SAINT LOUIS UNIVERSITY

Sexual Misconduct Policy
Applicable to all forms of sexual and gender-based harassment, intimate partner violence, stalking and retaliation.

Version Number: 5.0
Effective Date: August 26, 2015
Responsible University Office: Office of Institutional Equity and Diversity

1.0 SCOPE

This policy applies to all forms of sexual and gender-based harassment and violence, intimate partner violence, stalking and retaliation by or against University community members of any gender, gender identity, gender expression or sexual orientation (collectively referred to as Prohibited Conduct).

This Policy provides information related to:

- Saint Louis University Statement of Values;
- Effective Consent;
- Prohibited Conduct;
- Reporting Options, Resources and Accommodations;
- Privacy and Confidentiality;
- Investigation, Hearing, and Appeal Procedures; and
- Programming and Training for Students, Faculty and Staff.

The definitions, reporting options, resources and statements of institutional values contained in this Policy apply to all members of the Saint Louis University community, including Students (as defined in Section 2.1 of the Community Standards), Employees (faculty and staff) and Third Parties (visitors, guests, contractors, vendors or other third parties).

This Policy applies to all acts where the conduct:

- Occurs on campus;
- Occurs in the context of a University program or activity; or
- Occurs off campus and has continuing adverse effects on campus or in the context of a University program or activity.

The University will respond to reports of Prohibited Conduct to eliminate the conduct, take steps to prevent its recurrence and address any effects of the conduct on the Reporting Party or the University community.

Where the Accused Party is a Student, the procedures outlined in the Investigation, Hearing, and Appeal Procedures section of this Policy apply.

Where the Accused Party is an Employee, the investigative procedures outlined in the University Harassment Policy will apply and the disciplinary action(s) and processes outlined in other University policy and/or The Faculty Manual will apply as appropriate.

Where the Accused Party is a Third Party or other non-University affiliated party, the University will take appropriate corrective action and determine the appropriate manner of response consistent with the goals of this Policy, which may include reporting the conduct to law enforcement as appropriate.

2.0 PURPOSE

This Policy, the Harassment Policy and the applicable procedures outlined in each are designed to achieve the following goals:

- Provide prompt and compassionate support services.
- Provide a comprehensive framework in which the needs and decisions of all parties concerned are central in determining further administrative response and assistance.
- Create a campus environment that both facilitates and expedites the prompt reporting of Prohibited Conduct.
- Cultivate a climate of community empowerment and education in which behaviors that contribute to Prohibited Conduct are not tolerated.
- Ensure that appropriate steps are followed when Prohibited Conduct is reported.
- Protect the rights of the Reporting Party, the Accused Party, and other parties involved in or affected by Prohibited Conduct.

3.0 STATEMENT OF VALUES

As a Catholic, Jesuit educational institution, Saint Louis University is committed to fostering a safe and supportive environment conducive to the academic pursuit and healthy personal development of all persons. It is committed to the preservation of personal dignity and the safety of its community members. The University views the forms of Prohibited Conduct identified in this Policy as offenses that can affect individuals of all identities – race, ethnicity, sex, age, ability, faith, sexual orientation, gender, gender identity, gender expression, class, and ideology. All members of the University community share responsibility for fostering this environment by adhering to
standards of conduct. Any form of Prohibited Conduct is a serious violation of these standards and will not be tolerated. Any individual found in violation of this Policy may face sanctions up to and including, suspension, expulsion or termination.

The University seeks to create a supportive climate that will encourage individuals to report incidents. While this Policy sets out various courses of action, reporting incidents involving Prohibited Conduct is the only mechanism by which those who are responsible can be officially sanctioned by the University, thereby reducing the risk of repeat occurrences. Reporting is essential for the University to acquire an accurate account of the campus environment. Reporting provides the opportunity for the University to provide compassionate, effective intervention, support and remediation, and most importantly, to help prevent such incidents from occurring.

Members of the Saint Louis University community should seek to understand and appreciate the University values and mission, including respect for the dignity of all persons, individual safety, and civil engagement within the community. Those same community ideals apply to contributions through social media tools and forums in order to foster meaningful and global connections. Use of any social media or other technology to engage in uncivil or harmful conduct that is abusive, threatening, harassing, retaliatory or hateful will not be tolerated.

4.0 NOTICE OF NON-DISCRIMINATION UNDER TITLE IX

Saint Louis University prohibits discrimination based on race, color, sex, national origin, religion, age, disability, or veteran status. In addition, based on our Catholic values and tradition we are committed to protecting the dignity of each person and therefore extend our non-discrimination policy to include sexual orientation, gender identity, and gender expression. All University policies, practices, and procedures are administered in a manner consistent with our Catholic Jesuit identity.

This policy addresses all forms of sexual discrimination, sexual and gender-based harassment and violence, intimate partner violence, stalking and retaliation. Saint Louis University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

_No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance._

Sexual and gender-based harassment are also prohibited under Title VII of the Civil Rights Act of 1964, the Missouri Human Rights Act, and other applicable statutes. The University’s response to sexual assault, intimate partner violence and stalking are also governed by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA).
**Title IX Coordinator:** The University has designated a Title IX Coordinator to oversee all reports of Prohibited Conduct at the University and to facilitate the University’s compliance with Title IX and related authority. The Title IX Coordinator is also responsible for:

- Conducting an annual report and review of all reports to identify and address any patterns or systemic problems within the University community;
- Overseeing the prompt and equitable investigation and determination of responsibility for all reports of Prohibited Conduct involving all members of the University community;
- Evaluating the need for, and imposing, reasonably available remedial and protective measures;
- Assuring that sanctions and remedies are reasonably designed to eliminate Prohibited Conduct, prevent its recurrence and address its effects on the Reporting Party and the University community;
- Knowing and training the University community in policies and procedures and relevant state and federal laws;
- Advising any individual, including the Reporting Party, Accused Party, or a third party, about the courses of action available at the University and in the community;
- Evaluating a Reporting Party’s request for anonymity or that no investigation or disciplinary action be taken;
- Providing assistance to any University employee regarding how to respond appropriately to a report of Prohibited Conduct;
- Monitoring compliance with all procedural requirements and time frames outlined in this policy; and
- Training, prevention, and education efforts and periodic review of climate and culture.

The Title IX Coordinator may delegate certain responsibilities to the Title IX Deputy Coordinators, as appropriate. Contact information for the Title IX Deputy Coordinators is available through the Office of Institutional Equity and Diversity and at [www.slu.edu/here4you](http://www.slu.edu/here4you).

