PROCEDURE ON INVESTIGATION OF GENDER-BASED MISCONDUCT AND SEXUAL HARASSMENT FOR STUDENTS

Revised 01/2020
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This document outlines the investigation procedures by St. Norbert College in response to allegations of gender-based misconduct and sexual harassment involving one or more St. Norbert College students. Students who are on leave (disciplinary or otherwise), on a study abroad, or internship will be considered a St. Norbert College student, unless a student has terminated their relationship with the college.

**Purpose of Procedure**

The purpose of this procedure is to provide clear guidance to reporting parties, respondents, investigators, process advisors, hearing panel members, appeal board members and others who may be involved in the process of reporting, investigating, advising, or adjudicating student complaints of sexual harassment or sexual misconduct.

**Scope of Procedure**

This procedure applies to all complaints involving St. Norbert College students, brought under Title IX and the Gender-Based Misconduct and Sexual Harassment policies set forth in The Citizen: Student Handbook. This procedure applies to all facilities, programs, and activities of SNC, including sexual misconduct that occurs on campus or at off-campus programs or activities sponsored by SNC, and sexual misconduct that occurs off-campus that has an effect on campus.

If the instance of sexual misconduct involves or is alleged against a faculty or staff member of the college, the report is forwarded either to the Title IX coordinator or to the director of Human Resources.

**Definitions**

For the purpose of promoting equity for both parties of a sexual misconduct complaint, the following terms are utilized:

- **Reporting party** is the person who is making the claim that an instance of sexual misconduct has been committed against themselves.
In some instances, a third party may report the incident to the college; this person would be considered a witness. In the instance where the reporting party is a non-SNC College member, the viability limiting contact (No-Contact/No-Trespass Orders) will be discussed as appropriate.

**Respondent** is the person who is responding to the allegation(s) of sexual misconduct made by the reporting party.

**Mandated Reporters** - All employees (with the exception of confidential resources) of St. Norbert College are considered “mandatory reporters.” This means, regardless of position or status all faculty and staff are required to report any violations of this policy, (regardless of merit) whether witnessed or reported to them by another person. They are not entitled to promise confidentiality to anyone who discloses a violation to them. Student workers are considered mandatory reporters when acting in the capacity of their employment at the College. However, students who are Resident Assistants or Campus Safety staff are expected to be mandatory reporters at all times due to their visible presence on campus as the “go-to” individuals when assistance is needed.

**Sexual misconduct** is a violation of The Citizen that falls under the definition of a Title IX Gender Discrimination Offence. Title IX prohibits harassment or discrimination based on gender and sex in education programs or activities at St. Norbert College (as is the case for the vast majority of higher education institutions in the US). Examples include sexual harassment, sexual assault, forcible fondling, stalking, and dating violence. For definitions of each form of sexual misconduct, consult the *The Citizen*.

For more detailed information on relevant definitions, refer to the college’s Gender-Based Misconduct and Sexual Harassment Policy [link](https://www.snc.edu/businessfinance/docs/login/gender-based-misconduct-and-sexual-harassment.pdf)
KEY COLLEGE PERSONNEL AND SUPPORTING STAFF IN THE PROCESS

Title IX coordinator - oversees the Title IX process and compliance efforts for the college.

Deputy Title IX coordinator - oversees the Title IX process and compliance efforts for assigned campus consistency.

Director of Student Judicial Affairs - oversees the student judicial process for the college.

Title IX investigator - responsible for handling Title IX investigations.

Campus Safety officer - an officer from Campus Safety who takes a report for allegations of sexual misconduct.

Process advisors - volunteer faculty or staff at SNC who have been trained to be a resource to the reporting and responding parties during the judicial process.

Sexual Misconduct/Hearing/Appeals Board - volunteer staff and faculty who are trained to hear allegations of sexual misconduct and participate in a board hearing regarding allegations of misconduct. These individuals are coordinated through the Office of Student Judicial Affairs. They may also serve on a sexual misconduct appeals hearing.

Translators - available upon request.

Advocate/resource advisor - persons designed to provide confidential support to a party in navigating and accessing resources during this process.

INITIAL CONTACT

A student who believes that any form of sexual misconduct has taken place has a number of initial reporting and support options.

CONFIDENTIAL SUPPORT RESOURCES

| 24 Hour SNC Counseling & Psychological Services (CAPS) | 920-403-3045  
|                                                      | www.snc.edu/counseling |
Anytime a non-confidential party receives information about an alleged instance of sexual misconduct involving one or more St. Norbert College students, the report is forwarded to the office of the Title IX coordinator or Campus Safety. The reporting party may also contact the De Pere Police Department. If the reporting party chooses to report a misconduct incident (without filing a complaint), there are two options available.

REPORTING OPTIONS

Reporting without filing a complaint

A reporting party may choose to report a misconduct incident without filing a complaint. Options A and B review these options. If the reporting party chooses to file a complaint, they have option C. or D. available to them. Regardless of the choice, if the reporting party is working with the SNC Title IX coordinator or SNC Campus Safety Title IX investigator, they will be notified that they can change their mind about their reporting option at any time.
A. The reporting party may choose to report for statistical purposes only.

