

Sex and Gender Harassment/Discrimination Policy and Complaint Resolution Overview

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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, and the Campus Sexual Violence Elimination Act (SaVE Act) and 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.

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, as reported in the Children’s Center or with individuals who are minors, will follow a special procedure as indicated in [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 remedy its effects.

III. TITLE IX STATEMENT AND COORDINATOR CONTACT

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 claim, investigation, or response to discrimination. The college has designated the following Title IX Coordinator to coordinate its compliance with Title IX, receive inquiries regarding Title IX, and process all complaints of Sexual Misconduct:

Sarah Olejniczak
Title IX and Compliance Coordinator
Main Hall, Garden Level, Room 22
920-403-3018
sarah.olejniczak@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.

- Employee Concerns (Staff and Faculty)
Sue Brinkman
Director of Human Resources
Main Hall, Garden Level, Room 16
920-403-3210
sue.brinkman@snc.edu
- Faculty Concerns (TBD - Information coming Fall 2020)
- Student Concerns
Corday Goddard
Associate Dean for Student Development
Main Hall, Garden Level, Room 01
920-403-1351
corday.goddard@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 by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

IV. OTHER SEX AND GENDER HARASSMENT/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 and compliance 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:

Sarah Olejniczak
Title IX and Compliance Coordinator
Main Hall, Garden Level, Room 22
920-403-3018 or sarah.olejniczak@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 a report to the Title IX Coordinator, Deputy Coordinator, or Campus Safety. Reports of alleged Sexual Harassment may be made by a complainant, a third-party, or from a staff or faculty member in a role that requires mandatory reporting of alleged harassment and discrimination.
- 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:

1. Consent is active, not passive.
2. Silence, in and of itself, cannot be interpreted as consent.
3. 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.
4. Consent cannot be given by someone who is under the legal age to consent (at least 18 years old).
5. If coercion, intimidation, threats, and/or physical force are used, there is no consent.
6. 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.
7. If a person is asleep or unconscious, there is no consent.
8. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
9. Consent to past sexual activity does not imply consent to other forms of sexual activity.
10. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another; and
11. 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 he or she withdraws consent.

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

1. **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.

2. Force - 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. For example, the following statements represent the use of force: "Have sex with me or I'll hit you." "Okay, don't hit me; I'll do what you want." 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.
3. 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 or 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 against a respondent and requesting that the college investigate these allegations.

A formal complaint may be filed with the Title IX Coordinator, a Deputy Coordinator, or Campus Safety, in person, over the phone, by mail, or by electronic mail using the contact information outlined within this policy. The formal complaint must be signed, either in person or electronically, by the complainant, or can be signed by the Title IX Coordinator when acting on behalf of institutional safety and security.

As a note, at the time of filing a formal complaint that alleges a violation of Title IX Sexual Harassment, a complainant must be participating in 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.

- 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-makers 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 individual who is an alleged complainant or survivor of Sexual Misconduct as captured within this policy.

Respondent – The respondent is the individual who has been reported to be the perpetrator of conduct that may constitute Sexual Misconduct under this policy.

VII. SEXUAL MISCONDUCT

This policy, in its entirety, prohibits Sexual Misconduct. “Sexual Misconduct” is an umbrella term broadly covering Sex and Gender Discrimination/Harassment, including 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. 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, Dating Violence, Domestic 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.
 - b. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent as defined by Wisconsin law.
- iv. Domestic Violence is a felony or misdemeanor crime of violence committed:
 - a. By a current or former spouse or intimate partner of the Complainant;
 - b. By a person with whom the Complainant shares a child in common;
 - c. By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
 - d. By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws as defined by Wisconsin law;
 - e. 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.
 - f. Note: The relationship between the Respondent and Complainant must be more than just two people living together to qualify as Domestic Violence.
- v. 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,
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse;
 - b. Dating violence does not include acts covered under the definition of domestic violence;
- vi. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.
 - c. 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 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. Definitions

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 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 materially adverse treatment or action based on a person's sex, pregnancy status, and/or failure to conform to stereotypical notions of masculinity and femininity (so called "gender stereotyping").

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.