Questions about the applicability of this Policy or the University’s compliance with Title IX can be directed to the University’s Title IX Coordinator or the Office for Civil Rights:

Anna Kratky  
Title IX Coordinator  
Dubourg Hall, Room 36  
Ph: 314-977-3886  
Email:akratky@slu.edu

Office for Civil Rights
5.0 CONSENT

What is Effective Consent:

- Effective Consent is an affirmative, knowing and voluntary decision – clearly communicated through mutually understandable words (e.g., saying “yes”) and/or actions – to willingly engage in mutually acceptable sexual activity (e.g., to do the same thing, at the same time, in the same way, with another individual(s)).

- Effective Consent must be given freely, willingly, consciously and knowingly by each participant to any desired sexual contact.

- Consent may be withdrawn by either party at any time during the sexual activity. Withdrawal of consent must be demonstrated by words and/or actions that indicate a desire to end sexual activity. Once an individual has communicated withdrawal of consent, all sexual activity must end.

What is NOT Effective Consent:

- Conduct will be considered “without consent” if no clear consent, verbal or nonverbal, is given.

- Effective Consent cannot be given by someone who is Incapacitated.

- Effective Consent cannot be gained through force, threat, intimidation or coercion.

- A current or previous dating or sexual relationship, by itself, does not constitute Effective Consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

- Effective Consent cannot be inferred from silence, passivity or lack of resistance. Without outward communication or action, Effective Consent does not exist.

- Effective Consent cannot be inferred from an individual’s attire or physical appearance.
• Effective Consent cannot be inferred from an individual’s offer, acceptance, or participation in any form of non-physical sexual activity (e.g. social media forums, date/activity, consumption of alcohol, or invitation to a dorm room or private area).

• A verbal “no,” even if perceived to be indecisive constitutes a lack of consent.

The expectations of our community regarding Consent include, but are not limited to, the following:

• It is the responsibility of the person initiating the sexual activity to obtain the other party’s Effective Consent. It is not the responsibility of the intended recipient of such sexual contact to affirmatively deny such consent.

• Both parties must have Effective Consent throughout the duration of the sexual activity.

• Effective Consent can be given by words and/or actions. Relying solely upon non-verbal communication, however, can lead to misunderstanding and as a result a potential violation of this Policy.

• Effective Consent to one form of sexual activity is not, by itself consent to other forms of sexual activity.

**Incapacitation, Alcohol and/or Drugs, Force and Coercion:**

**Incapacitation:** A person violates this Policy if they have sexual contact with someone they know, or should know, to be mentally incapacitated or to have reached the degree of intoxication that results in incapacitation.

An individual who is incapacitated cannot communicate Effective Consent to sexual activity. Incapacitation is the inability, temporarily or permanently, to give consent or communicate unwillingness, because an individual is mentally and/ or physically helpless, unconscious, asleep or unaware that the sexual activity is occurring.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual’s: decision-making ability; awareness of consequences; ability to make informed judgments; capacity to appreciate the nature and the quality of the act; or level of consciousness.

A person is considered incapacitated, or unable to give consent, if they cannot understand the when, where, why, how or who of the sexual encounter. Where alcohol or other drugs are involved, incapacitation may result from rapid or excessive consumption (voluntarily or involuntarily). The impact of alcohol and other drugs varies from person to person. Warning signs that a person may be so impaired by alcohol and/or drugs that
they no longer have the capacity to give Effective Consent may include, but is not limited to:

- Difficulty walking, stumbling or falling down;
- Being unable to stand or walk without assistance;
- Slurred speech or an inability to communicate clearly;
- Inability to focus or confusion about what is happening;
- Urinating, defecating or vomiting; or
- Combativeness, emotional volatility or other marked change in demeanor.

The test of whether an individual should know about another’s incapacitation is whether a reasonable, sober person in the same position would know or should have been aware of the Reporting Party’s incapacitation. An Accused Party cannot rebut a charge of Prohibited Conduct merely by asserting that they were drunk or otherwise impaired and, as a result did not know that the other person was incapacitated. Alcohol, drugs or other intoxicants do not negate or diminish the responsibility of an individual to obtain Effective Consent.

**Force/Coercion:** In some situations, an individual’s ability to freely, willingly, and knowingly give Effective Consent is taken away by another person or circumstance. Examples include, but are not limited to:

- When an individual is physically forced to participate. Force is the use or threat of physical violence and/or imposing on someone physically in order to gain sexual access. There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. Any sexual activity that is forced is by definition without Effective Consent.
- When an individual is intimidated, threatened – even a perceived threat – isolated, or confined.
- When an individual is coerced or unreasonably pressured to participate in sexual activity. When someone makes clear that they do not want to engage in sexual activity, that they want something to stop, or that they do not want to go past a certain point of sexual interaction – continued pressure past that point can be coercive behavior. When evaluating coercive behavior, factors such as the frequency, duration, location (isolation of recipient of unwanted contact), and intensity of coercive behaviors will be considered. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity.

### 6.0 PRIVACY AND CONFIDENTIALITY

The University seeks to respect the privacy of all parties. The University will treat information that it receives in a manner that respects both the Reporting Party and the Accused Party. Recognizing that Prohibited Conduct can include criminal acts that
violates the security of the entire campus community, there may be instances where the University has a responsibility to investigate or disclose information regarding the circumstances related to a specific incident. Individual and community safety considerations will be balanced with the privacy interests of all involved, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures. Further information about how the University evaluates a Reporting Party’s request that their name or other identifying information not be disclosed to the Accused Party, or that no investigation or disciplinary action be taken is provided in Section 11.0., below.

The terms privacy and confidentiality have two distinct meanings under this Policy.

- **Privacy**: Privacy generally means that information related to a report made under this Policy will only be shared with a limited number of individuals who “need to know” in order to assist in the active review, investigation and determination of responsibility concerning the report. While not bound by confidentiality, these individuals are trained to be discreet and respect the privacy of all individuals involved in the process.

- **Confidentiality**: Confidentiality means that information shared by an individual with certain campus or community professionals cannot be revealed to any other individual without express permission of that individual, unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor (which requires notifying child protective services and/or local law enforcement). These campus and community professionals include: clergy, physicians, and mental health providers, all of whom have privileged confidentiality that has been recognized by the law.

