit retaliation for anyone involved in a formal complaint, investigation, or response to discrimination. The college has designated the following Title IX Coordinator to coordinate its compliance with Title IX and other related laws, receive inquiries regarding Title IX, and process all complaints of Sexual Misconduct:

Title IX Coordinator

Heather Butterfield

Assistant Vice President of Human Resources

Main Hall, Garden Level, Room 16

920-403-3210

heather.butterfield@snc.edu

The college has also designated the following Title IX Deputy Coordinators. The Title IX Deputy Coordinators assist with Title IX compliance, including facilitation of training and education for the campus community.

Title IX Deputy Coordinator for Athletics

Morgan Stacey

Senior Women's Administrator and Assistant Women's Hockey Coach

Mulva Family Fitness & Sports Center, Room 2018

920-403-3921

morgan.stacey@snc.edu

Title IX Deputy Coordinator for Faculty

Valerie Kretz, Ph. D.

Assistant Professor of Communication and Media Studies

Boyle Hall, Room 352

920-403-2906

valerie.kretz@snc.edu

Title IX Deputy Coordinator for Students

Joe Totman, Ed.D

Assistant Vice President for Student Affairs & Residential Education and Housing

Todd Wehr Hall, Suite 315 (Room 319)

920-403-1322

joe.totman@snc.edu

In addition to the reporting options under this policy, any person may also file a complaint of Sexual Misconduct with the United States Department of Education's Office for Civil Rights.

Department of Education (DOE)

500 W. Madison St., Suite 1475, Chicago, IL 60661-4544

1-312-730-1560

www2.ed.gov/about/offices/list/ocr/complaintintro.html

IV. Non-Discrimination Statement

St. Norbert College adheres to all policies of non-discrimination on the bases of protected classes, including but not limited to sex, gender, gender identity, sexual orientation, and marital status.

It is the policy of St. Norbert College not to discriminate in its student admission practices, education programs, scholarship and loan programs, athletic programs, and other school administered activities. The college is also committed to its policy of equal employment opportunity. All personnel policies, including those on employment, compensation, fringe benefits, transfers, and training programs are administered without discrimination. In addition, the college requests and expects its agents and those with whom it conducts its affairs to support our commitment to these important programs.

The college's Title IX Coordinator assists in response to and referrals for incidents of discrimination or harassment on the basis of the protected classes as identified by the current federal and state statutes outlined above. Persons with concerns, questions or complaints in relation to this policy may contact:

Heather Butterfield

Assistant Vice President of Human Resources

Main Hall, Garden Level, Room 16

920-403-3210

heather.butterfield@snc.edu

V. Policy Definitions

- A. **Actual knowledge** – Actual knowledge refers to the time at which the college has notice of an alleged violation of this policy through an initial intake report to the Title IX Coordinator, Deputy Coordinator, or Campus Safety. Reports of alleged Title IX Sexual Harassment or Other Prohibited Conduct may be made by a complainant, a third-party, or from a staff or faculty member in a role that requires mandatory reporting of the allegations.
- B. **Amnesty** – The college seeks to remove any barriers to reporting Sexual Misconduct. The college will offer anyone who reports Sexual Misconduct limited immunity from being charged for policy violations out of fear that they themselves or others may be accused of violating other college policies, such as drinking alcohol underage or using drugs at the time of the incident. The college may recommend education, therapeutic remedies, or accountability options for those individuals, but no proceedings or conduct record (for students) or disciplinary actions (for employees) will result, except for situations involving egregious misconduct.
- C. **Consent** - Consent is a key element in determining whether or not sexual contact or intercourse is a violation of this policy. In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission.

The following are important aspects of the definition of “consent” for the purposes of this policy:

- Consent is active, not passive.
- Silence, in and of itself, cannot be interpreted as consent.
- Consent can be given by words or actions, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in, and the conditions of, sexual activity. Non-verbal consent is not as clear as talking about what you want sexually and what you do not.
- Consent cannot be given by someone who is under the legal age of an adult (at least 18 years old).
- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- If a person is mentally or physically incapacitated or impacted by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to past sexual activity does not imply consent to other forms of sexual activity.

- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another; and
- Consent can be withdrawn by verbal or physical conduct that a reasonable person would understand to indicate a desire to stop or not engage in the sexual conduct at issue. A person is deemed not to have consented to any sexual activity that occurs after they withdraw consent.

Additionally, the following definitions must be considered when evaluating consent:

- **Coercion** - Coercion is direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. When a person makes it clear that the person does not want to engage in sexual activity, that the person wants to stop, or that the person does not want to go past a certain point of sexual interaction, continued pressure beyond that point may be coercive.
- **Force** - Force is the use of physical violence and/or physical intimidation to gain sexual access. Force also includes threats, intimidation, implied threats, and coercion that overcome resistance or produce acquiescence. There is no requirement that a person resists a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- **Incapacitation** - Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the "who, what, where, when, why or how" of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation can only be found when the respondent knew or should have known that the complainant was incapacitated when viewed from the position of a sober, reasonable person. One's own intoxication is not an excuse for failure to recognize another person's incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to

person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's decision-making ability, awareness of consequences, ability to make informed judgments, and capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of incapacitation. Some common signs that someone is incapacitated may include: slurred speech, confusion, shaky balance, stumbling, falling down, vomiting, and unconsciousness.

- D. **Formal complaint** – A formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging Sexual Misconduct by a respondent and requesting that the college respond to these allegations, either by investigation/live hearing or through alternative resolution, which may involve investigation prior to alternative resolution being offered.

A formal complaint may be filed with the Title IX Coordinator through an online form; complainants may request a link to this form by contacting the Title IX Coordinator through the contact information outlined within this policy. The formal complaint must be signed electronically by the complainant, or can be signed by the Title IX Coordinator when acting on behalf of institutional safety and security.