It is the right of a student to decide what, if any information, the individual student decides to share with the college. The reporting party can choose to withhold their own name, or the name and/or identity of the individual responsible for the sexual misconduct. For this option, the respondent does not have to be informed of the report complaint or reporting party. If the following information is gathered, the college is typically able to add the report to the Clery Annual Report.

1. Name and contact information of the reporting party - If the reporting party wishes to remain anonymous, this request will be considered. Contact information will be shared with the Title IX investigator for follow-up purposes only.

2. A general sense of what happened – The college will need this information in order to properly classify what took place, as well as to know if there is a continued threat to the campus.

3. When the incident happened.

4. Where it happened.

Note that the online reporting form (https://www.snc.edu/titleix/report.html) can be submitted anonymously. However, limiting information reported may restrict the ability for follow-up and affect the ability to report for statistical purposes.

The Title IX Coordinator will determine if there is a continued threat to the campus community which would require an investigation to be conducted. If this would be the case, the reporting party would be notified of the impending investigation but the reporting party will not be obligated to participate in the investigation.

An Interim Measures request can be completed and submitted to the Campus
Safety Office if needed. The investigator will write up a brief summary report to be filed in the Title IX database.

B. The reporting party may choose to report the name of the respondent for a No-Contact or No-Trespass Order and opt against an investigation.

The same information will be gathered as in option A, but must include the name of the respondent. If both parties are students, both the reporting party and respondent will receive a No-Contact Order. At the time the order is issued, the respondent will be notified that a REPORT was made, and by whom, and that no investigation will take place at this time, and thus no conduct process or hearing will occur.

If the respondent is not a student, he or she will receive a No-Trespass Order.

The responding officer or investigator will create and file a summary report and attach a copy of the No-Contact/No-Trespass order(s) along with a signed Interim Measure form.

Filing a Misconduct Complaint / Requesting Investigation

Options C and D list the options available to the reporting party when they choose to file a complaint.

C. The reporting party may choose to have the incident investigated through the College.

The college will work to promptly conduct the investigation and move through the student judicial/conduct process. See Appendix VI for an estimate of the general timeline of the major stages of the investigative process.

A notice of investigation letter will be sent to both the reporting party and respondent. Generally included in this letter is a notice of No Contact Order. The reporting party and respondent will be offered a trained process advisor (See Process Advisor section for more information on their role).

D. The reporting party chooses to report to law enforcement

The reporting party may choose to report to law enforcement in addition to
options A, B or C, or independently. The College will assist the reporting party in contacting the appropriate law enforcement agency and provide any other assistance requested regardless of whether an investigation by the college is taking place. If the College is also investigating, sometimes a brief pause in the SNC investigation will take place in order to allow law enforcement to conduct their investigation. This pause is not expected to take more than ten (10) days unless there are extenuating circumstances. In these cases, the reporting party and respondent will be kept informed of the college’s investigative timeline.

**INTERM MEASURES**

Interim measures (Request for Title IX Interim Measures Form) include accommodations and adjustments to course assignments, class attendance, on campus work responsibilities and alterations to current living situation (alternatives may be offered), to either the reporting party or respondent. Specific accommodations and adjustments may necessitate the input of specific faculty, work supervisor, or the REH office to identify acceptable adjustments or options.

**INVESTIGATION**

The investigation will entail interviews of the reporting party, respondent and any relevant witnesses and the collection of any evidence. The investigation process is meant to be equitable, and to be completed within 60 days after the report/complaint is made. Both parties will have the opportunity to review their interviews, submit comments, provide additional information, and identify witnesses they want interviewed.

Additional violations of The Citizen, such as underage drinking, will not be prosecuted as a violation of College policy, when associated with an incident of gender-based misconduct or sexual harassment.

Upon completion of the investigation, a preliminary Title IX Investigation report will be shared with both parties for their review and correction, if any. Any noted corrections will be added to the Title IX investigation report along with all other relevant documentation and forwarded to the director of Judicial Affairs if the
reporting party still wishes to move forward to the adjudication process. While the reporting party may have initially opted for a full investigation process, he or she may change his/her mind on any of these options at any time. In situations where the reported incident is such that a threat to the college community exists, measures may be taken to mitigate the threat or investigate the incidents. In this case, the reporting party will not be asked to participate in a campus investigation once they have opted to no longer pursue the complaint and judicial process.

**Respondent Takes Leave, Fails To Cooperate**

In the event the respondent decides to take an informal or formal leave from the College prior to, during or preceding the hearings, the following will be put into effect.

- Investigation will continue with the opportunity granted for the respondent to participate.
- Transcript notation will prevent the student from re-enrolling without authorization from the director of Student Judicial Affairs.
- Transcript notation will prohibit official transcripts being sent to other institutions of higher education.

**Title IX Investigator Response**

A trained Title IX investigator will be assigned to the case if the reporting party decides to have the report/complaint investigated. The Title IX investigator has specialized training in Title IX investigations, trauma response, and investigative techniques. There may be times during the interview when a support Title IX investigator will be present to assist. The Title IX investigator will:

- Provide a copy of The St. Norbert College’s Statement of Rights and Expectations (See Appendix I) – These will be read and explained to each party at the initial interview.
- Provide a resources brochure – Read and explained to the reporting party.
- Have the reporting party or respondent sign and be given a copy of the Interim Measures form (see Appendix II) - which describes various interim measures that can be taken.
- Offer a trained SNC process advisor to both parties
- Take immediate and appropriate steps to stop any harassment or sexual violence, prevent recurrence, and remedy discriminatory effects on the reporting party and others as appropriate.