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1. Missouri state law mandates reporting “When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report to the division in accordance with the provisions of sections 210.109 to 210.183. No internal investigation shall be initiated until such a report has been made. As used in this section, the term ‘abuse’ is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.” See R.S.Mo. 210.115.1

2. Missouri state law acknowledges the confidential nature of these communications for:

“Any person practicing as a minister of the gospel, priest, rabbi or other person serving in a similar capacity for any organized religion, concerning a communication made to him or her in his or her professional capacity as a spiritual advisor, confessor, counselor or comforter; and

A physician licensed pursuant to chapter 334, a chiropractor licensed pursuant to chapter 331, a licensed psychologist or a dentist licensed pursuant to chapter 332, concerning any information which he or she may have acquired from any patient while attending the patient in a professional character, and which
• **Employee Reporting Responsibilities:** All employees who are aware of Prohibited Conduct are required to report the information to the Title IX Coordinator unless otherwise designated as a Confidential Resource.

All University proceedings are conducted in compliance with the requirements of Title IX, the Clery Act, VAWA, FERPA, state and local law, and University policy. No information shall be released from proceedings under this policy except as required or permitted by law and University policy.

• **Release of Information:** The Clery Act requires the University to maintain anonymous statistical information in the University’s daily crime log and Annual Security Report regarding reports of Clery-identified crimes. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident. The University may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. In addition, if a report of Prohibited Conduct discloses a serious and continuing threat to the campus community as defined in the Clery Act, the University will issue a timely notification to the community to protect the health or safety of the community. At no time will the University release the name of the Reporting Party to the general public without the express consent of the Reporting Party or as otherwise permitted or required by law.

### 7.0 PROHIBITED CONDUCT

Saint Louis University prohibits all forms of sexual and gender-based harassment and violence, intimate partner violence, stalking and retaliation. The following definitions and examples focus on conduct that is prohibited by the University’s Sexual Misconduct Policy, Sexual Harassment Policy, and Community Standards.

“**Sexual or Gender-Based Harassment**” refers to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature if:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s education, living environment, employment, or participation in a University-related activity or University program;

2. submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual’s education, living environment, employment, or participation in a University-related activity; or

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information was necessary to enable him or her to prescribe and provide treatment for such patient as a physician, chiropractor, psychologist or dentist.” *See R.S.Mo. 491.060.*
(3) such conduct has the purpose or effect of unreasonably interfering with an individual’s educational performance, i.e. it is sufficiently serious, persistent or pervasive that it creates an intimidating, hostile, offensive, or abusive environment for that individual’s education, living environment, employment, or participation in a University-related activity under both an objective and subjective standard.

Sexual harassment also includes harassment based on gender, gender identity, gender expression or sexual orientation, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

Conduct reported as sexual or gender-based harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the conduct at issue. Although repeated incidents generally create a stronger claim, a single incident, if sufficiently severe, may create a hostile environment. Sexual and gender-based harassment:

- May be committed by or against anyone, regardless of sex, gender, sexual orientation, gender expression/gender identity;
- May occur between people of the same sex or different sexes;
- Does not have to be “directed at” a specific person or persons to constitute harassment;
- May include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended;
- Often includes a power differential between the parties based on differences in age or educational, employment, or social status;
- May be committed by a stranger, an acquaintance, or someone with whom the Reporting Party has a current or previous relationship, including a romantic or sexual relationship;
- May occur in the classroom, in the workplace, in residential settings, or in any other setting; and
May be committed in the presence of others, when the parties are alone together, or through remote communications, including email, text messages, or social media.

“Sexual Assault” refers to engaging in any form of sexual contact or sexual intercourse with another without Effective Consent and/or by force.

Sexual Contact is:

- any intentional contact with the breasts, buttocks, groin, or genitals with any object or body part;
- making another touch you or themselves with or on any of these body parts; or
- any other intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Sexual Intercourse is:

- vaginal penetration, however slight, by a penis, object, tongue or finger;
- anal penetration, however slight, by a penis, object, tongue, or finger; or
- oral copulation (mouth to genital contact or genital to mouth contact).

“Sexual Exploitation” occurs when an individual takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute any other form of Prohibited Conduct. Examples of Sexual Exploitation include, but are not limited to:

- invasion of sexual privacy, including observing or allowing another individual to observe another’s nudity or sexual activity without the Effective Consent of all individuals’ involved;
- prostituting another person;
- non-consensual video or audio-taping of sexual activity;
- engaging in voyeurism;
- knowingly exposing another individuals to a sexually transmitted infection or virus without that individuals’ knowledge of the exposure;
- exposing or inducing another to expose their genitals without consent; or
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

“Stalking” is when a person engages in a course of conduct or repeatedly commits acts toward another individual under circumstances that would cause a reasonable person to fear for their or others’ safety, or to suffer substantial emotional distress.
Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

Examples of stalking may include:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on on-line bulletin boards;
- Unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
- Sending/posting unwelcome and/or unsolicited messages with another’s username; or
- Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.

“Intimate Partner Violence” includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a romantic, sexual, dating, spousal, domestic, or other intimate relationship. Whether a dating relationship exists will depend on the length, type, and frequency of interaction. A domestic relationship also includes a current or former cohabitant, a person with whom a victim shares a child in common, a person similarly situated to a spouse under domestic or family violence law, or anyone else protected under domestic or family violence law. Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Abusive Behavior (as defined in the Community Standards).

“Abusive Behavior” is any act, including verbal or written communications that intimidates, coerces, threatens, or significantly disrupts the health, safety or well-being of any person. Abusive Behavior will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, is part of a course of conduct of Stalking, or is an act of Retaliation.

“Aiding or Facilitating” is when any individual or group of individuals aids, facilitates, promotes, colludes or encourages another to commit a violation under this policy. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so. Aiding or facilitating includes gaining academic or personal advantage or privilege with negative impact on others or the community through violation of the policy or any other community standards.

“Retaliation” refers to any adverse action or attempts including harassment, threats, intimidation, or coercion that would discourage a reasonable person from reporting Prohibited Conduct or participating in the investigation or hearing process. Retaliation also refers to any acts, threats, or attempts to seek retribution against a Reporting Party, the Accused Party, or any individual or group of individuals involved in the investigation, and/or determination of responsibility for Prohibited Conduct under this Policy.
Retaliation can be committed by any individual or group of individuals, not just a Reporting Party or Accused Party.

8.0 RESOURCES

Any individual who has experienced Prohibited Conduct is strongly encouraged to seek immediate emergency assistance from law enforcement, medical professionals or crisis counseling resources. The University recognizes that deciding whether to report Prohibited Conduct and choosing how to proceed can be difficult decisions that evolve over time. The University encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and assistance to either party in the event that a report and/or investigation under this policy are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred.