At the time of filing a formal complaint that alleges a violation of Title IX Sexual Harassment, a complainant must be participating or attempting to participate in the education program or activity of the college. Formal complaints that allege other violations can be filed at any time. Complainants with questions can speak to the Title IX Coordinator for details and clarification.

- E. **Retaliation** - It is a violation of this policy to retaliate against any member of the college community who reports or assists in making a complaint of Sexual Misconduct, responds to a complaint of Sexual Misconduct, or who participates in the investigation and adjudication of a complaint in any way. Persons who believe they have experienced Retaliation in violation of this policy should make a complaint in the manner set forth in this policy.

Retaliation consists of materially adverse action taken against a person because the person made a good faith report of Sexual Misconduct or participated in the investigation of a report of Sexual Misconduct, such as by serving as an investigator, witness, or support person. Acts to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under this policy and its related procedures is considered retaliation. A finding of retaliation or a threat of retaliation shall constitute a separate violation of this policy, subject to separate or consolidated disciplinary procedures, and is not dependent upon a finding of a violation of any other section of the policy.

Specific examples of retaliation include, but are not limited to, the following examples:

- Terminating a person's employment, demoting them, denying them a promotion, reducing their pay, or writing them up because they made a report or participated in an investigation of Sexual Misconduct.
- Sending threatening text messages or social media messages to someone because they made a report of Sexual Misconduct, gave a statement as a witness, or participated in the grievance procedures for an incident.
- Causing physical damage to a person's personal belongings because they made a report of Sexual Misconduct or gave a statement as a witness.
- Suspending a person from an activity or limiting their involvement because they made a report of Sexual Misconduct.
- Publishing knowingly false information about a person because they made a report of Sexual Misconduct.

F. **Standard of evidence** – In making a decision in a formal complaint, the college will utilize a standard of evidence called “preponderance of evidence.” This standard is when the Hearing Officer concludes that it “is more likely than not” that the alleged conduct occurred. This standard is based on the more convincing evidence and its probable truth or accuracy, thus leading to a reasonable conclusion that a finding of responsibility is justified. That is, the decision-maker should find that there is sufficient evidence that is relevant, probable, and persuasive to convince them that the respondent engaged in the alleged misconduct, and that the evidence supporting a finding of responsibility outweighs any evidence that the respondent is not responsible for the alleged misconduct.

Decisions are not made based on the amount of evidence presented. Preponderance of evidence can sometimes be referred to as “fifty percent and a feather” for decision making purposes.

G. **Supportive measures** – Supportive measures are non-disciplinary, non-punitive individualized services that are offered as appropriate, as reasonably available, and without fee or charge to the complainant (or respondent before or after the filing of a formal complaint), or in instances where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the college's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties involved in a complaint and to deter future violations of this policy.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications to work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

VI. Involved Parties

Complainant – The complainant is the person who has experienced the alleged misconduct. This person is considered a complainant regardless of whether they choose to file a formal complaint under this policy.

Respondent – The respondent is the person accused of the alleged misconduct, under this policy.

VII. Sexual Misconduct

This policy, in its entirety, prohibits Sexual Misconduct. “Sexual Misconduct” is an umbrella term broadly covering Sex, Gender, and Sexuality Discrimination/Harassment, including, but not limited to: Sexual Harassment, Sexual Violence, Sexual Exploitation, Domestic Violence, Dating Violence, Stalking, and Retaliation. For the purposes of this policy, Sexual Misconduct is broadly defined under two specific categories – *Title IX Sexual Harassment* and *Other Prohibited Conduct*.

A. Title IX Sexual Harassment

1. Jurisdiction

Title IX Sexual Harassment can occur on campus or during or at an official college program or activity in the United States, regardless of the location or method of delivery (i.e., in person or virtual). Title IX Sexual Harassment may also occur when conduct occurs off campus if the conduct occurs at a location or event over which the college exercised substantial control over both the respondent and the context in which the conduct occurred, including conduct occurring in any building owned or controlled by a recognized student organization. The college will investigate formal complaints under this policy made by individuals participating in or attempting to participate in the college’s education program or activity and will take action to prevent the recurrence of Title IX Sexual Harassment and remedy its effects.

2. Defining Title IX Sexual Harassment

Title IX Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- i. An employee of the college conditioning the provision of an aid, benefit, or service of the college on an individual’s participation in unwelcome sexual conduct (“quid pro quo sexual harassment”);
- ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college’s education program or activity (“hostile environment sexual harassment”); or
- iii. Sexual Assault, Domestic Violence, Dating Violence, or Stalking, defined as:

- a. Sexual Assault includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape. This college definition of Sexual Assault is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the college to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System; see 34 C.F.R. § 106.30(a).
 - (1) Rape is the carnal knowledge of a person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
 - (2) Sodomy is oral or anal sexual intercourse with another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - (3) Sexual Assault with an Object is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the respondent other than the respondent's genitalia.
 - (4) Fondling is the touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - (5) Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Wisconsin law.
 - (6) Statutory Rape is sexual intercourse with a person who is under the statutory age of consent as defined by Wisconsin law.
- b. Domestic Violence is a felony or misdemeanor crime of violence committed:
 - (1) By a current or former spouse or intimate partner of the complainant;
 - (2) By a person with whom the complainant shares a child in common;
 - (3) By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
 - (4) By a person similarly situated to a spouse of the complainant under the domestic or family violence laws as defined by Wisconsin law;
 - (5) By any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the state of Wisconsin.
 - (6) Note: The relationship between the respondent and complainant must be more than just two people living together to qualify as Domestic Violence.

