

University of Saint Joseph's Title IX Policy Against Gender-Based Discrimination and Sexual Misconduct¹

University of Saint Joseph is committed to providing an environment free from gender-based discrimination and harassment. University of Saint Joseph is dedicated to a healthy and safe learning and living environment in which members of the community can realize their full potential free from all forms of gender or sex discrimination and sexual misconduct including interpersonal violence and stalking.

As such, the university complies with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs or activities that receive federal financial assistance. University of Saint Joseph strives to ensure that no student or employee is excluded from participation in or denied the benefits of any university program or activity on the basis of sex. Also, in regards to athletics, the university is committed to the equitable treatment of male and female student-athletes. This includes, but is not limited to, equitable allocation of athletic participation opportunities, scholarships and benefits.

Upon receiving a report, the university will respond promptly, equitably and thoroughly. In addition, the university will take steps to prevent the recurrence of the misconduct and correct its effects, if appropriate. When a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are not repeated and steps will be taken to correct any discriminatory effects to the extent possible. There is no time limitation on the filing of a grievance under this policy. However, a delay in reporting could affect the university's ability to gather information needed to determine whether a person is responsible for sexual misconduct or gender-based discrimination. If the responding party is no longer subject to the university's jurisdiction, the ability to investigate, respond, and provide remedies may be limited.

This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated. Any University of Saint Joseph community member who has questions about the policy or the grievance procedures should seek clarification from the university's Title IX Coordinator.

The university's sex/gender harassment, discrimination and misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern.

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I. Notice of The Title IX Coordinator

Rayna Dyton-White, Director of Diversity & Inclusion, serves as the university Title IX Coordinator and manages the university's compliance of Title IX. The Title IX Coordinator is the resource available to anyone seeking additional information or wishing to file a complaint. When a student, faculty or staff member, or other participant in the university's programs and activities feels that she or he has been subjected to discrimination on the basis of sex in any university program or activity, including but not limited to being subjected to sexual harassment and sexual assault, they may contact the Title IX Coordinator or utilize the Title IX grievance procedures to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

The Title IX policy is intended to define university standards and to outline the investigation and grievance processes when those standards are violated.

The University Title IX Coordinator is:

Rayna Dyton-White, Director of Diversity & Inclusion

Lourdes Hall

rdytonwhite@usj.edu

860.231.5487

The University Title IX Coordinators are:

Deborah Spencer, Director of Human Resources

Office of Human Resources, Mercy Hall

dspencer@usj.edu

860.231.5390

II. Statement Regarding Complaint and Grievance Procedures

The procedures in this policy are designed to provide a supportive process for individuals who report discrimination and to ensure a fair process for individuals who are accused of sexual misconduct or discriminatory behavior. Any University of Saint Joseph students, faculty or staff members who believe that they have been subjected to discrimination based upon sex or gender identity in any university program or activity, that the university has failed to meet its Title IX obligations regarding equity in athletics, or that they have been subjected to sexual misconduct may bring such concerns to the attention of the university's Title IX Coordinator to obtain a prompt and equitable resolution.

The U.S. Department of Education, Office for Civil Rights (OCR) is the federal agency charged with enforcing compliance with Title IX. Anyone has the right to contact them directly.

Information regarding OCR can be found at:

Local OCR: Boston Office

U.S. Department of Education,

8th Floor, 5 Post Office Square,

Boston, MA 02109-3921

Telephone: 617.289.0111, Facsimile: 617.289.0150

[Email: OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

Office for Civil Rights, 400 Maryland Avenue, SW, Washington, D.C. 20202-1100 Customer Service

Hotline: 800-421-3481 • Facsimile: 202-453-6012 • TDD: 877-521-2172

Email: ocr@ed.gov • Website: ed.gov/ocr

III. Reporting and Confidentiality

A. Options for Reporting

Internal – Not Anonymous

- a. Report directly to the Title IX Coordinator or Title IX deputy (contact information above);
- b. Report online, using the Tell Someone [hyperlink] report;

Internal - Anonymous

- a. Report using the Public Safety Anonymous Tipline 860.231.5742.
- b. Report using EthicsPoint - 855.297.5106 or www.ethicspoint.com.