**PROCESS ADVISORS**
St. Norbert College will provide access to a SNC faculty or staff member trained as a process advisor for both the reporting and responding parties. The advisor will be available to accompany each student during the investigative and judicial meetings/hearings. Neither party is obligated to work with the process advisor provided by the college. Either party can elect to have an individual of their choosing serve as a support individual (e.g. family member or a friend). The process advisor may assist the reporting party or the respondent in preparing for the hearing and in navigating the student conduct process. Process advisors have no legal training or knowledge and are not attorneys; they do not advocate or speak on behalf of the parties. A process advisor will be made available to the reporting party and the respondent within 1-2 business days after an initial request is initiated.

**SEXUAL MISCONDUCT BOARD (SMB)**
Because of the unique and sensitive nature of these matters, gender-based misconduct and sexual harassment cases are heard by a specially trained group of hearing officers called a Sexual Misconduct Board. Members of the Sexual Misconduct Board are members of the SNC faculty and staff, who are trained and convened by the director of Student Judicial Affairs. SMB members are trained in a number of relevant topics, including but not limited to Title IX, the sexual misconduct policy found in The Citizen, policies and procedures, and trauma-informed response. Typically, an SMB is comprised of three (3) members of mixed gender. The reporting party and respondent will each have the opportunity to approve or not approve proposed members of the SMB due to perceived bias. The director of Student Judicial Affairs will discuss with the parties their reasons for opposition of a specific board member from the hearing if bias concerns are raised.
St. Norbert College is committed to ensuring that its resolution processes (e.g. investigation, adjudication, appeal, etc.) are free from actual or perceived bias or conflicts of interest that would materially impact the outcome.

**Guests and Support at a Judicial Hearing**

A student is permitted to have one (1) individual serve in a support or advisor capacity, internal or external to the college, and one (1) parent or guardian to be present during a hearing.

**The Judicial Hearing**

If the reporting party wishes to proceed with the judicial process, the director of Student Judicial Affairs will assemble a Sexual Misconduct Board (SMB).

Once the investigation is complete and the investigative report is finalized, the director of Student Judicial Affairs will schedule an SMB hearing. The director of Student Judicial Affairs will meet separately with the reporting party and respondent to discuss their rights in the SMB hearing and what will take place. This meeting is called a pre-hearing meeting. The parties will be notified that they are permitted to provide additional statements in preparation for the hearing, which includes a victim-impact statement for the reporting party, a character statement for the respondent, and up to three (3) letters of support for the respondent.

The reporting party and respondent are given information at their meeting with the director of Student Judicial Affairs. Topics covered include the following:

- Pre-hearing meetings are conducted separately to retain no-contact between the two parties.
- Overview of the role of the director of Student Judicial Affairs, Rights for each party are reviewed again, the role of the process advisor, parents, and legal counsel is discussed with each party. The student is asked if they want to use a process advisor provided by the college. The process advisor role is explained to the student.
- FERPA Forms are completed based on who the party wants involved in the hearing process, the charges are reviewed again, the date of the hearing is set,
and each party is given a list of potential board members and indicates any objections and the basis for any objections.

- The potential sanctions based on the Title IX sanctioning guidelines are reviewed, resources about writing a Victim-impact statement or a character statement are shared, and a deadline is given for the date of the character statement or victim-impact statement. A deadline for letters of support is given to the respondent.

- The reporting party and respondent are given a copy of the full investigative report in redacted form, and the student can comment or ask questions. Next steps are discussed and task-items are stated as a final summation of the meeting.

- Students are also reminded about available resources. Depending on the needs of the student, resources will be tailored to the student’s specific requests, within reason.

- The reporting party and respondent are given letters asking to be excused from class. The student is told that it is not a guaranteed excuse from class because the faculty member makes the final decision.

**Victim Impact Statement/Character Statement/Letters of Support**

The reporting party and the respondent may submit statements and letters of support to the hearing board. Timelines for these submissions can be found in Appendix V. The reporting party may submit a victim impact statement not to exceed three (3) typed pages of 1500 words if single-spaced or 750 words if double-spaced.

The reporting party may submit a victim impact statement that addresses how the incident caused emotional, physical, spiritual, etc. consequences which affected their progress in their studies, in relationships, etc. The purpose of this statement is to learn more about the person, how this incident has affected their lives and educational pursuits, and what their SNC education means to them. This statement is not intended to discuss the merits of the case.

The respondent may submit a character statement which addresses who the respondent is as a person, their interests and educational pursuits. The purpose of the
statement is to learn how this has affected them as a person, what they learned about themselves, and what their SNC education means to them. This statement is not designed to discuss the merits of the case, but can discuss how it has affected them emotionally, physically, spiritually, etc.