- c. 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 complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between persons involved in the relationship. For the purposes of this definition:
 - (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse;
 - (2) Dating violence does not include acts covered under the definition of domestic violence.
- d. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or to suffer substantial emotional distress. For the purposes of this definition:
 - (1) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - (2) Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.
 - (3) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

B. Other Prohibited Conduct

1. Jurisdiction

The college has jurisdiction over complaints regarding Other Prohibited Conduct that occur on campus, during or at an official college program or activity (regardless of location or method of delivery, i.e. virtual or in person), or off campus when the conduct continues to create a hostile environment on campus. The college will

investigate all formal complaints made under this policy and, as necessary, take action to prevent the recurrence of this Prohibited Conduct and remedy its effects.

Conduct that falls outside the jurisdiction or definition of Title IX Sexual Harassment ([Section VII A.](#)) may form the basis for a complaint under this section. Complaints that are fully investigated and adjudicated under [Section VII A.](#) (Title IX Sexual Harassment) will typically not be addressed through section [VII B.](#) (Other Prohibited Conduct) unless additional violations have occurred, or it is necessary to enforce college policies.

2. Defining Other Prohibited Sexual Misconduct

This section of the policy encompasses Sexual Misconduct that falls outside the scope of [Section VII A.](#) (Title IX Sexual Harassment) but still violates the expectations of the college. Sexual Misconduct does not depend on the gender, gender identity, or sexual orientation of the complainant or respondent. Sexual Misconduct may occur between persons who consider themselves to be of the same gender or to otherwise have different gender identities.

i. Sex Discrimination

The college prohibits discrimination on the basis of sex in all the college's programs and activities. Sex Discrimination is a broad term that encompasses behaviors based on sex, including sexual orientation, gender identity, and pregnant/parenting student status.

Acts of Sex Discrimination may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sex Discrimination occurs when a person is excluded from participation in, or denied the benefits of, any college program or activity because of their sex.

Sex Discrimination includes gender-based harassment, which may include acts of aggression, intimidation, or hostility based on actual or perceived sex, sexual orientation, gender identity, gender expression, or gender stereotyping. Gender-based harassment usually does not involve conduct of a sexual nature. Gender-based harassment violates this policy when it denies or limits a person's ability to participate in or benefit from the college's programs and activities.

Sex Discrimination may include hazing¹ and bullying². Sex Discrimination may also include conduct that meets the definitions of Sexual Harassment and Sexual Violence, as set forth below.

ii. Sexual Harassment

Sexual Harassment is any unwelcome conduct of a sexual nature. Sexual Harassment constitutes Sex Discrimination when it denies or limits a person's ability to participate in or benefit from the college's programs and activities. Sexual Harassment can include sexual advances, requests for sexual favors, and other verbal, non-verbal, physical, or visual conduct of a sexual nature.

Sexual Harassment rises to the level of Sex Discrimination and is prohibited by this policy when:

¹ "Hazing" is often defined as acts likely to cause physical or psychological harm or social ostracism to any person within a community, including conduct related to the admission, initiation, pledging, or joining of any organization or group activity. Specific definitions for hazing at the College are available in other campus policies.

² "Bullying" is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally.

- a. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of any aspect of an individual's employment, education, or participation in college activities;
- b. Submission to or rejection of such conduct by a person is used or threatened to be used as a basis for financial, academic, or employment decisions affecting that individual;
or
- c. Such conduct is so severe, persistent, or pervasive that it substantially interferes with an individual's performance at work or in academic or extracurricular activities, thereby creating what a reasonable person would perceive as a hostile employment, education, or living environment.

In determining whether a hostile environment exists, the college will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The college will evaluate the totality of circumstances from the perspective of a reasonable person in the alleged complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

iii. Sexual Violence

The college prohibits all forms of Sexual Violence, including Sexual Assault, Sexual Battery, Sexual Coercion, Sexual Exploitation, and Rape. Sexual Violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (as defined in this Policy).

A single instance of Sexual Violence may be sufficiently severe to deny or limit a person's ability to participate in or benefit from the college's programs or activities, and, therefore, constitute Sex Discrimination.

Verbal misconduct or any misconduct that does not involve unwanted sexual touching does not constitute Sexual Violence but may constitute Sexual Harassment or another form of misconduct defined elsewhere in this Policy.

Sexual Violence includes, but is not limited to:

- a. Sexual Assault - Sexually penetrating, attempting to sexually penetrate, or having sexual contact with another individual by force or threat of force, without consent, or where the individual is incapacitated. Sexual assault can include rape, defined as sexual penetration (anal, vaginal, or oral), no matter how slight, with any object or body part without consent.

- b. Sexual Contact/Fondling - Intentional contact with the breasts, buttocks, groin, or genitals, or touching another person with any of these body parts, or making another touch you or themselves with or on any of these body parts. Sexual contact may also include intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- c. Sexual Exploitation - Taking or attempting to take sexual advantage of another person without consent for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Actions of Sexual Exploitation may be completed via electronic means, methods, or devices.

iv. Domestic and Dating Violence

Domestic and Dating Violence (often called *intimate partner violence*) include abusive and controlling behavior, threats of violence, and physical violence against a person who is or has been in a romantic or intimate relationship with the perpetrator, as defined below. Domestic and Dating Violence are considered to be a violation of this policy, no matter the motivation behind them. Domestic and Dating Violence can vary in frequency and severity and can include coercive behavior using threats of violence. It can occur on a continuum, including physical violence, sexual violence, abusive behavior, and stalking. The prohibited conduct can occur in person or electronically. It often takes the form of threats, assault, or property damage.