Specific examples of conduct that may constitute Sex Discrimination include:

- c. Giving unequal pay, promotions, or other job benefits on the basis of gender
- d. Allowing a person's gender to influence the grade conferred in a class
- e. Denying persons access to a given degree or major because of their gender
- f. Requiring a pregnant student to verify pregnancy-related absences with a doctor's note when such verification is not required of students with other medical conditions
- g. Excluding a person from participation in a college-sponsored activity based on stereotypical notions of how a person of a given gender should look, speak, or act
- h. Demeaning another person on the basis of gender
- i. Directing abusive or threatening behavior at a person on the basis of gender
- j. Hazing¹ based on an individual's gender or gender identity
- k. Bullying² based on an individual's gender or gender identity

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

¹ "Hazing" is defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, including conduct related to the admission, initiation, pledging, or joining of any organization or group activity.

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.

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:

- 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 (i.e., a "hostile 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.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual activity
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail and Internet use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Requesting sexual favors in return for employment or academic rewards or threats if sexual favors are not provided
- Disseminating sexual pictures or videos of another person without consent regardless of whether the pictures or videos were obtained with consent
- Sexual Violence (as defined below)

iii. Sexual Violence

This policy 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 because of his or her temporary or permanent mental or physical incapacity, because he or she is below the minimum age of consent in the applicable jurisdiction, or because of his or her incapacitation due to the use of drugs and/or alcohol. 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 under the college's policy but may constitute Sexual Harassment or another form of misconduct.

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.
- b. Rape: sexual penetration (anal, vaginal, or oral), no matter how slight, with any object or body part without consent.
- c. Sexual Contact: 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 also includes intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice (e.g., unrequested hugs or caresses).
- d. 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. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods, or devices):
 - Voyeurism: watching private sexual activity or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent; or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy
 - Indecent or lewd exposure or inducing others to expose themselves when consent is not present
 - Recording any person engaged in sexual or intimate activity in a private space without that person's consent
 - Distributing personal sexual information, images, or recordings about another person without that person's consent (applies even if the videos were obtained with consent)
 - Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation

- Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs
- Prostituting another person
- Knowingly transmitting a sexually transmitted disease to another person through sexual activity when that person has not consented to engaging in such sexual activity despite being expressly, verbally, and understandably informed of the sexually transmitted disease

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, assaults, or property damage. Examples include, but are not limited to:

- Abusive Behavior: engaging in verbal, physical, emotional, or sexual abuse
- Controlling Behavior: controlling what you wear, who you talk with, where you are at all times, by means of express or implied threats, coercion, or actual physical force
- Threats of Violence: threatening to hurt you, someone you care about, or themselves
- Physical Violence: shoving, pushing, kicking, or any other form of physical violence

a. Domestic Violence

“Domestic Violence” involves abusive and controlling behavior, threats of violence, and acts of physical violence committed by a current or former spouse or intimate partner of a complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse or the complainant under the domestic or family violence

laws of the jurisdiction in which the crime of violence occurred, or 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 jurisdiction in which the crime of violence occurred.

b. Dating Violence

"Dating Violence" involves abusive and controlling behavior, threats of violence, and acts of physical violence committed by a person:

(1) who is or has been in a social relationship of a romantic or intimate nature with the complainant; and
(2) 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 his or her safety or the safety of others; or
- b. suffer substantial emotional distress

Stalking includes cyberstalking, which is a form of stalking occurring in electronic media such as 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. Examples of stalking include: unwelcome and repeated visual or physical proximity to a person; repeated oral or written threats; unwelcomed/unsolicited written communications, including letters, cards, texts, emails, instant messages, or messages on social media or message bulletin boards.

VIII. ROLES AND RESPONSIBILITIES

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

1. Receive all complaints of sex and/or gender based discrimination and harassment at the college,
2. Oversee the process of responding to Sexual Misconduct complaints,
3. Coordinate dissemination of information and education and training programs,
4. Identify and address any patterns or systemic problems that arise during the review of such complaints,
5. Assist members of the college community in understanding that Sexual Misconduct is prohibited by this policy,
6. Answer questions about this policy,
7. Serve as and/or appoint investigators and ensure that investigators are trained to respond to and investigate complaints of Sexual Misconduct,
8. Ensure that employees and students are aware of the procedures for reporting and addressing complaints of Sexual Misconduct,
9. Implement the Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures,
10. Monitor full compliance with the requirements and timelines specified in the Complaint Resolution Procedures; and
11. Compile an annual report on incidents of Sexual Misconduct.