The respondent may also submit up to three (3) letters of support. The letter(s) of support must come from writers who have known the respondent for at least two (2) years as a friend, co-worker, family member, clergy, spiritual advisor, coach, or mentor. The letter(s) of support is intended to shed light on the respondent’s moral fiber. It should not be a commentary on the case. The letter(s) should be typed, signed and submitted directly to the Office of Student Judicial Affairs. Each letter cannot exceed one (1) page single-spaced 500 word count or one (1) page double-spaced 250 word count.

HEARING

At the hearing, the reporting party and the respondent will be given space, in separate areas, to convene and prepare for the hearing before being called into the hearing room. The SMB hearing will take place in a room that allows a partition between the reporting party and respondent. Both parties will be able to see the board members and hear each other. An audio record will be kept of the proceedings and made available to each party for their audio review, at their written request. A copy of the audio recording is not available for dissemination or duplication, per college policy.

The general outline of a hearing is as follows:

1. Each party enters the room, escorted by a member of Student Judicial Affairs (SJA) staff.

2. Each party and their support person and parent(s) are seated at a table with a microphone. If a translator is needed, they are seated at the table as well. Water is provided.

3. At the front of the room, a panel of board members, including the director of Student Judicial Affairs, is seated at a table with microphones.

4. The chair of the board convenes the hearing by notifying everyone that the recording will begin. The chair gives each party and their support person and
parent the opportunity to introduce themselves. Then the members of the board and the director of Student Judicial Affairs introduce themselves.

5. After introductions, the chair reviews the mission and values of St. Norbert College. Specifically, the chair reviews the rights afforded to the respondent and the basic ground rules for conduct for both parties.

6. After the rights and responsibilities section, the chair asks the director of Student Judicial Affairs to introduce the investigator.

7. The investigator is escorted into the room by SJA staff and is asked to state their name and title for the record.

8. The investigator states a summary of the case information as they understand it.

9. The board asks questions of the investigator, then the reporting party is allowed to ask questions. After the reporting party has asked questions, the respondent may ask any questions they may have.

10. The investigator leaves the room once all questions are completed.

11. The board asks questions of the reporting party. Then, through the chair, the respondent asks questions of the reporting party. If the question is relevant to the case, the chair relays the question. Statements that are attacking or aggressive in nature will not be allowed in the hearing. Hearsay and rumors will also not be allowed in the hearing.

12. The board asks questions of the respondent. Then, through the chair, the reporting party asks questions of the respondent. If the question is relevant to the case, the chair relays the question. Statements that are attacking or aggressive in nature will not be allowed in a hearing. Hearsay and rumors will also not be allowed in a hearing.

13. After both parties are questioned, the chair moves to closing statements. The reporting party has the opportunity to share their victim-impact statement. Then, the respondent has the opportunity to share their character statement.

14. The chair asks both parties if they have any further questions or clarifications to share with the board.
15. During the entire hearing, there are intermittent breaks as needed. Parties are adjourned separately to avoid contact with each other.

16. Students are excused and the board deliberates. The parties are informed that a response will be made within three (3) business days or sooner. The recorder is turned off.

After the SMB hearing, the director of Student Judicial Affairs will share the findings of the SMB Board with the reporting party and respondent, both in writing and verbally in a post-hearing meeting.

**The Appeals Process**

Either party, the reporting party or the respondent, has the right to file an appeal. The appeal must be in writing and must be submitted within three (3) calendar days of receipt of the SMB outcome. The appeal is not designed to provide a new hearing on the case facts already presented, but only a review of the specific grounds described below. Appeals that do not recite sufficient grounds or comply with the requirements will be rejected without a hearing. The Appeals Board will determine if the appeal meets the specific criteria.

Request for Appellate Consideration form link:

https://cm.maxient.com/reportingform.php?StNorbertCollege&layout_id=9 (see Appendix VI)

**Grounds for an Appeal**

Procedural error: The appellant must demonstrate that there was a material deviation or change from the procedures outlined in this procedure, and that had the proper procedures been followed, the outcome would likely have been different.

New evidence: The appellant must demonstrate that new evidence became available or discovered after the hearing, which would likely have impacted the outcome had the evidence been known and reviewed during the investigation or hearing. The appellant needs to present or describe the new evidence in writing and explain why the new evidence was unavailable prior to the hearing.
Substantiated bias: The appellant must demonstrate facts that show prejudice, bias or other inappropriate or unlawful factors improperly influenced the outcome.

If the request for appeal is granted, both parties would be invited to be present at the appeals hearing and will have the opportunity to share an appeals statement, stating the grounds of their appeal.

The director of Student Judicial Affairs will assemble an Appeals Board consisting of three (3) new board members. The chair of the initial SMB hearing is invited to the appeals hearing with the board to explain the outcome of the initial hearing. The investigator is invited to the hearing to present case information to the board and parties. The investigator or any other SNC staff member will have the opportunity to present a written and oral memorandum in response to any bias or procedural error allegation at the time of the hearing. During an appeals hearing, the SMB chair and the investigator present a summary of their related information to the board. The board has the opportunity to ask clarifying questions. Students can question the chair or investigator during the appeal, and are limited to only questions that pertain to the matter at hand.

The appeals hearing is very similar to a regular hearing but the only issue discussed is the grounds for the appeal.