- a. Domestic Violence - Domestic Violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Wisconsin and includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:
 - is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - shares a child in common with the victim; or
 - commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
- b. Dating Violence - Dating Violence involves abusive and controlling

behavior, threats of violence, and acts of physical violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the complainant; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - length of the relationship;
 - the type of the relationship, and
 - the frequency of interaction between the persons involved in the relationship

v. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. fear for their safety or the safety of others; and/or
- b. suffer substantial emotional distress

Stalking may include cyberstalking, which is a form of stalking occurring in electronic media such as through the internet, social networks, blogs, cell phones, texts, or emails that are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

VIII. Roles and Responsibilities

A. **Title IX Coordinator** - It is the responsibility of the Title IX Coordinator to:

- Receive all formal complaints of sex and/or gender based discrimination and harassment at the college;
- Oversee the process of responding to Sexual Misconduct reports and formal complaints;
- Coordinate dissemination of information and education and training programs;
- Identify and address any patterns or systemic problems that arise during the review of such complaints;
- Assist members of the college community in understanding that Sexual Misconduct is prohibited by this policy;
- Answer questions about this policy;
- Serve as and/or appoint investigators and ensure that investigators are trained to respond to and investigate complaints of Sexual Misconduct;
- Ensure that employees and students are aware of the procedures for reporting and addressing complaints of Sexual Misconduct;
- Implement the Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures;
- Monitor full compliance with the requirements and timelines specified in the Complaint Resolution Procedures; and

- Compile an annual report on all reported incidents of sex and gender harassment/discrimination.

The Title IX Coordinator may consult with other college officials and legal counsel as necessary when carrying out their duties under this policy.

B. Title IX Deputy Coordinators - It is the responsibility of the Title IX Deputy Coordinators to support the work of the Title IX Coordinator, in their absence, and to serve the specific population assigned to their role. In their role, Deputy Coordinators may:

- Answer questions about Sexual Misconduct policies and procedures;
- Provide training, programming, and engagement specific to their populations; and
- Support other related compliance efforts for the college.

The Deputy Coordinator for Students and Employees may receive sexual misconduct reports and can serve in other roles for the grievance process team.

C. President's Cabinet, Deans, and Other Managers - It is the responsibility of President's Cabinet administrators, deans, and other managers to:

- Inform employees under their direction or supervision of this policy;
- Work with the Title IX Coordinator to implement education and training programs for employees and students;
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy.

St. Norbert College considers the following particular roles to be *Officials with Authority* (OWAs) under the 2020 Title IX regulations:

- Title IX and Compliance Coordinator
- Title IX Deputy Coordinators
- President
- Vice-Presidents
- Chief of Staff
- Deans/Associate Deans
- Assistant/Associate Vice-Presidents
- Athletic Director
- Director of Campus Safety
- Other Directors

D. Employees - It is the responsibility of all employees to review this policy and comply with it. Employees, including faculty, staff, and administrators, who believe they may have been subjected to conduct that constitutes prohibited Sexual Misconduct are encouraged to file a complaint with the Title IX Coordinator or to a Title IX Deputy Coordinator.

All employees ([see exception for confidential resources](#)) of the college have a duty to report Sexual Misconduct to the Title IX Coordinator when they receive a report of or witness such conduct. The report must include all known relevant details of the alleged Sexual Misconduct. If an employee receives a report from an individual who asks to maintain confidentiality, the employee should tell the person that the college will consider the request, but cannot guarantee that the college will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will also inform the Coordinator of the individual's request for confidentiality.

This section does not apply to the employees who may maintain confidentiality as described in [Section IX C.](#) of this policy. This reporting obligation includes employees who may have a professional license requiring confidentiality if they are not employed by the college in that professional role. This reporting obligation also includes student employees when they witness or become aware of Sexual Misconduct in the course of their employment with the college. Students who are resident assistants or campus safety staff are considered to be mandatory reporters at all times. An employee not

reporting Sexual Misconduct as required by this policy may be disciplined accordingly, up to and including termination.

- E. **Students** - It is the responsibility of all students to review this policy and comply with it. In certain employment roles, such as roles including resident assistant and campus safety student workers, students will be expected to abide by expectations of campus employees.

Students who believe they or another member of the college community may have been subjected to conduct that constitutes prohibited Sexual Misconduct are encouraged to file a complaint with the Title IX Coordinator. Students and other persons may also file a complaint with the United States Department of Education's Office for Civil Rights, as set forth in [Section III](#) above.

Students should be aware that all employees at the college, except those designated in [Section IX C.](#), have an obligation to report Sexual Misconduct that they become aware of or witness to the Title IX Coordinator, and they may not keep such information confidential.

- F. **Third Parties and Others** - Any individual may make a report of an act of Sexual Misconduct. The report may be made without disclosing the identities of the parties involved. However, the college's ability to respond to the third-party report of misconduct may be limited by the amount of information provided.

Likewise, any individual not classified as a student or employee who believes they or another member of the college community may have been subjected to conduct that constitutes prohibited Sexual Misconduct are encouraged to file a complaint with the Title IX Coordinator.

- G. **The College** - When the college is aware that a member of the college community may have been subjected to or affected by conduct that constitutes Sex or Gender Discrimination/Harassment, the college will take prompt action and review the matter. Through a formal complaint, and if requested by the Complainant or instigated by the Title IX Coordinator, an investigation and appropriate steps to stop and remedy the prohibited conduct will occur. The college will act in accordance with its Complaint Resolution Procedures, as described below.

IX. Resources

Any individual affected by Sexual Misconduct will have equal access to support and counseling services offered through the college and local community resources. The college encourages any individual who has questions or concerns to seek the support of the college's resources. These campus resources are available to provide information about the college's policy and procedure and to provide assistance to any party in the event a formal complaint is made.

- A. **Emergency Support Services** - The college encourages all complainants of sexual violence to immediately seek emergency medical care and/or law enforcement. This is the best option to provide physical safety, emotional support, and medical care to the complainant. It is also the best option to ensure the preservation of evidence. Contact information for 24 hour emergency medical care and law enforcement are listed below:

- 911
- SNC Campus Safety, 920-403-3260
- De Pere Police Department, 920-339-4078
- Sexual Assault Center, 920-436-8888

- B. **Title IX Office Resources** - The college's [Title IX Coordinator and Title IX Deputy Coordinators](#) can provide complainants with timely information on available on-campus and off-campus resources, reporting options, and guidance regarding the various reporting options, including filing a formal complaint with the college or filing a criminal complaint against the accused perpetrator.