External Law Enforcement

To contact a local police department, contact Public Safety for assistance (24 hours a day/7 days a week) at 860.231.5222 or call:

- a. West Hartford Police Department – 860.523.5203
- b. Hartford Police Department – 860.757.4000
- c. Bloomfield Police Department — 860.242.5501
- d. Connecticut State Police, Troop H (Hartford) - 800.968.0664 or 860.534.1000

Complaints of Sexual Misconduct against a Faculty Member, Staff Member or Administrator

Within the university, reports of gender-based misconduct by a faculty member, staff member, administrator or third party affiliated with the university (vendor, clinical coordinator, accreditation member, etc.) should be filed with the Office of Human Resources. Reports regarding faculty member, staff member, administrator or third party affiliated with the university can also be made via the EthicsPoint reporting option 855.297.5106 or www.ethicspoint.com. For procedure see Employee Handbook. If the alleged sexual misconduct impacts a University of Saint Joseph student, Responsible Employees must also report the information to the Title IX Coordinator, and such report may not be anonymous.

B. Confidentiality

Reports made anonymously or by third parties may or may not initiate grievance procedures. However, Title IX requires the university to investigate all incidents about which the university knows or has reason to know to protect the health and safety of the university community and the university will investigate issues raised anonymously or by third parties if sufficient information is provided by the reporter to allow such an investigation. Also, the university will undertake an investigation where appropriate even in cases where the alleged victim and/or complainant choose not to cooperate or participate.

When weighing a complainant's request for confidentiality, to end an investigation, and/or to not seek disciplinary action, the university will consider factors which may include circumstances that suggest: violence, threat, pattern, predation and/or weapon; the age of the student subjected to the sexual violence; and whether the university possesses other means to obtain relevant evidence.

Whether the incident occurred on or off campus, community members are encouraged to report sexual assault and other incidents of harassment to local police. University of Saint Joseph Public Safety can assist community members who wish to make a report to police. Electing not to report an incident to the police will not impact the university's investigation or Title IX grievance process. If a complainant is a minor, according to Connecticut state law, the university will make a report to the appropriate law enforcement agency.

If a community member decides not to file a complaint with the university, the university encourages the community member to seek out the available medical and mental health resources listed above. Community members who wish to make a complaint at a later date may contact a university Title IX Coordinator or deputy at any time.

C. Responsible Employees and Reporting

University of Saint Joseph encourages all employees to promptly report any incidents of sex discrimination, sexual misconduct, interpersonal violence or stalking, they may witness or become aware of. Responsible employees are **required** to report such incidents when any University of Saint Joseph student is impacted. University of Saint Joseph defines all faculty and staff as responsible employees of the university; the sole exception to this statement is staff who are designated as confidential employees. A responsible employee is expected to report any incidents of sexual violence, harassment, discrimination, interpersonal violence and stalking involving a student promptly to the university Title IX Coordinator or deputy coordinator. Prompt reporting of such incidents makes investigation of the incident more effective and enhances the ability of the

university to take action on a complaint.

The University considers staff in Health Services and the Counseling and Wellness Center to be confidential employees; as such these employees will not report Title IX related incidents to the Title IX Coordinator. Confidential employees will submit anonymous statistical information to the appropriate university office for Clery Act purposes, unless they believe it would cause undue harm to a specific client.

When reporting sexual harassment, discrimination, sexual assault, interpersonal violence or stalking the Title IX Coordinator or deputy coordinator will guide you with regard to how much detail is needed in an initial report. While respecting the complainant, no employee (other than Health Services and Counseling and Wellness Center staff) can or should promise complete confidentiality.

D. Confidential Resources

Confidential on-campus resources are available who can share options and advice without any obligation to inform other university staff members unless requested. Health Services and the Counseling and Wellness Center are the only confidential resources on the University of Saint Joseph campus. In addition, there are several off-campus resources that are also confidential. Faculty members and other university staff are *not* confidential resources and are required to contact the university Title IX Coordinator or the deputy coordinator.

All of the below-listed resources will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor.