The Appeals Board moves onto the appeals statement, which is a statement of the ground for the appeal of the outcomes of the SMB. The statement, which is prepared by the party/parties bringing forth an appeal (the respondent, the reporting party, or both), will include the grounds for the appeal and may include the presentation of evidence to support the appeals statement. Once appeals statements are completed, the chair asks both parties if they have any further questions or clarifications to share with the board.

The parties will then be excused and the board will deliberate. The parties are informed that a response will be made within three (3) business days or sooner. The recorder is turned off.

After the appeals hearing, the director of Student Judicial Affairs will share the findings of the SMB Board with the reporting party and respondent, both in writing and verbally in a post-hearing meeting.
**TRANSCRIPT NOTATIONS**

The official St. Norbert College transcript will include a permanent notation of disciplinary suspension or expulsion status for any student sanctioned under the academic honor code or the student standards of conduct (*The Citizen*).

**ADDITIONAL PROVISIONS**

The following additional provisions further apply to proceedings under this procedure.

**Retaliation**

Retaliation is the harassment of someone who has reported a Title IX complaint or provided a statement or evidence in a Title IX investigation. St. Norbert College strictly prohibits any form of retaliation; instances of such will be addressed through the College’s conduct system. Instances of retaliation should be reported to the Title IX Coordinator or the Campus Safety department.

Additionally, any harassment of administration or board members who were involved in a Title IX complaint is strictly prohibited. Providing false information, engaging in retaliation against any person involved in a proceeding under this procedure, or engaging in any other interference or violation of this procedure may result in disciplinary action up to and including expulsion.

**Confidentiality**

Every reasonable and appropriate measure to keep details of a Title IX complaint confidential will be taken. Dissemination of information will be shared on a “need to know” basis for the protection of all parties involved.

**College-Initiated Proceedings**

As necessary, the college reserves the right to initiate the report and to initiate resolution proceedings without a formal report or participation by the reporting party. College-initiated proceedings will be reserved for instances where a threat exists to the college community, and a resolution is necessary to mitigate the threat.

**Notification of Outcome for Students**

The final Notification of Outcome is part of the education record of the respondent and is generally protected from release under federal law or FERPA. However, the college
observes the following legal exceptions: Parties to gender-based misconduct or sexual harassment have a right to be informed of the outcome.

**Records Retention (see Appendix V)**

Records of all allegations, investigations and resolutions will be kept in a database by the senior director of Student Judicial Affairs. Records are kept 7 years after the date of graduation from SNC. Records Retention Policy link: [http://www.snc.edu/judicialaffairs/docs/PolicyOnReportingDisciplinaryRecords.pdf](http://www.snc.edu/judicialaffairs/docs/PolicyOnReportingDisciplinaryRecords.pdf)

**Participation in Investigations**

Individuals who are asked to meet with or provide information to investigators or hearing panels are expected to fully and voluntarily cooperate and provide complete and truthful information. Witnesses may be interviewed remotely by Skype, or similar technology, if they cannot be interviewed in person.

**Request for Postponement**

Postponements of deadlines or hearings shall not be granted except when extenuating circumstances exist as defined in this section. Extenuating circumstances or situations, which preclude the reporting party or respondent from meeting the deadline or attending the hearing, are very limited. Examples of extenuating circumstances include either party suffering from an incapacitating medical condition or emergency, supported by a physician’s note, or a death in the party's immediate family.

Unavailability of process advisors, family members or legal counsel is not a reason for postponement. The reporting party and respondent are expected to modify their personal calendars to meet the deadlines and hearing dates.

**Deadlines**

All deadlines identified in this document are general target deadlines. The college reserves the right to use time beyond these limits in matters of extenuating circumstances.
APPENDIX I- ST. NORBERT COLLEGE STATEMENT OF RIGHTS AND EXPECTATIONS FOR STUDENTS

Statement of Rights

1. The right to a prompt investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college officials;

2. The right to be treated with respect by campus officials throughout this process;

3. The right to be informed of rights under Title IX and any available resources for counseling, mental health or student services for victims of sexual assault, both on campus and in the community;

4. The right to notification of options for any available assistance in changing academic and living situations, if such changes are reasonably available. Accommodations may include:
   a. Change of an on-campus student’s housing to a different on-campus location or discontinuation of a housing contract.
   b. Classroom accommodations including assignment and exam rescheduling, taking an incomplete in a class, and/or transferring class sections.
   c. Alternative course completion/withdrawal options.

5. The right to be protected under Title IX, regardless of disability, international or undocumented status, and sexual orientation or gender identity;

6. The right to be informed in advance of any public release of information regarding the incident;

7. The right not to have released to the public any personally identifiable information. This includes meetings and interviews that are closed to the public;

8. The right to preservation of privacy to the extent possible and permitted by law;
9. The right to be fully informed of college policies and procedures as well as the nature and extent of all alleged violations in the complaint, including the nature of the violation and possible sanctions;

10. The right not to require any Title IX complaint to be resolved through mediation;

11. The right to be informed by college officials of the option to notify local law enforcement, and to be assisted by campus personnel in notifying law enforcement, if the reporting party so chooses. This includes the right not to report to law enforcement, if this is the reporting party’s desire;