The University is committed to treating all members of the community with dignity, care, and respect. Any individual affected by Prohibited Conduct, whether as a Reporting Party, Accused Party, witness, or a third party, will have equal access to support consistent with their needs and available University resources. This section provides contact information for University resources, resources in the Greater St. Louis community, and national resources.

Prompt intervention can do much to mitigate trauma associated with acts of Prohibited Conduct and enhance recovery. Reporting Parties are encouraged to utilize appropriate resources whether or not they report the Prohibited Conduct to law enforcement or the University. Any campus community member in need of resources or assistance relating to any of the matters covered by this Policy is encouraged to contact one of the on-campus or off-campus resources or Reporting Contacts listed this Policy.

A. Emergency Resources

The priority response to any report of Prohibited Conduct is to address the safety of the Reporting Party. The University will help the Reporting Party get to a safe place and assist them in contacting law enforcement, seeking immediate medical treatment, accessing crisis counseling resources and assisting them in taking steps to preserve evidence. For emergency assistance, Reporting Parties are strongly encouraged to contact the Department of Public Safety (DPS), the local police department, University emergency medical or counseling services.

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<tr>
<th>EMERGENCY ASSISTANCE AND MEDICAL CARE</th>
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<tbody>
<tr>
<td>Saint Louis Metropolitan Police Department - 911</td>
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<tr>
<td>Department of Public Safety and Emergency Preparedness</td>
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<td>Wool Center, Rm. 114, (314) 977-3000</td>
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The University also maintains a 24-hour toll free hotline available at (877) 525-5669 or (877) 525-KNOW. Reports or information related to Prohibited Conduct can be submitted anonymously through the hotline. Information submitted through the University hotline will be shared with the Title IX Coordinator.

**B.** The only University resources that afford complete confidentiality (assuming no other conditions require mandatory disclosure, i.e., suspected child abuse or neglect or imminent risk of harm to self or others) are:

- Disclosure to a licensed counselor in the University Counseling Center;
- Disclosure to a medical professional in the context of the physician-patient relationship; and
- Disclosure to a member of the clergy when the communication is made in their professional capacity of giving religious or spiritual advice.

Speaking confidentially with a licensed counselor in the University Counseling Center does not require a report to Department of Public Safety, Title IX Coordinator, or any other reporting body, without the consent of the Reporting Party.

**University Counseling Center**

3711 West Pine Mall  
Wuller Hall, 2nd Floor  
Saint Louis, Missouri 63108  
Phone: 314-977-8255

The University Counseling Center provides a broad range of services for all Students, including full-time, part-time and graduate students, including individual and couples counseling, educational and therapy groups, psychiatry, outreach and programming, and consultation to groups, departments, and organizations. Mental health information and records are not available to anyone outside or within the University without the client’s express permission.
For mental health emergencies, a trained and licensed staff therapist is on call 24 hours per day, 7 days per week, 365 days per year and can be available by contacting 314-977-TALK (8255).

Student Health Services

Marchetti Towers East
3518 Laclede Avenue
Saint Louis, Missouri 63103
Phone: (314) 977-2323 (24 hours)

Student Health Services provides medical treatment, outpatient services, and a variety of educational programs for all Students, including full-time, part-time and graduate students. The staff of Student Health include: nurses, physicians of various specialties, medical assistants, patient care coordinators, and many support staff.

Medical Services in the Greater St. Louis Community

Medical professionals in designated hospitals can provide a forensic medical examination. A forensic exam obtained from a hospital has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or possibility of pregnancy) and, second, to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy, a vaginal/anal examination, collecting fingernail scrapings and/or clippings, examining for injuries, and a blood draw. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather evidence will preserve the full range of options through the University’s processes or criminal action.

St. Louis area hospitals that have the capacity to conduct forensic exams include:

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<th>Hospital</th>
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<tr>
<td>St. Louis University Hospital</td>
<td>(314) 577-8777</td>
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<tr>
<td>St. Mary’s Health Center</td>
<td>(314) 768-8360</td>
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<tr>
<td>Barnes/Jewish Hospital</td>
<td>(314) 362-9123</td>
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<tr>
<td>Missouri Baptist Hospital</td>
<td>(314) 996-5225</td>
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<tr>
<td>Mercy Hospital St. Louis</td>
<td>(314) 569-6090</td>
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Campus Ministry

Eckelkamp Center for Campus Ministry
Wuller Hall
3711 West Pine Mall
St. Louis, MO 63108
Phone: 314-922-2425

With a spirit of cura personalis, or care for the whole person, the Department of Campus Ministry offers opportunities for cultivating an informed faith, a commitment to social justice, and an integrated way of life. Guided by the Catholic Church and the Society of Jesus, we welcome and serve students of all religious backgrounds and traditions.

Employee Resources

Saint Louis University is concerned with the well-being of its staff members and their families and is aware that personal problems can influence job performance. Staff members, their family members, or any member of the staff member’s household are encouraged to contact the Employee Assistance Program (EAP). The EAP provides employees and their families’ access to professional licensed counselors on a confidential and cost-free basis.

Confidential professional counseling is provided through ComPsych at no personal cost for staff and their families who are coping with a personal or family crisis.

Call 1-800-859-9319 to make an appointment or visit www.guidanceresources.com for more information.
Additional Confidential Resources in the St. Louis Area

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<tr>
<td>St. Louis Regional Sexual Assault Center</td>
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<tr>
<td>Alternatives to Living in Violent Environments</td>
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<td>Crime Victims Advocacy Center</td>
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<td>Legal Advocates for Abused Women</td>
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<td>LGBT Center of St. Louis</td>
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<td>Life Crisis</td>
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<td>Women’s Resource Center: Sexual Assault Response Team</td>
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<td>Safe Connections</td>
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<tr>
<td>Bridgeway Sexual Assault Center Hotline</td>
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<td>Provident Life Crisis Hotline</td>
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C. Campus Resources (Private, but not Confidential)

The following campus departments can provide resources, guidance and assistance to Students. These departments are required to share all reports of Prohibited Conduct with the Title IX Coordinator.