University of Saint Joseph Confidential Resources

- Health Services and the Counseling and Wellness Center - 860.231.5530

Off-Campus Confidential Resources

- Connecticut Alliance to End Sexual Violence 24-hour confidential hotline - 1.888.999.5545 and (Español) - 1.888.568.8332
- Rape, Abuse and Incest National Network crisis hotline — 1-800-656-HOPE
- Rape, Abuse and Incest National Network online hotline — ohl.rainn.org/online
- Connecticut Coalition Against Domestic Violence – 24-hour confidential hotline 1.888.774.2900

E. Jurisdiction

This policy shall apply to conduct that occurs on university-owned or leased property, at university-sponsored events, as well as off campus and online. Students shall be responsible for their conduct from the time of application for admission through the awarding of a degree, as well as during periods between terms of actual enrollment, study abroad and leaves of absence or suspension. The University maintains the authority to adjudicate alleged violations of the Student Code of Conduct that are related to the same incident under review, though may not be directly related to gender-based conduct.

IV. General Policy & Definitions

Members of the university community including guests and visitors have a right to be free from sexual harassment, violence and gender-based harassment. When an allegation of misconduct is investigated, and a responding community member is found to have violated this policy, serious sanctions may be used in an effort to ensure that such actions are not repeated.

Any attempts to violate this policy are considered sufficient for having committed the violation itself. The use of alcohol or other drugs will not be accepted as a defense or mitigating factor to a violation of this policy. These policies apply regardless of the complainant's or respondent's sexual orientation, sex, gender identity, age, race, nationality, religion or ability. Harassment or discrimination based upon an individual's sexual orientation or gender identity is considered gender-based and subject to this policy. Reasonable accommodations will be provided, as needed, to permit students with disabilities to utilize the procedures set forth in this policy.

Any community members who believe they have been subject to sexual assault, sexual harassment or other

sexual misconduct or has witnessed or learned of such an incident is encouraged to contact the university Title IX Coordinator or a deputy coordinator directly. The Title IX Coordinator ensures that timely reports are taken and responded to with appropriate action which may include investigation, possible interim measures, resolution and that those involved have access to other resources including but not limited to medial, mental health, law enforcement.

All reports against students, faculty, staff, vendors, visitors and individuals not affiliated with University of Saint Joseph are handled by the Title IX Coordinator:

The University Title IX Coordinator is:
Rayna Dyton-White, Director of Diversity & Inclusion
Lourdes Hall
rdytonwhite@usj.edu
860.231.5487

In situations in which a complaint is filed against a community member who embodies more than one status at the university (i.e., community member is a student and an employee), the university Title IX Coordinator has the authority to appoint investigators (possibly from different areas of the institution) and determine the grievance process for the reported incident (student, faculty or staff employees). The selected grievance process shall have the authority to make final determinations affecting all individual statuses at the university.

A. Definitions and Scope of Sexual Misconduct

University of Saint Joseph prohibits any form of sexual misconduct, including but not limited to acts of sexual harassment, nonconsensual sexual contact or intercourse, and other forms of sexual exploitation.

Sexual Misconduct is a broad term covering a range of behaviors including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, sexual exploitation, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating or coercing a person. Sexual misconduct may involve nonconsensual sexual contact, but it is not a necessary component. All individuals are protected from sexual misconduct and sexual misconduct is prohibited regardless of the gender of the harasser.

Sexual harassment is defined as unwelcome gender-based verbal or physical conduct that is:

- sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or depriving someone of the ability to participate in or benefit from the university's educational program, activities and/or employment, and is;
- based on power (quid pro quo), the creation of a hostile environment, or retaliation;

Examples of sexual harassment include, but are not limited to:

- subtle or persistent pressure for sexual activity;
- unnecessary touching, pinching or brushing against a person;
- requesting or demanding sexual favors concerning employment, academic activities or other university activities;
- unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
- unwelcome conduct based on a person's perceived sexual orientation, gender identity or expression or gender based stereotypes
- failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior.

Nonconsensual sexual contact (sexual assault) includes any intentional touching of a sexual nature, however slight, whether clothed or unclothed, with any object or body part by a person against another person that is without consent and/or by force.

Examples of nonconsensual sexual contact include, but are not limited to:

- intentional contact or touching with the breasts, buttocks, groin or genitals;
- making another person touch someone or themselves in a sexual manner;
- any intentional bodily contact in a sexual manner.