12. The right to have one (1) adult support advisor (for example, a SNC-trained student conduct process advisor OR one (1) non-student support advisor of the party’s choosing during all phases of an investigation and resolution process);

13. The right to ask the investigator(s) to identify and question relevant witnesses, including expert witnesses;

14. The right to regular updates on the status of the investigation and/or resolution and to be notified of timeframes for all major stages of the investigation;

15. The right to review all documentary evidence available regarding the allegation, including the investigation report, subject to the privacy limitations imposed by state and federal law, at least three (3) business days prior to the hearing;

16. The right not to have irrelevant prior sexual history admitted as evidence in the investigation and investigation report;

17. The right to have the complaint resolved based on a preponderance-of-the-evidence standard of proof. The school may not use a higher standard of proof;

18. The right to a hearing panel consisting of representatives of all genders, whenever possible, who have received applicable training;

19. The right to petition that any member of the Hearing, Appellate Panel, or the Investigator be recused on the basis of demonstrated bias or conflict of interest;

20. The right to provide evidence by means other than being in the same room (reporting party only);

21. The right to be present for all testimony given and evidence presented during the hearing;

22. The right to provide an impact statement and up to three (3) character statements in writing to a hearing panel at least forty-eight (48) hours prior to the hearing;
23. The right to appeal the finding and/or sanction of the conduct body, in accordance with the standards for appeal established by the institution;

24. The right to be informed of the outcome, rationale, and the applicable sanctions in writing, and to be informed when a decision of the college is considered final.

Statement of Expectations

1. To refrain from any form of retaliation, direct or indirect, against any party involved in the process.

2. To maintain the confidentiality of the allegations and information to the extent possible, including refraining from discussing or publicizing the matter on social media or any other form of media.

3. To refrain from any form of interference in the investigation process, including any attempt to directly or indirectly influence witnesses or those involved in the process.

4. To refrain from any secret or unauthorized recordings, audio or visual, of the investigation and hearing process.

5. To be truthful and open and to provide complete and non-misleading information to investigators and hearing panel members.

I have been notified of my rights by St. Norbert College staff, understand the information shared with me, and have received a copy of this form.

Printed Name:______________________________________________________________

Signature:_________________________________________________________________

Date:_____________________________________________________________________

Witness: :_________________________________________________________________

CC: Case File

Student
APPENDIX II- REQUEST FOR TITLE IX INTERIM MEASURES

Please find below a list of interim measures that can be provided on your behalf. There are also some spaces that you can insert interim measures that are not on this list, but may be available to address a unique situation or circumstance. Please check the specific measures or assistance that you are requesting.

Please check all that apply.

☐ No-Contact Order

☐ Change in residence on campus

☐ Assistance with course assignments or enrollment, please specify:

☐ Counseling

☐ Medical care

☐ Other: ________________________________

☐ Other: ________________________________

☐ Other: ________________________________

☐ Interim measures declined by student.

_________________________________________________________________________________________________________

Name of Student Receiving Assistance    Signature    Date

_________________________________________________________________________________________________________

Name of St. Norbert College Official    Signature    Date
### Appendix III - Sexual Misconduct Sanctioning Guidelines

#### St. Norbert College Sexual Misconduct Sanctioning Guidelines

<table>
<thead>
<tr>
<th>Type of Infraction</th>
<th>Minimum</th>
<th>Moderate</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-consensual sexual contact</td>
<td>Disciplinary probation for one year, counseling, parental notification, removal from leadership position(s), additional training or education for the respondent. Other appropriate requirements designed to avoid and prevent future violations.**</td>
<td>Suspension* (duration to be determined), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent. Other appropriate requirements designed to avoid and prevent future violations.**</td>
<td>Expulsion from the college</td>
</tr>
<tr>
<td>Examples: Touching genital area, touching breasts or buttocks, biting or hickey (kiss mark)</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

| Non-consensual sexual intercourse | Suspension* from the college (forfeit one full academic semester’s worth of credit – does not include J-term and summer terms), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent. Hold on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations.** | Suspension* from the college (forfeit one full academic semester’s worth of credit – does not include J-term and summer terms), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent. Hold on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations.** | Expulsion from the college |
| Examples: Vaginal, anal, or oral sex; penetration with foreign object; digital penetration, manual stimulation | | | |

| Sexual exploitation | Disciplinary probation for one year, counseling, parental notification, removal from leadership position(s), additional training or education for the respondent. Hold on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations.** | Suspension* (duration to be determined), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent. Hold on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations.** | Expulsion from the college |
| Examples: Taking a photograph of another person that is of a sexual nature or content without consent of individual(s); video-taping another person of a sexual nature or content without consent of individual(s); distribution or file sharing of a video or picture of a sexual nature or content without consent of individuals | | | |

| Relationship violence | Disciplinary probation for one year, counseling, parental notification, removal from leadership position(s), additional training or education for the respondent. Hold on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations.** | Suspension* (duration to be determined), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent. Hold on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations.** | Expulsion from the college |
| Examples: Withholding access to resources necessary to maintain health; instilling or attempting to instill fear; destruction of another’s self worth (emotional abuse), inflicting or attempting to inflict physical injury attempting to coerce any sexual contact without consent | | | |

| Stalking | Disciplinary probation for one year, counseling, parental notification, removal from leadership position(s), additional training or education for the respondent. Hold on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations.** | Suspension* (duration to be determined), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent. Hold on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations.** | Expulsion from the college |
| Examples: Repetitive unwanted attention or contact, intentionally positioning oneself to observe another person without his or her knowledge, keeping tabs on another person through mutual friends, social media, etc. | | | |