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

1. Receive Sexual Misconduct complaints
2. Answer questions about Sexual Misconduct policies and procedures
3. Serve as investigators (when appropriate)
4. Provide training, programming, and engagement specific to their populations; and
5. Support other related compliance efforts for the college

C. **President's Cabinet, Deans, and Other Managers** - It is the responsibility of President's Cabinet administrators, deans, and other managers (i.e., those that formally supervise other employees) to:

1. Inform employees under their direction or supervision of this policy

2. Work with the Title IX Coordinator to implement education and training programs for employees and students
3. Implement any corrective actions that are imposed as a result of findings of a violation of this policy

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 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 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. This section does not apply to the employees who may maintain confidentiality as described in [Section IX C.](#) of this policy.

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. 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. 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 emergency medical care and law enforcement are listed below:

- SNC Campus Safety, 920-403-3260
- De Pere Police Department, 920-339-4078
- 911
- Sexual Assault Center, 920-436-8888 (24-hour crisis line)

- B. Campus 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 will provide

guidance regarding the various reporting options, including 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 confidentiality.

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. They will be able to tell you, and help you make decisions about who can help you best.

On-Campus Resources for Students	
SNC Health Services	Office Hours: Monday-Friday 8:00 am – 4:30 pm 920-403-3266
SNC Counseling & Psychological Services	Office Hours: Monday-Friday 8:00 am – 4:30 pm After Hours: 920-403-3045
SNC Ordained Clergy or Ministry <ul style="list-style-type: none"> ● The Rev. James Nielson, O. Praem. Assistant Professor of Art ● The Rev. Michael Brennan, O. Praem. College Chaplain ● The Rev. Mr. Kevin DeCleene Senior Director of Parish Services 	920-403-3011 Ask to speak to a confidential resource; all clergy can serve in this role.

On-Campus Resources for Employees	
SNC Health & Wellness (Available to benefit eligible employees only)	Office Hours: Monday-Friday 8:00 am – 4:30 pm 920-403-3266
Ombuds Services	Ken Zahorski 920-403-3070 920-336-4740

These confidential resources will not report your circumstances to the college for investigation without your permission, unless otherwise required by law (such as when the complainant is a minor). Notwithstanding, a non-identifying report may be made to the Title IX Coordinator so that the college can identify any patterns of Sexual Misconduct on campus.

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

Off-Campus Resources for Students	
Sexual Assault Center	300 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)

Off-Campus Resources for Employees	
Sexual Assault Center	300 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)
Employee Assistance Program Employee Resource Center, Inc. (Benefit eligible employees only)	800-222-8590 (365 days; after hours available)

X. COMPLAINT RESOLUTION PROCEDURES

A review of complaint resolution procedures is included (as follows); for full procedures and details regarding Complaint Resolution Procedure, 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 filing for informational purposes only, filing an anonymous online report, or filing a report with a request for an investigation. The college will be considered to have actual knowledge of an alleged incident of Sexual Misconduct when a report is provided to the Title IX Coordinator, Deputy Coordinator, or Campus Safety.

1. Reporting to the Title IX Coordinator, a Deputy Coordinator, 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 request an investigation take place.

2. Reporting to the Title IX Coordinator, a Deputy Coordinator, or Campus Safety while filing a formal complaint and requesting investigation and adjudication by the college or requesting informal resolution.

3. Reporting to law enforcement.

A complainant can file a report with law enforcement no matter their other requests of the college. 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 an investigation by the college is taking place.

The complainant may choose to report to law enforcement independently.

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

1. The date(s) and time(s) of the alleged Sexual Misconduct
2. The names of all person(s) involved in the alleged Sexual Misconduct, including possible witnesses
3. All details outlining what happened; and
4. 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

resolve complaints of Sexual Misconduct, options for filing complaints 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 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 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 asks that a complaint not be investigated, the college will take all reasonable steps to respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that their name not be disclosed to the

alleged perpetrator, the college's ability to respond may be limited. The college reserves the right to initiate and proceed with an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the college community. 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.

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. Factors to consider 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.

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 Investigation/Allegations** - When a formal complaint is filed with the college, a notice of investigation and allegations letter will be sent to both the complainant and respondent, outlining the 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 Notice of Investigation and Allegations will typically also include any Supportive Measures that have been put in place. Notices of any No Contact

Orders will be issued by Campus Safety in partnership with the Title IX and Compliance Coordinator. The complainant and respondent will be offered a trained process advisor from the college or may select their own.