Office of the Dean of Students

Busch Student Center, Suite 350
20 N Grand Blvd
St. Louis, MO 63103
314-977-1572
deanofstudents@slu.edu

The Office of the Dean of Students provides an increased level of support to the University community through various educational efforts, programmatic opportunities and mechanisms of coordinated care and community commitment.
Student Responsibility and Community Standards
Wuller Hall, 2nd Floor North
3711 West Pine Mall
St. Louis, MO 63108-3306
314-977-7326
conduct@slu.edu

The Office of Student Responsibility and Community Standards is committed to working with students and the University community to foster values that reflect the mission of the University.

Department of Housing and Residence Life

Department of Housing and Residence Life
Brown Hall, Village Apartments
3744 West Pine Mall Blvd.
St. Louis, MO, 63108-3306
314-977-2811
Professional Staff On-Call: 314-486-4947 (24 hours)
reslife@slu.edu

The Department of Housing and Residence Life at Saint Louis University is dedicated to providing a secure and inclusive educational environment that facilitates student learning and holistic development through intentional experiences and engagement in community.

Office of Institutional Equity and Diversity

221 North Grand Blvd.
DuBourg Hall 36
St. Louis, MO 63103
314-977-3838

The mission of the Office of Institutional Equity and Diversity is to promote a deep understanding and appreciation among the diverse members of the University community, to promote justice and equality in educational and employment opportunities, as well as to lead efforts to create an inclusive academic and work environment.
D. National Resources

The following chart outlines national resources available on line. These resources may help identify available resources in other communities outside of St. Louis or Missouri.

| Not Alone.gov | https://www.natalone.gov/  
| Locate services, resources and supports in an area | https://www.notalone.gov/resources/  
| National Domestic Violence Hotline | 1.800.799.SAFE (24 hour)  
| National Sexual Assault Online Hotline | http://www.thehotline.org  
| Domestic Abuse Helpline for Men and Women | 1.888.743.5754  
| | http://www.dahmw.org/  
| Stalking Resource Center | http://www.victimsofcrime.org/our-programs/stalking-resource-center  
| Rape, Abuse, and Incest National Network (RAINN) | http://www.rainn.org  
| | 1-800-656-HOPE (4673) (24 hour hotline)  

9.0 REPORTING CONTACTS AND OPTIONS

The University has a strong interest in supporting individuals impacted by Prohibited Conduct and promoting accountability for conduct in violation of this Policy. The University encourages all community members to promptly report all incidents of Prohibited Conduct as soon as possible in order to maximize the University’s ability to respond promptly and effectively. The University does not, however, limit the time frame for reporting. If the Accused Party is not a member of the University community at the time of the report, the University will not be able to take disciplinary action against the Accused Party. The University will, however, still seek to meet its Title IX obligations by providing reasonably available support for the Reporting Party, identifying any information relevant to pattern or climate, and assisting a Reporting Party in identifying external reporting options.
A Reporting Party may choose to make a report to the University to pursue an investigation and determination under this Policy and may choose to make a report to law enforcement. When making a report, a Reporting Party may pursue either or both of these options at the same time. When making a report, a Reporting Party need not know whether they wish to request any particular course of action, nor how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. Upon receipt of a report of Prohibited Conduct, the University will provide the Reporting Party a written notice describing the options listed below. Before or during this decision-making process, a Reporting Party and other reporting persons are encouraged to seek support and information from the University Counseling Center or Employee Assistance Program.

A. University Reporting Contacts

While an individual is encouraged to report an incident to a person of their choice, the University has designated the following Reporting Contacts to receive reports of Prohibited Conduct. The designated Reporting Contacts have been trained to share available reporting options and resources with a Reporting Party.

Although certain individuals or entities are designated Reporting Contacts, all employees who are aware of Prohibited Conduct, are required to report the information to the Title IX Coordinator unless otherwise designated as a Confidential Resource.

The designated Reporting Contacts are:

- Title IX Coordinator
  Dubourg Hall, Room 36
  314-977-3886
  Email:akratky@slu.edu

- Department of Public Safety and Emergency Preparedness
  Wool Center, Rm. 114
  3545 Lindell Blvd.
  St. Louis, MO 63103
  314-977-3000

- Dean of Students
  Busch Student Center, Suite 350
  20 N Grand Blvd
  St. Louis, MO 63103
  314-977-1572
deanofstudents@slu.edu
• Residence Hall Professional Staff  
  Department of Housing and Residence Life  
  Brown Hall, Village Apartments  
  3744 West Pine Mall Blvd.  
  St. Louis, MO, 63108-3306  
  314-977-2811  
  Professional Staff On-Call: 314-486-4947 (24 hours)  
  reslife@slu.edu  

• Office of Student Responsibility & Community Standards  
  Wuller Hall, 2nd Floor North  
  3711 West Pine Mall  
  St. Louis, MO 63108-3306  
  314-977-7326  
  conduct@slu.edu  

• Office of Institutional Equity and Diversity  
  221 North Grand Blvd.  
  DuBourg Hall 36  
  St. Louis, MO 63103  
  314-977-3838  

A report may be filed with any of the Reporting Contacts described above. All of these Reporting Contacts will share the report with the University’s Title IX Coordinator. When a report is received, the University will respond to and evaluate the report of Prohibited Conduct pursuant to Section 10.0 and 11.0, below.

B. Law Enforcement Reporting Options

A criminal report may be filed with the St. Louis Metropolitan Police Department or appropriate jurisdiction. A Reporting Party over the age of 18 has the right to notify or decline to notify law enforcement. The Department of Public Safety and Emergency Preparedness is also available to provide assistance with contacting the St. Louis Metropolitan Police Department, or other appropriate jurisdiction.

The Title IX Coordinator or Reporting Contact can assist in setting up an initial meeting with law enforcement and can accompany a Reporting Party to that meeting. Filing a report with law enforcement does not obligate a Reporting Party to participate in any subsequent criminal proceedings.
The University’s policy, definitions and burden of proof may differ from Missouri criminal law. The parties involved may seek recourse under this policy and/or pursue their rights under Missouri law. Neither law enforcement’s determination whether or not to prosecute an Accused Party, nor the outcome of any criminal prosecution, are determinative of whether a violation of this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, the University may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the Reporting Party regarding Title IX rights, procedural options and the implementation of remedial and protective measures to assure safety and well-being. The University will promptly resume its Title IX fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

C. Bystanders

The University encourages all members of the University community to take reasonable and prudent steps to prevent or stop incidents of Prohibited Conduct. Taking action may include direct intervention when safe to do so, enlisting the help of friends, contacting the Department of Public Safety or local law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive, moral obligation will be supported by the University and protected from Retaliation. More information regarding bystander action can be found in the Responsible Action Protocol in Section 1.16 of the University’s Community Standards.