**Modifiers to consider:** With incidences that meet the following criteria, lean more toward the maximum sanction than the minimum. Hate crime, use of weapon, use of drug or alcohol to facilitate the violation, and history of a college disciplinary file.
<table>
<thead>
<tr>
<th>Type of Infraction</th>
<th>Minimum</th>
<th>Moderate</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cyber-bullying</td>
<td>Disciplinary probation for one year, counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
<td>Suspension* (duration to be determined), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
<td>Expulsion from the college</td>
</tr>
<tr>
<td></td>
<td>Held on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations**</td>
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<td></td>
</tr>
<tr>
<td>Explanations: Sending embarrassing or demeaning messages to a third party, posting on multimedia sites disparaging or harassing comments or information</td>
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</tr>
<tr>
<td>Harassment</td>
<td>Disciplinary probation for one year, counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
<td>Suspension* (duration to be determined), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
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<td>Held on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations**</td>
<td></td>
</tr>
<tr>
<td>Explanations: Compromise the dignity of another through acts of embarrassment or shame; cause psychological harm or substantial emotional stress; cause another to be an object of malicious amusement or ridicule; forced nudity and/or forced allowing, or suggesting that student(s) dress in a conspicuous, embarrassing or degrading fashion</td>
<td></td>
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<tr>
<td>Intimidation</td>
<td>Disciplinary probation for one year, counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
<td>Suspension* (duration to be determined), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
<td>Expulsion from the college</td>
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<td></td>
<td>Held on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations**</td>
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<td></td>
</tr>
<tr>
<td>Explanations: Causing a student to fear for his or her well-being; acts that cause an unreasonable fear of harm to another</td>
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<tr>
<td>Sexual harassment</td>
<td>Disciplinary probation for one year, counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
<td>Suspension* (duration to be determined), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
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<td>Held on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations**</td>
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</tr>
<tr>
<td>Explanations: Unwanted flirtations or gestures; sexually suggestive gestures or sounds; provocative pictures, calendar, and/or graphics that are sexually explicit; sexual innuendos or comments; direct or indirect threats of unwanted sexual activity</td>
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</tr>
<tr>
<td>Retaliation against someone who has reported and/or participated in any part of a Title IX investigation: other violations not specified</td>
<td>Disciplinary probation for one year, counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
<td>Suspension* (duration to be determined), counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
<td>Expulsion from the college</td>
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<tr>
<td></td>
<td>Examples: Harassment or intimidation of SNC staff or faculty related to the conduct process; third-party interference that creates negative emotional or physical distress on a respondent or reporting party</td>
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<tr>
<td>Violation of no contact or no trespass order</td>
<td>Educational conversation clarifying the restrictions of the order which would serve as a final warning. In the event the violation is against a no trespass order, police would be notified.</td>
<td>Disciplinary probation for one year, counseling, parental notification, removal from leadership position(s), additional training or education for the respondent</td>
<td>Suspension* (duration to be determined) or expulsion from the college</td>
</tr>
<tr>
<td></td>
<td>Held on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations**</td>
<td>Held on registration until completion of sanctions. Other appropriate requirements designed to avoid and prevent future violations**</td>
<td></td>
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<tr>
<td></td>
<td>Examples: Intentionally contacting the person with whom you have a no contact order, intentionally entering the residence of the person with whom you have a no contact order, having third-party contact with person who you have a no contact order, entering onto college grounds in violation of a no trespass order</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Modifiers to consider: With incidences that meet the following criteria, lean more toward the maximum sanction than the minimum. Hate crime, use of weapon, use of drug or alcohol to facilitate the violation, and history of a college disciplinary file.

* Transfer credits not permitted while on suspension
** Additional examples of potential sanctions: Removal from hall and ineligible for study abroad
**APPENDIX IV- INVESTIGATIVE PROCESS TIMELINE**

The College takes all complaints of sexual harassment and sexual misconduct seriously and will promptly and equitably respond to the request for an investigation and/or adjudication of the complaint. The process will begin with a preliminary inquiry conducted by a Title IX investigator. Based on the specific allegation(s), an informal resolution may be an option if agreeable to both parties. In cases of sexual assault, an informal resolution is not an option. Both parties will be regularly apprised of the status of the investigation as it unfolds. An option to submit a request for an appeal will be available to both parties.