- C. **Confidential Resources** - The college encourages complainants to report Sexual Misconduct to the Title IX Coordinator immediately. However, the college realizes that complainants may desire to maintain full confidentiality of their reported circumstances.

A complainant who wishes to talk confidentially about their situation may contact the following confidential resources on campus. The caller should ask to speak with a confidential support person when contacting the below resources. If you are unsure of someone's duties and ability to maintain your privacy, be sure to ask them before you talk to them.

These confidential resources will not report your circumstances to the college without your permission, unless otherwise required by law (such as when the complainant is a

minor or when required for Clery reporting purposes). Notwithstanding, a non-identifying report may be made to the Title IX Coordinator and/or Campus Safety so that the college can identify patterns of Sexual Misconduct on campus.

On-Campus Confidential Resources for Students	
SNC Health & Wellness Services	Office Hours: Monday-Friday 8:00 a.m. – 11:30 a.m. and 12:30- 4:30 p.m. 920-403-3266
SNC Clergy or Norbertines <ul style="list-style-type: none"> • Fr. Mike Brennan, O.Praem. • Fr. Matthew Dougherty O.Praem. 	All clergy can serve in this role. When calling, ask to speak with a confidential resource. 920-403-3012 michael.brennan@snc.edu 920-403-3010 matt.dougherty@snc.edu

On-Campus Confidential Resources for Employees	
SNC Health & Wellness Services (Services available to benefit eligible employees only)	Office Hours: Monday-Friday 8:00 a.m. – 4:30 p.m. 920-403-3266
SNC Clergy or Norbertines <ul style="list-style-type: none"> • Fr. Mike Brennan, O.Praem. • Fr. Matthew Dougherty O.Praem. 	All clergy can serve in this role. When calling, ask to speak with a confidential resource. 920-403-3012 michael.brennan@snc.edu 920-403-3010 matt.dougherty@snc.edu

Survivors of sexual offenses may also seek help from off-campus organizations that have trained professionals who assistance to complainants of sexual violence. These organizations are not associated with the college and therefore disclosure will not trigger a college response to the incident. Survivors may contact the following

organizations for assistance:

Off-Campus Confidential Resources for Students	
Sexual Assault Center	319 Crooks Street, Green Bay 920-436-8899 920-436-8888 (24-hour crisis line)
Golden House Domestic Violence Program & Services	920-432-4244 (phone) 920-770-6415 (text)
We All Rise - An African American Resource Center	430 S. Webster Ave, Green Bay 920-785-9115 920-600-4313 - 24 Hour Crisis call or text line
Wise Women Gathering Place	1641 Commanche Ave, Suite H, Green Bay 920-490-0627

Off-Campus Confidential Resources for Employees	
Sexual Assault Center	319 Crooks Street, Green Bay 920-436-8899 920-436-8888 (24-hour crisis line)
Golden House Domestic Violence Services	920-432-4244 (phone) 920-770-6415 (text)
<i>Continued on the next page.</i>	
Employee Assistance Program Employee Resource Center, Inc. (Benefit eligible employees only)	800-222-8590 (365 days; after hours available)
We All Rise - An African American Resource Center	430 S. Webster Ave, Green Bay 920-785-9115 920-600-4313 - 24 Hour Crisis call or text line
Wise Women Gathering Place	1641 Commanche Ave, Suite H, Green Bay 920-490-0627

X. Complaint Resolution Procedures

An overview of complaint resolution procedures is included (as follows); for full procedures and details regarding Complaint Resolution Procedures, please refer to the following documents:

[Employee procedures](#)

[Student procedures](#)

A. **Reporting Options** - Individuals who believe they have experienced instances of Sexual Misconduct have several options available for reporting, including reporting for informational purposes and to receive supportive measures only, filing an anonymous online report, or filing a formal complaint with a request for an investigation with live hearing and/or alternative resolution. The college will be considered to have actual knowledge of an alleged incident of Sexual Misconduct when any report is provided to the Title IX Coordinator, Deputy Coordinator, or Campus Safety.

- a. Reporting to the Title IX Coordinator, a Deputy Coordinator (for Students or Employees), or Campus Safety without filing a formal complaint:
 - The complainant may choose to report for statistical purposes only.
 - The complainant may choose to report the name of the respondent for a No-Contact or No-Trespass Order to be issued, but not file a formal complaint to request an investigation with hearing or alternative resolution take place.
 - The complainant can also receive other supportive measures.
- b. Reporting to the Title IX Coordinator, a Deputy Coordinator (for Students or Employees), or Campus Safety and then filing a formal complaint and requesting investigation and adjudication by the college or requesting alternative resolution (which may still require an investigation).
- c. Reporting to law enforcement.
 - A complainant can file a report with law enforcement no matter their other requests of the college (1 or 2 above).
 - The college will assist the complainant, as requested, in contacting the appropriate law enforcement agency and will provide any other assistance requested regardless of whether a complaint resolution process is being facilitated by the college.
 - The complainant may also choose to report to law enforcement independently of any report to campus.

B. **Content of the Complaint** - So that the college has sufficient information to report on and/or investigate a complaint, a report should generally include:

- The date(s) and time(s) of the alleged Sexual Misconduct;

- The names of all person(s) involved in the alleged Sexual Misconduct, including possible witnesses;
- Any details outlining what happened; and
- Contact information for the complainant so that the college may follow up appropriately.

C. **Information Provided to the Complainant at Time of Complaint** - A complainant who reports Sexual Misconduct to the college will be given information about this policy and any relevant procedures used to investigate and/or resolve complaints of Sexual Misconduct, options for filing reports with the local police, supportive measures, and other resources that are available on campus and in the community.