D. Amnesty

To encourage reporting, individuals who in good faith report Prohibited Conduct, either as a Reporting Party, witness or bystander, will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

E. Statement Against Retaliation

The University will not tolerate Retaliation against any Student, Employee or Third Party who makes a report of Prohibited Conduct, participates in an investigation related to a report of Prohibited Conduct, or participates in a hearing or appeal process related to a
report of Prohibited Conduct. Any incidents of Retaliation should be reported to the Title IX Coordinator or a designated Reporting Contact and may be subject to the same investigation, hearing, and appeal process as set forth in Section 13.0, below. The University will take prompt and corrective action against all acts of Retaliation.

10.0 RESPONSE PROTOCOL

The University will respond to all reports of Prohibited Conduct in a timely and effective manner consistent with this Policy.

1. All University Employees who are aware of Prohibited Conduct, through first-hand knowledge, receipt of a disclosure, or other indirect means, are required to immediately report all known information, including the names of the individuals involved, the date and location of the alleged incident, the nature of the report and any supporting evidence and/or documentation, to the Title IX Coordinator unless otherwise designated as a confidential resource.

2. All Reporting Contacts who receive a report of Prohibited Conduct will immediately share all known information with the Title IX Coordinator.

3. The Reporting Contact will assist the Reporting Party in getting to a safe place if necessary. In doing so, the Reporting Contact will coordinate with DPS as needed.

4. The Reporting Contact will encourage the Reporting Party to seek immediate medical attention for treatment of injuries and preservation of evidence, discuss the reasons why prompt medical treatment is important, and arrange for transportation to the hospital if the Reporting Party agrees to such medical treatment.

5. The Title IX Coordinator will inform DPS of all reports of Prohibited Conduct consistent with the University’s Clery obligations.

6. The Reporting Party will have the option to file a criminal report with the St. Louis Metropolitan Police Department, or appropriate jurisdiction. Declining to notify the St. Louis Metropolitan Police Department, or other appropriate jurisdiction, at the time of the initial report does not preclude the Reporting Party from filing a criminal report at a later date provided the conduct is within Missouri’s applicable statute of limitations.

7. The Reporting Contact will coordinate with the on-call sexual assault counselor from the University Counseling Center and a victim’s advocate from the St. Louis Regional Sexual Assault Center if the Reporting Party so wishes. The on-call sexual assault counselor and/or victim’s advocate are available to accompany the Reporting Party at each stage of the reporting, investigation, or hearing process, if requested by the Reporting Party.

8. The Reporting Contact will provide to the Reporting Party information describing available resources, remedial and protective measures and reporting options, including, but not limited to, pastoral care, academic assistance,
alternative housing, or a “no contact” order from the University. The information will be discussed at the time of the initial report and provided in writing by the Title IX Coordinator (or designee) to the Reporting Party.

9. If the Reporting Party wishes to pursue a report through University processes, the Reporting Contact will arrange for the appropriate office (Office of Student Responsibility & Community Standards for reports against Students) to contact the Reporting Party within one (1) business day of receiving the report.

10. If the Reporting Party does not wish to pursue a report through University processes, the Title IX Coordinator will evaluate that request in light of its broader obligations to campus safety, as set forth in Section 11.0, below.

11. The Reporting Contact and on-call sexual assault counselor will arrange for follow-up counseling, if requested by the Reporting Party.

12. The Reporting Contact will make notifications to appropriate University officials, including the Title IX Coordinator, and, where possible, limit the information provided to such officials by taking the Reporting Party’s preferences into consideration (consistent with the section on Privacy and Confidentiality).

13. The Reporting Contact will also assist, at the request of the Reporting Party, in coordinating follow-up services, including referrals to appropriate resources listed in Section 8.0, above.

14. The Title IX Coordinator will initiate and maintain ongoing contact to communicate information about the resources, supports, Policy and applicable procedures.

11.0 EVALUATING A REPORTING PARTY’S REQUEST FOR ANONYMITY, OR THAT NO INVESTIGATION OR DISCIPLINARY ACTION BE PURSUED

Recognizing that Prohibited Conduct can include criminal acts that violate the security of the entire campus community, there may be instances where the University has a responsibility to investigate or disclose information regarding the circumstances related to a specific incident despite a Reporting Party’s request to the contrary. The University will balance individual and community safety considerations with the privacy interests and agency/autonomy of a Reporting Party, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures.

The University’s ability to act to protect the interests of the Reporting Party and other Students is limited by the information provided to it. For example, the University’s ability to respond to a report of Prohibited Conduct may be limited if the Reporting Party requests that their name, or other identifiable information not be disclosed to the Accused Party, that no investigation occur, or that no disciplinary action be taken. Additionally, while the Reporting Party is under no obligation to reveal the identity of the Accused Party, the Reporting Party will be encouraged to do so in the interest of protecting all
members of the University community and preventing future incidents of Prohibited Conduct.

Where a Reporting Party chooses not to participate in University processes or pursue the report as a criminal matter, the University will nevertheless assess whether to pursue University disciplinary action for the safety of the Reporting Party and the University community. In assessing the appropriate University action(s), the University will consider the Reporting Party’s express preference(s) in light of the following factors:

- The seriousness, persistence, or pervasiveness of the Prohibited Conduct;
- The respective ages and roles of the Reporting Party and Accused Party;
- Whether there have been other reports of Prohibited Conduct against the Accused Party;
- The right of the Accused Party to receive notice and relevant information before disciplinary action is sought;
- Whether the circumstances suggest there is an increased risk of the Accused Party committing additional acts of Prohibited Conduct;
- Whether the Accused Party has a history of arrests or prior conduct violations (at the University or elsewhere) indicating a history of violence;
- Whether the Accused Party threatened further acts of Prohibited Conduct or other violence against the Reporting Party or others;
- Whether the Prohibited Conduct was committed by multiple individuals;
- Whether the circumstances suggest there is an increased risk of future acts of Prohibited Conduct under similar circumstances;
- Whether the Prohibited Conduct was perpetrated with a weapon, by force, or through the use of predatory behavior, including the use of incapacitating substances;
- Whether the University possesses other means to obtain relevant information (e.g., security cameras or personnel, physical evidence);
- The Accused Party’s right to receive information if such information is maintained in an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99; and,
- The University’s obligation to provide a safe and non-discriminatory environment.
The University will evaluate a request for anonymity in the context of its responsibility to provide a safe and non-discriminatory environment for the campus community. The University will take reasonable steps to investigate and respond to the report consistent with the Reporting Party’s request to maintain anonymity or to not pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Reporting Party. Where the University determines that action should be taken that is inconsistent with the request of the Reporting Party, the Title IX Coordinator will inform the Reporting Party about the chosen course of action, which may include the University initiating disciplinary action against an Accused Party. Where the University determines that University disciplinary action is appropriate, the University will not require the Reporting Party does not wish to participate in any investigation or to not pursue action. Alternatively, the University may include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve disciplinary action against an Accused Party or disclosing the identity of the Reporting Party.