Nonconsensual sexual intercourse (rape) includes any penetration, however slight, with any object or body part by a person against other person that is without consent and/or by force.

Examples of nonconsensual sexual intercourse include, but are not limited to:

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

Sexual exploitation includes but is not limited to:

- invasion of sexual privacy and voyeurism (in-person or through audio or video recording);
- knowingly transmitting a sexually transmitted infection;
- exposing of a person's body or genitals;
- prostituting or soliciting another community member.

Consent is an active, knowing and voluntary exchange of affirmative words and/or actions, which indicate a willingness to participate in a particular sexual activity. Consent must be freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. The lack of a negative response is not consent. A person who is incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, may not give consent. Neither consent to one form of sexual activity nor past relationships imply consent to future sexual activity.

Incapacitation is a state where someone cannot make rational, reasonable decisions due to a lack of capacity to give knowing consent (e.g., to understand the “who, what, when, where, why and how” of the sexual interaction).

- Sexual activity with someone who is, or based on circumstances should reasonably have known to be, mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this policy.
- A person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs cannot give consent.
- In order to give consent, a person must be of the legal age of consent. Under most circumstances, the age of consent in the state of Connecticut is sixteen. See Connecticut General Statutes § 46b-120, § 46b-127, § 46b-133d, § 53a-70, § 53a-71, and § 54-76b.
- Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication.

Evidence of incapacity may be detected by physical cues, e.g., slurred speech, bloodshot eyes, the odor of alcohol on a person's breath or clothing, inability to maintain balance, vomiting, unusual or irrational behavior and unconsciousness. Context is important in helping to determine incapacitation. Any of these particular cues alone do not necessarily indicate incapacity.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion that overcomes resistance or produces consent.

Coercion is unreasonable pressure for sexual activity. Coercion is the use of emotional manipulation to persuade someone to do something they may not want to do, such as being sexual or performing certain sexual acts. Being coerced into having sex or performing sexual acts is not consenting and is considered sexual misconduct.

Intimate Partner Violence

Relationship violence is a pattern of behavior in an intimate relationship that is used to establish power and control over another person through fear and intimidation. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional and/or physical. Examples include, but are not limited to: striking another person (slapping, punching, etc.), property damage, reckless behavior, name calling and insults, public humiliation, harassment directed toward friends and acquaintances, and verbal and/or physical threats.

Stalking involves any behaviors or activities occurring on more than one occasion that collectively instill fear and/or threaten a person's safety, mental health, and/or physical health. Such behaviors or activities may include, but are not limited to nonconsensual communications (i.e., face-to-face, telephone, email, social media), threatening or obscene gestures, surveillance, or showing up outside the targeted individual's classroom, residence or workplace.

Other Forms of Misconduct

Other forms of misconduct, when gender-based, will fall under this policy. These include, but are not limited to:

- conduct that interferes with the rights of others and/or demonstrates disregard for the university community;
- assisting another person in committing a violation of this policy;
- personal harassment and/or verbal abuse;
- the threat of physical harm, physical abuse, mental distress or injury;
- actions that inflict physical harm, physical abuse, mental distress or injury;
- slanderous, false or malicious statement(s) about a person or defamation of character;
- endangerment of the health and safety of others;
- hazing;
- damage and/or vandalism to another's property.

B. When an Incident Occurs

Bystander Intervention is defined by the State of Connecticut (PA 16-106) as the act of challenging the social norms that support, condone or permit sexual assault, stalking and intimate partner violence. Students are encouraged to undertake bystander intervention actions when they are able to do so in a manner that is safe for all concerned. Examples of bystander intervention include: asking if someone is alright; distracting one or both people involved; encouraging someone to seek help from appropriate resources, such as Health Services or the Counseling and Wellness Center. Bystander intervention techniques can be used to address and prevent many concerns, including sexual assault, intimate partner violence, alcohol poisoning, hazing, suicide and bias.