D. **Timing of Complaints** - The college encourages persons to make complaints of Sexual Misconduct as soon as possible because late reporting may limit the college's ability to investigate and respond to the alleged conduct. There is no statute of limitations for any reports, but the college may be limited in response options when significant time has lapsed.

E. **Confidentiality** - All formal complaints of Sexual Misconduct will be promptly and thoroughly investigated, as requested by the complainant, in accordance with the procedures for employees and students, and the college will take disciplinary and remedial action as appropriate. The college is committed to protecting the privacy of all individuals involved in a report of Sexual Misconduct. Every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegations. The privacy of the parties will be respected and safeguarded at all times. For purposes of this policy, privacy and confidentiality have distinct meanings:

- Privacy means that information related to a report of Sexual Misconduct will only be shared with a limited number of individuals who are college employees who need to know in order to assist in the active review, investigation, or resolution of the report.
- Confidentiality means that personally identifying information, such as names or information that directly or indirectly identifies the individuals involved in the incident cannot be revealed to another individual without express permission of the individual, unless there are circumstances posing an imminent risk of harm to self or others.
- Complete confidentiality is only available when information is disclosed to professionals who are mandated by law to protect the confidential disclosures.

The college will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the college cannot guarantee full confidentiality to those who make complaints. In

the event that the complainant's confidentiality cannot be ensured, the college will notify the complainant.

In the event a complainant requests confidentiality or does not decide to file a formal complaint, the college will take all reasonable steps to respond to the complaint consistent with the request for confidentiality or request not to pursue the concern. If a complainant insists that their name not be disclosed to the alleged perpetrator, the college's ability to respond will be limited.

The college reserves the right to initiate a formal complaint and proceed with an investigation in limited circumstances involving serious or repeated conduct, such as when the alleged perpetrator may pose a continuing threat to the college community, or when a No Contact Order has been violated on more than one occasion. If the college is unable to honor the complainant's request for confidentiality, the college will notify the complainant before the complainant's identity is disclosed.

Factors that are also considered include:

- a. was a weapon involved in the incident;
- b. is the accused a repeat respondent;
- c. does the incident create a risk of occurring again;
- d. are there other sources of evidence that could be used to identify the accused (i.e., surveillance cameras); and
- e. will the college be able to eliminate the hostile environment without disclosing the identity of the complainant.

The Title IX Coordinator is the person responsible for evaluating requests for confidentiality, and may consult with other college officials as necessary when making this determination. The Title IX Coordinator must balance the complainant's desire for confidentiality against the overall campus safety.

Note that certain types of Sexual Misconduct are considered crimes for which the college must disclose crime statistics in its [Annual Security Report](#) that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

Incidents of Sexual Misconduct may also necessitate the issuance of a timely warning when there is a substantial threat of bodily harm or danger to members of the campus community. When issuing such warnings, the college will make every effort to ensure that the complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

- F. **Notice of Complaint, Investigation and Allegations** - When a formal complaint is filed with the college, a Notice of Complaint, Investigation and Allegations (NOIA) letter will be sent to both the complainant and respondent, outlining the formal complaint received, allegations being investigated, what policy and sections of a policy are being assessed, name of the Coordinator and Investigator(s), rights of the complainant and

respondent throughout the investigation process, the retaliation policy, and any other information pertinent to the incident or the individuals involved. The complainant and respondent will also be notified about their rights to process advisors, the right to review and inspect any evidence, and the expectation that all involved will provide truthful, factual information. Both participants will be notified that the respondent is presumed not responsible until, and only when, a Hearing Officer determines that evidence shows, by preponderance of the evidence standard, that the respondent is responsible.

The NOIA will typically also include any Supportive Measures that have been put in place at the time of issuance. Notices of any No Contact Orders will be issued by Campus Safety or the Title IX Coordinator. The complainant and respondent will be offered a trained process advisor from the college or may select their own.

- G. **Dismissal of a Formal Complaint-** If a preliminary assessment of the formal complaint determines that the conduct at issue falls outside of the scope of [Section VII A.](#) (Title IX Sexual Harassment), it will be dismissed from [Section VII A.](#) and addressed according to [Section VII B.](#) (Other Prohibited Conduct).

Formal Complaints will fall outside of [Section VII A.](#) (Title IX Sexual Harassment) and must be dismissed when:

- a. The conduct does not constitute Sexual Harassment, as defined in [Section VII A](#) (Title IX Sexual Harassment);
- b. The conduct did not occur in the college's education program or activity;
- c. The conduct did not occur against a person within the United States; and/or
- d. The complainant was not participating or attempting to participate in the college's program at the time of the complaint.

Likewise, formal complaints may be dismissed under the following circumstances:

- a. The complainant requests, in writing to the Title IX Coordinator, that the complaint and relevant procedures/investigation be withdrawn; and/or
- b. The respondent is no longer enrolled/employed by the college.

If a complaint is dismissed under Title IX Sexual Harassment ([Section VII A](#)), both parties will be notified in writing, concurrently, of this dismissal and will be notified of any continued investigation of allegations continuing under the Sex and Gender Harassment/Discrimination policy or other relevant campus policies/processes.

Likewise, if the complaint is dismissed under both Title IX Sexual Harassment ([Section VII A](#)) and Other Prohibited Conduct ([Section VII B](#)), both parties will be notified of any continued investigation of allegations continuing under other relevant campus policies/processes.

Both parties have the right to appeal the dismissal of the complaint of Title IX Sexual Harassment ([Section VII A](#)) and Other Prohibited Conduct ([Section VII B](#)) behaviors; parties requesting appeal should request an appeals form from the Title IX Coordinator.

- H. **Supportive Measures** - The college will provide the complainant (and respondent, if a formal complaint is filed) with reasonable interim supportive measures to respond to and prevent further acts of misconduct upon learning of the alleged Sexual Misconduct. Such measures are available regardless of whether the complainant chooses to report the crime to local law enforcement, and whether the complainant files a formal complaint with the college. Supportive measures are intended to restore or preserve equal access to the college's education program or activity.