### 12.0 Remedial and Protective Measures

Following a report of Prohibited Conduct, the University will offer reasonable and appropriate measures to protect a Reporting Party and facilitate the Reporting Party’s continued access to University employment or education programs and activities. The University offers a wide range of remedial and protective measures for Students and Employees, whether as Reporting Parties or Accused Parties, to provide support and guidance throughout the University’s response to a report of Prohibited Conduct. These measures may be both remedial (designed to address a Reporting Party’s safety and well-being and continued access to educational opportunities) or protective (involving action against an Accused Party). Remedial and protective measures may be imposed on an interim basis, or may be extended permanently.

The University offers the following range of remedial and protective measures:

- Imposition of an on-campus, no-contact directive;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Change in class schedule, including the ability to transfer course sections or withdrawal from a course without penalty;
- Change in an Employee’s work schedule or job assignment;
- Change in a Student’s University-sponsored or controlled housing;
- Assistance from University support staff in completing housing relocation;
• Limit of an individual’s or organization’s access to certain University facilities or activities pending the outcome of the matter;

• Voluntary leave of absence;

• Providing an escort to ensure safe movement between classes and activities;

• Providing access to medical services;

• Providing academic support services, such as tutoring;

• University-imposed administrative leave or separation;

• Interim suspension or leave;

• Assistance in obtaining a civil protection order; and/or

• Any other remedy which can be tailored to the involved individuals to achieve the goals of this policy.

Remedial measures are available regardless of whether a Reporting Party pursues a complaint or investigation under this policy. The University will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Title IX Coordinator has the discretion to impose and/or modify any remedial or protective measure based on all available information, and is available to meet with a Reporting Party or Accused Party to address any concerns about the provision, scope, or application of remedial and protective measures.

The University will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

A civil Order of Protection may also be available from the St. Louis City Circuit Court located in the Civil Court Building, 10 N. Tucker 9th Floor, Adult Abuse Office, or other appropriate jurisdiction. The Title IX Coordinator or Department of Public Safety is available to assist with this process.
13.0 OVERVIEW OF INVESTIGATION, DETERMINATION OF RESPONSIBILITY, SANCTIONS AND APPEAL PROCEDURES FOR COMPLAINTS AGAINST STUDENTS

Saint Louis University’s process for resolving reports of Prohibited Conduct against Students will be prompt and equitable and conducted with the oversight of the Title IX Coordinator. In every report under this policy, the University will make an immediate assessment of any risk of harm to the Reporting Party or to the broader campus community and will take steps necessary to address those risks. These steps will include remedial and/or protective measures to provide for the safety of the parties and the campus community. The initial assessment will consider the nature of the report, the Reporting Party’s expressed preference whether to proceed with an investigation, and the appropriate course of action. The appropriate course of action may include remedial and/or protective measures that do not involve disciplinary action against an Accused Party or a formal investigation and determination as to whether there has been a policy violation, and if so, whether sanctions are warranted. In determining whether this Policy has been violated, the University will apply the preponderance of the evidence standard (more likely than not). All University employees involved in investigating or responding to a report of Prohibited Conduct will receive appropriate training in support of their role, and will be impartial and free from actual conflict of interest or bias.

A. Right to an Advisor

Throughout the process, a Reporting Party or Accused Party may have an advisor provided by the University or an advisor of their choice present at any meeting related to the investigation or disciplinary proceeding. An advisor of choice may include an attorney retained by a Party at their own expense. An advisor provided by the University will be trained in regard to University policies, procedures, and resources. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. Advisors may participate in University processes in an advisory capacity, but they may not take part directly in the investigation, meeting with the Hearing Officer, or appeal. If a party wishes to speak privately with their advisor during the investigation, meeting with the Hearing Officer, or appeal, they may request a brief recess from the meeting or proceeding. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. The advisor may not be a fact witness or otherwise have any conflicting role in the process.

B. Timeframe for Investigation, Determinations and Appeal

Except for good cause, the University will conclude its investigation, hearing, and appeal process within sixty (60) calendar days following receipt of a report. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness, fairness, and impartiality. The University may extend this time frame for good cause and will communicate any delay in the process in writing to the parties, including an updated timeframe for completion and the reason(s) for any delay. Good
cause may exist for a variety of factors, including the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for University breaks or vacations, or to address other legitimate reasons.

C. Investigation

Where a decision has been made to pursue an Investigation, the Title IX Coordinator, or designee, will assign a trained investigator to conduct a prompt, thorough and impartial investigation of reports of Prohibited Conduct. All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of University policy and can subject a Student or Employee to disciplinary action. The investigator or designee will provide timely updates, as appropriate or requested, about the timing and status of the investigation.

It is the responsibility of the University, not the parties, to gather relevant evidence, to the extent reasonably possible. The investigator will conduct a fair and reliable fact-gathering in light of the circumstances of the report. The investigator will be responsible for interviewing the Reporting Party and Accused Party; interviewing potential witnesses; collecting relevant documentation and physical evidence, including documents, communications between the parties, and other electronic records as appropriate; creating a timeline; and preparing a written report documenting the complete investigation.

The Reporting Party and Accused Party will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual’s character.

The investigator will determine the relevance of any proffered information, and will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party’s general reputation for any character trait, including honesty.

Medical and counseling records of a Reporting Party or Accused Party are privileged confidential records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily chose to share such records with the investigator. Any records provided by a party become part of the file and are available to review by the opposing party.

A Reporting Party’s prior sexual history will never be used as evidence of character or reputation, and will only be considered during an investigation under limited circumstances. For example, where there is a current or ongoing relationship between the Reporting Party and the Accused Party, and the Accused Party asserts that the conduct was consensual, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Reporting Party with other individuals is typically not
relevant and will only be permitted if it is probative of a material fact, for example, to explain an injury or physical finding.

In gathering information, the investigator may also consider other reports of, or findings of responsibility for, similar conduct by the Accused Party to the extent such information is relevant and available. Such information may be relevant to prove motive, intent, absence of mistake, pattern or another material fact.