Care after an Incident

While there is no one right way to get help, below are some suggested steps you can take following an experience of sexual assault, intimate partner violence, or stalking.

a. Immediate Steps

- i. Get away from the attacker. Go to a safe place (open office, friend's room, RA room, etc.).
- ii. Call someone you trust. A friend, family member or victim advocate are all good resources. You do not have to go through this alone.
- iii. Seek medical attention. On campus call Public Safety 860.231.5222; off campus call 911 or go to your nearest emergency room. You should seek treatment from a hospital that participates in the SAFE program and has a SANE (Sexual Assault Nurse Examiner). A medical provider can check and treat you for physical injury, sexually transmitted infections and pregnancy.

Local Hospitals

Saint Francis Hospital
114 Woodland Street, Hartford, CT 06105
860.714.4000

Hartford Hospital
80 Seymour Street, Hartford, CT 06012
860.545.5000

- iv. Preserve Evidence. After sexual violence, do not shower until you have considered whether to have a no-cost sexual assault forensic exam within 120 hours of the assault. You do not need to make a formal report or press charges to have a sexual assault forensic exam. Save the clothes you were wearing (unwashed) in a paper or cloth bag. After sexual violence, relationship violence, and/or stalking, take photos of any damage or injury and keep communication records (i.e. texts,

emails, and letters).

b. Next Steps

- i. Student may also seek treatment from Health Services by calling 860.231.5530 (Monday–Friday 8:30am-4:30pm during the academic year), however this office does not complete the sexual assault evidence collection kit.
- ii. Seek Support. You may want to turn to an on-campus counselor at the Counseling and Wellness Center by calling 860.231.5530 (Monday–Friday 8:30am-4:30pm during the academic year) or an off-campus confidential advocate for support and information. They will talk with you about your options for additional support services and reporting.
- iii. Consider making a report. You are encouraged to make a formal report of what happened to both the Title IX Coordinator and the local police department (West Hartford Police Department – 860.523.5203). Keep in mind there is a difference between reporting to the on-campus Title IX Coordinator and filing criminal charges with the police department. Each report can be done independently.
- iv. Additional support. The Title IX Coordinator can help you with changes to your housing, classes, work, student activities and more. You do not need to make a formal report or press charges to receive help.

c. Other Resources

[Connecticut Alliance to End Sexual Violence](#)

24-Hour Hot Line 1.888.999.5545

Telephone: 860.282.9881

96 Pitkin Street

East Hartford, CT 06108

info@endsexualviolencect.org

All services are FREE and CONFIDENTIAL and services provided include:

- Hotline Services 24-hours/day, 7 days/week
- 24-hour crisis counseling
- Information & referral
- Advocacy for children and non-abusing parent
- Short-term counseling for complainants and their family and/or friends
- Support groups and more
- Community education programs dealing with sexual assault issues
- Community prevention programs dealing with safety concerns, etc.

[Interval House](#)

24-hour Domestic Violence Hotline 860.527.5550 or 1.888.774.2900

Linea de Crisis (Spanish) 1.844.831.9200

Telephone: 860.246.9149

Hartford, CT

www.intervalhousect.org

Our Services that are provided include:

- 24-hour Hotline
- Safety planning and domestic violence counseling
- Emergency shelter
- Support groups
- Court and legal advocacy
- Programs for children
- Community education and awareness

[Connecticut Coalition Against Domestic Violence](#)

24-hour Domestic Violence Hotline 888.774.2900

912 Silas Deane Highway, Lower Level

Wethersfield, Connecticut 06109

Telephone: 860.282.7899 | Toll free (CT only): 1.800.281.1481

<http://www.ctadv.org/>.

For counseling services, support groups, emergency shelter and general support services, please call our 24-hour statewide, toll free domestic violence hotline at 888.774.2900 to be connected to the nearest domestic violence agency. An advocate can talk with you about your needs and help you identify shelters, programs and other resources. All services are free and confidential. Located at

Office of Victim Services

225 Spring Street, Fourth Floor

Wethersfield, Connecticut

Telephone: 711 or 1.800.833.8134

<http://www.jud.ct.gov/crimevictim/>

The Office of Victim Services (OVS), Connecticut Judicial Branch, is the state's lead agency established to provide services to victims of violent crime. OVS contracts with non-profit and public organizations to provide services to crime victims. These services include, but are not limited to, information and referral, criminal justice support/advocacy, therapy, safety planning, group treatment/support, personal advocacy and assistance in filing applications for victim compensation.