At the time a respondent is notified through the NOIA, the respondent will be made aware of their right to receive supportive measures.

Requests for supportive measures will be facilitated by the Title IX Coordinator, Title IX Deputy Coordinators, or the lead Investigator, who, in consultation with other college officials as necessary, will determine whether such accommodations will be implemented. At all points during the investigation and hearing or alternative resolution process, the complainant or respondent may request additional supportive measures or adjustment to those previously established.

Supportive measures are individualized, based on the information gathered by the Title IX Coordinator. The college will determine the reasonableness, necessity, and scope of any supportive measures, which may include (but are not limited to):

- No Contact Order: A complainant or respondent may request, or the college may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communication and contact restrictions generally preclude in person, telephone, electronic or third-party communications.
- Academic, Employment, or Residence Modifications: A complainant or respondent may request academic, residential, or employment accommodations after a report of Sexual Misconduct; individuals requesting such assistance will receive appropriate and reasonably available supportive measures. These may include, but are not limited to:
 - Change of residence hall room;
 - Change in work assignment or schedule;
 - Providing an escort to ensure safe movement between classes and activities;
 - Academic accommodations, including a change in class schedule, taking an incomplete, dropping a course without penalty, providing an academic tutor, extending deadlines for assignments, rescheduling exams and assignments, providing alternative course completion options, or allowing a voluntary leave of absence;

- Providing medical services available through the college Health & Wellness Services; and
- Counseling and emotional support, through on or off campus agencies.

In the event a supportive measure is provided, the college will maintain it as confidential to the extent that maintaining such confidentiality would not impair the college's ability to provide it. The Title IX Coordinator will communicate with each party to ensure supportive measures remain necessary and effective. Failure to comply with the terms of any supportive measures or protections that have been implemented may constitute a separate violation of this policy.

If a complainant has obtained a temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Title IX Coordinator. The college will take all reasonable and legal action to implement the order.

- I. **Interim Removal** - At any time after receiving a report of Sexual Misconduct, the Title IX Coordinator may remove a respondent from one or more of the college's education programs or activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any other individual arising from the allegations of Sexual Misconduct justifies removal. In the event the Title IX Coordinator recommends an interim removal, the Title IX Coordinator or another college official must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to appeal the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the college may place the Respondent on administrative leave at any time after receiving a report of Sexual Misconduct, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the college retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Misconduct or otherwise.

When interim removal has been imposed, the college will make reasonable efforts to complete the investigation and resolution within an expedited time frame. Each incident reported will be individually assessed to determine whether or not an interim separation is warranted, using a process specified for typical college threat assessment.

- J. **Alternative Resolution** - The college, rooted in the Catholic, Norbertine, and liberal arts traditions, is committed to the practice of subsidiarity. As such, every reasonable effort should be made to constructively resolve all conflicts between students, faculty, and staff. Alternative resolution may be used in lieu of formal investigation and hearing procedures.

Alternative resolution is a voluntary, remedies-based, structured process under the college's policy on Sex and Gender Harassment/Discrimination and related complaint resolution procedures. Alternative resolution is generally designed to allow a respondent to acknowledge harm and take responsibility for repairing harm (to the extent possible) experienced by the complainant and/or the college community. Alternative resolution is also designed to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant while maintaining the safety of the campus community.

When appropriate and agreed upon by each party, the college's Alternative Resolution process utilizes the following opportunities for resolving formal complaints of the Sex and Gender Harassment/Discrimination policy:

- **Shuttle negotiation**, where parties meet with a facilitator individually and engage in brainstorming solution-oriented outcomes in response to the formal complaint through the facilitator;
- **Facilitated dialogue**, where parties participate together in a facilitated, constructive conversation, focused on the impact of one's actions on the other party;
- **Restorative justice process/circle**, which provides an opportunity for community members to come together to address harmful behavior in a process that explores harms and needs, obligations, and necessary engagement;
- **Ongoing supportive measures assignment**, where the Title IX Coordinator resolves the matter informally by providing long-term supportive measures for both Parties to remedy the situation; or
- **An acceptance of responsibility**, where the respondent takes responsibility for the alleged policy violations and accepts relevant corrective actions.

Additional information on processes surrounding alternative resolution is included in the procedures that accompany this policy.

- K. **Grievance Procedure** - The college provides a grievance process for instances of Sexual Misconduct which includes an investigation, decision-making, and appeals process, after a formal complaint has been filed. Specific information outlining details for these different steps are provided in the complaint resolution procedures, and may look different for students and employees. Equitable treatment for the complainant and respondent will be provided at all times.

The grievance process has no firm deadline for completion, and the length of the process varies depending on the complexity of each case. The college must be reasonably prompt, advise both the complainant and respondent about anticipated timelines for particular phases of the process, and notify both parties of any extensions to the timeline and reasons for the extension.

The grievance process includes a presumption that the respondent did not violate policy unless and until a determination is made, after a hearing, that the respondent is

responsible for a violation.

All formal grievance process meetings, specifically including investigatory meetings and the hearing, will be recorded - either through summary documents completed by the Coordinator, Deputy Coordinator, or Investigator, or utilizing a device to record the audio of the meeting. When a device is utilized, all participants will acknowledge that they agree that the meeting/hearing is being recorded.

Employees and third-parties involved in facilitating all levels of the institutional process are conflict and bias-free.

- L. **Resolution** - If a complaint of Sexual Misconduct is found to be substantiated, the college will take appropriate corrective, disciplinary, and remedial action to stop the inappropriate conduct, address its effects, and prevent its recurrence. The college will provide persons who have experienced Sexual Misconduct ongoing support as reasonably necessary to restore or preserve access to the college's education programs or activities. Students and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand, suspension, probation, demotion, termination, or expulsion. Affiliates and program participants may be removed from college programs and/or prevented from returning to campus.