Where a sufficient informational foundation exists, the investigator, in consultation with the Title IX Coordinator, will assess the relevance, form, and reliability of the information and determine if it is appropriate for inclusion in the written investigation report for consideration by the Hearing Officer in its determination of responsibility and/or any assigning of a sanction.

The investigator and Title IX Coordinator have the discretion to consolidate multiple reports against an Accused Party into one investigation if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

At the conclusion of the investigation, the investigator will prepare a written report that summarizes the report, details the information gathered, identifies the potential policy violations and synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts. In preparing the report, the investigator will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. Before the report is finalized, the Reporting Party and Accused Party will be given the opportunity to review a preliminary investigative report that contains all information to be relied upon in reaching a determination. The Reporting Party and Accused Party may submit any additional comment or information to the investigator within five (5) business days of the opportunity to review the report.

Upon receipt of any additional information by the Reporting Party or Accused Party, or after the five (5) day comment period has lapsed without comment, the investigator will finalize the report. This finalized report will include a written recommendation at the conclusion of the report detailing whether there is or is not sufficient information alleged to support a finding that Prohibited Conduct occurred using a preponderance of the evidence standard. This finalized report, including the written recommendation, will be given to the Hearing Officer. This recommendation is non-binding on the Hearing Officer, who bears the ultimate responsibility of determining whether the Accused Party is responsible for committing Prohibited Conduct in violation of this policy.

The investigator will seek to complete the investigation and make a recommendation to the Hearing Officer within twenty-five (25) business days of receiving the complaint, but this time frame may be extended depending on the complexity of the circumstances of each case.
D. Determination of Responsibility and Sanctions

The Hearing Officer is an administrator designated by the University to determine responsibility and impose, as appropriate, any sanctions. The Hearing Officer will provide both the Reporting Party and Accused Party an opportunity to review the final investigative report and meet with the Hearing Officer separately to discuss the recommended findings and underlying facts. Alternatively, the parties may submit written comments in lieu of an in-person meeting with the Hearing Officer. At the conclusion of the individual meetings, or upon receipt of additional written comment, the Hearing Officer will make a determination as to whether, based on the preponderance of the evidence standard, the Accused Party committed an act or acts of Prohibited Conduct in violation of this policy.

If the Hearing Officer determines that the Accused Party is responsible for one or more forms of Prohibited Conduct, the Hearing Officer will determine the appropriate sanctions. A determination of sanctions will be based on the facts and circumstances of each case and will be designed to eliminate the Prohibited Conduct and prevent any reoccurrence of such Prohibited Conduct. Any determination for sanctions will be rooted in the University’s educational mission, institutional values, and Title IX obligations. Sanctions for Employees and University Contractors are found in the University’s Harassment Policy and Faculty Manual.

Sanctions for Students for a violation of this policy may include: expulsion; suspension; disciplinary probation; mandated counseling assessment which may include anger management course(s), alcohol and/or drug education program(s), and other requirements based upon the counseling assessment; restrictions on campus privileges including restrictions on campus housing or participation in student activities; community service; and/or other education sanctions.

In determining the appropriate sanction, the Hearing Officer may consider the following factors:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the Reporting Party;
- the impact of the conduct on the University community;
- prior misconduct by the Accused Party, including the Accused Party’s relevant prior discipline history, both at the University or elsewhere, and any criminal convictions;
- how the University has previously sanctioned similar conduct;
- whether the Accused Party has accepted responsibility for the conduct;
- maintenance of a safe and respectful learning, living and working environment;
- protection of the University community; and
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate outcome in each case.
Both the Reporting Party and Accused Party will simultaneously receive a written notice of the outcome of the Hearing Officer’s findings, any sanctions, the rationale for each and the right to appeal.

E. Appeals

Either party may appeal the decision of the Hearing Officer. All appeals are due, in writing, to the Title IX Coordinator in the Office of Institutional Equity and Diversity, or her designee, within three (3) University business days following receipt of the Notice of Outcome. If a request is not received within three (3) business days, the Hearing Officer’s determination is final. The appeal shall consist of a plain, concise and complete written statement outlining the basis for appeal and all relevant information to substantiate the grounds. The appeal will be decided by a panel of three members of the University community that receive, at a minimum, annual training.

The grounds for appeal may only be one or more of the following:

- There was a material deviation from the procedures set forth in this Policy or applicable provisions of the Student Handbook that would significantly impact the outcome of the case or may have resulted in a different finding;
- New or relevant information, not available at the time of the investigation or determination of responsibility, has arisen that would significantly impact the outcome of the case.

Dissatisfaction with the outcome of the investigation, and failure of a party or witness to attend or participate in the investigation or hearing process, are not grounds for appeal.

The other party will have an opportunity to review the appeal and may submit a written response to the appeal to the Title IX Coordinator in the Office of Institutional Equity and Diversity, or designee, within three (3) University business days following a Party’s review of the appeal.

Appeals are not intended to be a full rehearing of the report (de novo). In most cases, appeals are limited to a review of the written documentation and pertinent documentation regarding the grounds for appeal. Absent extraordinary circumstances the appeal panel will not meet with either party. The decision of the appeal panel is a final determination.

Except in extraordinary circumstances, appeals will be resolved within ten (10) University business days following receipt of the request for appeal. All parties will receive written notification following the final determination of any appeal.

14.0 PROGRAMMING AND TRAINING

In accordance with the University’s philosophy and mission, as well as Federal guidelines, programming and training about the Policy regarding the expectations of our community regarding Prohibited Conduct, reporting options, resources, and prevention are required for all Students and Employees.

Students who wish to be involved in the University’s efforts regarding peer-led prevention and awareness campaigns should contact Anna Kratky, Title IX Coordinator,
Kim Sahr, Sexual Misconduct Investigator, and Arathi Srikanta, Wellness Program Director.

15.0 REVIEW AND APPROVAL

Changes to this policy may be necessary from time to time. At a minimum, this Policy shall be subject to annual review for compliance with applicable law, available guidance, and assessment of best practices. This Policy has been reviewed and approved by the Vice President, Student Affairs, Vice President and General Counsel, and the University’s Title IX Coordinator. This Policy has been approved by the Senior Executive Staff. Policy documentation, including a record of all changes to the charter, will be maintained by the Title IX Coordinator and available for inspection in the Office of Institutional Equity and Diversity, DuBourg Hall, Room 36.

16.0 REVISION HISTORY

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