Targeted Timeline to Complete Each Step of the Process

<table>
<thead>
<tr>
<th>Action Steps</th>
<th>Time Frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary inquiry; assignment of process advisors</td>
<td>1-3 business days</td>
</tr>
<tr>
<td>Formal investigation</td>
<td>30 calendar days</td>
</tr>
<tr>
<td>Delivery of the investigation report</td>
<td>3-5 business days</td>
</tr>
<tr>
<td>Title IX team reviews investigation report and additional information is gathered, if needed</td>
<td>3-14 business days</td>
</tr>
<tr>
<td>Case files are created for hearing panel, reporting party and respondent; and hearing is scheduled</td>
<td>10 business days from receipt of final investigative report</td>
</tr>
<tr>
<td>All parties are given three (3) days to review case files before the hearing</td>
<td></td>
</tr>
<tr>
<td>Hearing; hearing panel Notification of Outcome letter</td>
<td>Within 3 business days of the hearing and/or sanctioning</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>Filing an appeal</td>
<td>Within 3 business days after receipt of outcome letter</td>
</tr>
<tr>
<td>Grant/deny appeal request</td>
<td>Within 5 business days after filing an appeal</td>
</tr>
<tr>
<td>Appeal heard</td>
<td>Within 7 business days after scheduling the appeal</td>
</tr>
<tr>
<td>Final outcome</td>
<td>Within 3 business days after appeal is heard</td>
</tr>
</tbody>
</table>
APPENDIX V - POLICY ON DISCIPLINARY RECORD REPORTING PRACTICES

From time to time, the college receives requests from external parties for the disciplinary records of an undergraduate student. The practice of the Office of Student Judicial Affairs at St. Norbert College is to only report information to external parties when any of the following criteria are met: 1) The student provides signed authorization for release of his or her disciplinary record to a specific external party (for example, graduate school application, military background check, bar examination background check, law enforcement application, etc.), and 2) the college receives a court order to release the disciplinary record of a student.

The practice of the Office of Student Judicial Affairs is to report any formal disciplinary action taken against a student that results in a finding of “responsible” for a St. Norbert College policy violation and a sanction of disciplinary probation or greater. The college’s disciplinary standings, in order of increasing severity, are: formal warning, residential probation, disciplinary probation, suspension, expulsion. Disciplinary records are maintained for seven (7) years post-graduation date from the college.

When a student withdraws before the completion of a judicial hearing a hold on readmission is placed on their transcript.

Each sanction generally includes the infraction(s) for which the student was found responsible, a disciplinary standing, and additional educational assignments.

The Office of Student Judicial Affairs does not report any informal disciplinary action of a student.

When the Office of Student Judicial Affairs reports that a student has no disciplinary record, it is under the parameters described above. If a student’s record is no longer on file because of the passage of the seven-year retention period, the Office of Student Judicial Affairs will state that information.
Any questions regarding our disciplinary-record reporting practices can be directed to our office at 920-403-3054 or judicialaffairs@snc.edu.

In addition, inquiries requesting a student’s disciplinary history (for example, Dean’s Certification Form, etc.), can be mailed to:

Office of Student Judicial Affairs
100 Grant Street
De Pere, WI 54115
APPENDIX VI - REQUEST FOR APPELLATE CONSIDERATION FORM

Request for Appellate Consideration Form

This form is provided by the Office of Student Judicial Affairs at St. Norbert College. Your completed appeal form must be submitted to our office within 3 business days of receipt of your outcome letter.

Our contact information:
Office of Student Judicial Affairs
St. Norbert College
100 Grant Street
De Pere, WI 54115

(Email) judicialaffairs@snc.edu (Website) snc.edu/judicialaffairs (Phone) 920-403-3054 (Fax) 920-482-5666

Background Information

The next following questions are required in order for us to process your form. Please complete the next few prompts so we can gather general information about you. For further clarification, you can hover over each box for additional details. If you have further questions, beyond this feel free to contact us for assistance!

Your full name: 

Your class standing at SNC: 

Your student ID number: 

Your email address: 

Your physical address: 

Today's date: YYYYMMDD
The current time:

Supporting Documentation

Please respond to the following prompts to help us better understand your grounds for an appeal.

What type of administrative hearing did you just complete? [Please select]

Select more than one ground for an appeal, if it applies to your circumstances:

- **Procedural Error**: The student must demonstrate that there was a material deviation or change from the procedures outlined in policy, that had the proper procedures been followed, the outcome would likely have been different.

- **New Evidence**: The student must demonstrate that new evidence became available or discovered after the hearing which would likely have impacted the outcome had the evidence been known and reviewed during the new investigation or hearing. The student needs to present or describe the new evidence in writing and explain why the new evidence was unavailable prior to the hearing.

- **Substantial Bias**: The student must demonstrate facts that show prejudice, bias, or other inappropriate or unlawful factors improperly influenced the outcome.

In your own words, explain what you are appealing and why. [Please write]

What was the date of your outcome letter? Please include month, date, and year. [Please write]

Supporting Documentation

You can add supporting documentation here. Documentation can include video, photos, paperwork, to name a few. Additional paperwork is not required for your appeal but is provided here as an option. 1GB maximum total size.
Supporting Documentation

You can add supporting documentation here. Documentation can include video, photos, paperwork, to name a few. Additional paperwork is not required for your appeal but is provided here as an option. 1GB maximum total size.

Attachments require time to upload, so please be patient after submitting this form.

One last step ...

Help us prevent spam reports by completing this captcha.

*NOTE: If you do not see a gray box with a checkbox that says “I'm not a robot”, please try a different web browser.*

- [ ] Email me a copy of this report

Submit report