Remedial steps may also include individual counseling, as well as academic, work, or transportation accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

Additional information regarding resolution and sanctions can be found in the Complaint Resolution Procedures and related handbooks.

- M. **Recordkeeping** - The college will comply with all recordkeeping requirements imposed by applicable law and regulations, including those recordkeeping requirements set forth in 34 C.F.R. § 106.45(b)10. Beginning on August 14, 2020, the above-cited records must be maintained for no less than seven (7) years from the conclusion of a matter, including any appeal. This may include the following records:

- a. Any formal complaints and investigation records, including determination regarding responsibility, audio or audiovisual recording or transcript, disciplinary sanctions or corrective actions imposed on the respondent, and any remedies provided to the complainant or respondent designed to restore or preserve equal access to the education program or activity;
- b. Any appeal and the result of that appeal;
- c. Any alternative resolution and the result of that alternative resolution;
- d. All Title IX training materials for individuals involved with the grievance procedures; and
- e. Records of any actions, including any supportive measures (and the basis for providing or not providing supportive measures based on the deliberate indifference standard) taken in response to a report or formal complaint of sexual harassment.

- N. **Good Faith Reports** - The college encourages the good faith reporting of Sexual Misconduct. However, the college will not allow this Policy or the Complaint Resolution Procedures to be abused for improper means. Therefore, if the college's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline, up to and including termination and/or expulsion. Such disciplinary action will not constitute prohibited retaliation. A person makes a bad faith report of Sexual Misconduct if, at the time they make the report, they know the report is false or frivolous.

Further, the college may take disciplinary action against any person who knowingly provides false information during the investigation and resolution of a complaint of Sexual Misconduct and such disciplinary action will not constitute prohibited retaliation.

A finding of non-responsibility does not constitute a bad faith report.

O. Other Information for Complainants

1. Conduct that Constitutes a Crime

In addition to making a report under this policy, the college encourages any person who believes they are the victim of a crime—including Sexual Violence, Domestic Violence, Dating Violence, or Stalking—to make a report to the appropriate law enforcement agency. If requested, the college will assist the complainant in notifying the appropriate law enforcement authorities. A complainant may decline to notify such authorities.

Unless there is a health or safety emergency, ongoing threat to members of the college community, or a state law requiring reporting (such as in the case of child abuse), the college will not contact law enforcement without the alleged complainant's permission.

2. Emergency Reporting Options

Individual safety is paramount. Victims of sexual violence who are in an emergency situation or are uncertain about what they should do are encouraged to call 911 to request assistance from emergency personnel, including law enforcement and emergency medical personnel. Local law enforcement and emergency medical personnel are trained to help complainants and can recommend the best options to ensure preservation of evidence, ensure the complainant's safety, and begin a criminal investigation into the incident.

3. Special Advice for Individuals Making Complaints of Sexual Assault, Domestic Violence, Dating Violence, or Stalking

If you experience Sexual Assault, Domestic Violence, or Dating Violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary

for proof of the crime or in obtaining a protection order. For those who believe that they have experienced Sexual Assault, Domestic Violence, or Dating Violence, the college recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Contact law enforcement by calling 911.
- Get medical attention; all medical injuries are not immediately apparent. This is also necessary to collect evidence in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the complainant wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend, family member, or advocate, for support.
- Talk with a professional licensed counselor, clergy, or health care provider who can help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.
- Explore this policy and avenues for resolution under the Complaint Resolution Procedures.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. In cases of Stalking, evidence is more likely to be in the form of letters, emails, or text messages, rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Misconduct investigations.

XI. Academic Freedom

While the college is committed to the principles of free inquiry and free expression, conduct constituting Sexual Misconduct is neither legally protected expression nor the proper exercise of academic freedom.

XII. Education

The college is committed to the prevention of sexual violence through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of campus resources. Prevention programs include the annual overview of the college’s Sexual Misconduct policies during new student and new employee orientation time periods. This program includes discussion on prohibited conduct, effective consent, bystander intervention, and the impact of alcohol and illegal drugs on Sexual Misconduct. The Title IX Coordinator, Deputy Coordinators, and other campus

personnel are responsible for providing ongoing training to existing students and employees on campus.

XIII. Review

This policy is maintained by the college's Title IX Coordinator. The Title IX Coordinator will review this policy regularly, utilizing assistance of the college's Title IX response group (which includes Deputy Coordinators and Investigators). The review will capture evolving legal requirements, evaluate the support and resources available to the parties, and assess the effectiveness of the Complaint Resolution Procedures. The review will incorporate an aggregate view of reports, resolution, and climate.

XIV. Distribution

This policy will be disseminated widely to the college community through email communication, the college's website, links in handbooks, inclusion in orientation programs for new employees and new students, and through other appropriate channels of communication.

XV. Related Campus Policies, Procedures, and Documents

Nothing in this policy or related procedural guides or associated materials should be interpreted so as to limit the college's right to resolve, investigate, and/or take disciplinary action against any improper conduct of a sexual nature even though such conduct is not of the type, severity, or pervasiveness that constitutes Sexual Misconduct as defined in this policy.

The complaint resolution procedures are the exclusive means of resolving complaints alleging violations of this policy. To the extent there are any inconsistencies between these complaint resolution procedures and other college, complaint, or discipline procedures, these policy and complaint resolution procedure documents will control the resolution of complaints alleging violations of this policy.

Related policies, procedures, and documents that may intersect with this policy include:

- [Non-Discrimination Policy](#)
- [Complaint Resolution Procedure – Students](#)
- [Complaint Resolution Procedure – Employees \(Faculty and Staff\)](#)
- [The Citizen](#)
 - [Hazing Policy](#)