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 pursuant to [Section VII B.](#) (Other Prohibited Conduct). Formal Complaints fall outside of [Section VII A.](#) (Title IX Sexual Harassment) where:

1. The conduct does not constitute Sexual Harassment, as defined in [Section VII A.](#) (Title IX Sexual Harassment)
2. The conduct did not occur in the college's education program or activity;
3. The conduct did not occur against a person within the United States;
4. The complainant was not participating or attempting to participate in the college's program at the time of the complaint;
5. The complainant requests, in writing to the Title IX coordinator, that the complaint and relevant procedures/investigation be withdrawn; or
6. The respondent is no longer enrolled/employed by the college.

If a complaint is dismissed under the Title IX Sexual Harassment policy, both parties will be notified in writing, concurrently, of this dismissal and will be notified of any continued investigation of allegations continuing under the Sexual Misconduct/other non-discrimination policies.

Both parties have the right to appeal the dismissal of the complaint of Title IX Sexual Harassment policies; appeals processes are outlined in the [employee and student procedures](#) documents.

- G. Supportive Measures** - The college will provide the complainant and respondent with reasonable interim support and protective measures to prevent and mitigate further acts of misconduct upon learning of the alleged Sexual Misconduct. Such measures may be available regardless of whether the complainant chooses to report the crime to local law enforcement, and whether or not the complainant makes a formal complaint with the college (requiring investigation). At the time a respondent is notified of the investigation and allegations, the respondent will also be made aware of their rights to receive supportive measures.

Requests for supportive measures and consideration for interim 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 process, the complainant or respondent may request additional supportive measures or adjustment to those previously established.

Interim measures are individualized, based on the information gathered by the Title IX Coordinator, and designed to reasonably avoid depriving one's access within the college community whenever possible. The college will determine the reasonableness, necessity, and scope of any supportive measure, which may include:

- 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 an academic or employment accommodation or a change in residence after a report of Sexual Misconduct. An individual who requests assistance in changing their academic or living situation after an incident of Sexual Misconduct will receive appropriate and reasonably available accommodations. These may include:
 - 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 Services
 - Emotional Support: Counseling and emotional support is available to students and employees through the resources listed in Section [IX.C](#). The college will also assist in providing a referral to off campus agencies.

In the event such an accommodation 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 throughout the investigation 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.

- H. Interim Removal** - At any time after receiving a report of Sexual Misconduct, the Title IX Coordinator may remove a student 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 student or other individual arising from the allegations of Sexual Misconduct justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge 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.

- I. Informal 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. Informal means of resolution, such as mediation, may be used in lieu of these formal investigation and determination procedures. The following standards apply to any informal resolution method that is utilized:

1. The informal process can only be used with both parties' voluntary cooperation after receiving a full disclosure of the allegations and their options for formal resolution, and with appropriate involvement by the institution (e.g., the Title IX Coordinator);
2. The complainant will not be required to "work out" the problem directly with the respondent;
3. Either party may terminate the informal process at any time and elevate the complaint to the formal investigation procedures; and

4. With the agreement of the parties involved and the college, a complaint may be informally resolved at any stage of these procedures.

Prior to commencing the informal resolution process, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another college official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the formal complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

If informal resolution is reached, it will be documented in writing and signed by both parties. Because informal resolution is a voluntary and mutually agreeable process, a resolution reached via informal means cannot be appealed. Informal resolution is not allowed in cases of employee Sexual Harassment of a student or in the absence of a formal complaint. The college cannot require people to consent to informal resolution as a condition of their employment or enrollment with SNC.

- J. Grievance Procedure** - The college provides a grievance process for instances of Sexual Misconduct which includes an investigation, hearing, 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 grievance process meetings, 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 sign that they agree that the meeting/hearing is being recorded.

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

- K. 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 remedies as reasonably necessary to restore or preserve access to the college's education programs or activities. Students, faculty, 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.

- L. 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:

- Any formal complaints and investigation records, including determination regarding responsibility, audio or audiovisual recording or transcript, disciplinary sanctions 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;
- Any appeal and the result of that appeal;
- Any informal resolution and the result of that informal resolution;
- All Title IX training materials for individuals involved with the grievance procedures; and
- 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.

M.

- 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 complainant of a crime—including Sexual Violence, Domestic Violence, Dating Violence, or Stalking—to make a report to local law enforcement. 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, articulable 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. Complainants 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 of sexual violence 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 are the complainant of 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 are complainants of 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 or family member for support.
- Talk with a professional licensed counselor, college chaplain, or resident 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 case of Stalking, evidence is more likely to be in the form of letters, emails, text messages, etc. 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 orientations. 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 and Deputy Coordinators 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 supports 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, 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 complaint resolution procedures 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](#)