Office of Victim Advocate

505 Hudson Street, 5th floor

Hartford, Connecticut 06106

Telephone: 860.550.6632 or Toll Free (CT) 1.888.771.3126

Email at ova.info@ct.gov or <http://www.ct.gov/ova/site/default.asp>

The Office of the Victim Advocate (OVA) is an independent state agency charged with the responsibility of protecting and enforcing the rights of crime victims throughout the state of Connecticut. The OVA monitor's services provided to crime victims by state agencies and private entities; receives and investigates victim's complaints regarding their treatment in the criminal justice process. They can intervene in court cases to advocate for a crime victim when their rights have been violated. They make recommendations to the legislature, criminal justice professionals, and victim service providers for changes in state policies and laws to benefit crime victims. They also provide public education and outreach regarding services available to victims of crime and their families.

Resources for preventable sexually transmitted diseases

Burdorf Health Center, Hartford STD Clinic

Disease Prevention and Health Promotion

131 Coventry Street, 1st Floor

Hartford, Connecticut

860.757.4830 or 860.757.4772

No appointment necessary. Fee for service.

Additional Services

- Campus Safety provides escorts for any student crossing campus in the evening hours. Call 860.231.5222 to request this service.
- Emergency phones (blue light towers) can be found throughout campus.

C. Protective Orders

All students have the right to request a protective order or temporary restraining order, or seek enforcement of existing orders, including, but not limited to, orders issued pursuant to Connecticut state statute. Victims will be afforded options and will be assisted in making decisions in regard to any lawful protective or temporary restraining orders. Students should bring any protective orders to the Department of Public Safety. The university will assist in making any necessary accommodations.

D. Retaliation

Retaliation against any person in the university community for alleging a violation of Title IX or for cooperating in any investigation, proceeding, or meeting relating to an alleged violation of Title IX is strictly

prohibited and may result in disciplinary action, including additional interim or permanent measures. Any concerns regarding retaliation should be reported immediately to the university Title IX Coordinator or Deputy Coordinator.

E. Federal Timely Warning

Parties reporting sexual misconduct should be aware that under the Clery Act, university administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The university will ensure that a victim'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 potential danger.

F. Amnesty for Reporting Parties & Witnesses

Members of the university community may be reluctant to report incidents because of concerns that their own behavior may be a violation of university policies. Although policy violations cannot be overlooked, the university has a Good Samaritan statement and will consider the positive impact of reporting an incident when determining the appropriate response for policy violations. Community members are encouraged to consider the possible negative consequences of not reporting an incident when considering any possible personal consequences of making a report.

G. False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action, and may also violate state criminal statutes and civil defamation laws.

H. Parental Notifications

The university's policy regarding sexual misconduct situations is consistent with the general Parental Notification policy in the Student Handbook.

I. Federal Statistical Reporting Obligations

The university has a duty to report data about various forms of sexual misconduct in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). No personally identifiable information is disclosed, but statistical information is disclosed as part of the university's annual Campus Security Policy & Campus Crime Statistics Report. The information to be shared includes the date, location (residence hall, public property, off campus, etc.) and specific crime category. A copy of the report is located on the Public Safety website (<https://www.usj.edu/student-life/public-safety/>).

V. Response and Resolution Process

A. Privacy and Confidentiality

Reports will be investigated and may be resolved through the appropriate conduct/grievance procedures. Investigation and procedures will be conducted with regard for the privacy of those involved. Only people who have a need to know about the report issue will be informed, and materials and information prepared or acquired under Title IX procedures will be shared only as necessary with investigators, witnesses and other relevant parties. Disclosure of such information also may be made if the university Title IX Coordinator determines that such disclosure is necessary to protect the health, safety or well-being of the community or any member thereof. While the university Title IX Coordinator will take into account any requests made by a complainant for confidentiality or that a Title IX matter not be investigated, the university Title IX Coordinator will take appropriate steps to respond to the matter consistent with requirements of Title IX and the university's obligation to the greater University of Saint Joseph community.

B. Informal Complaints and Resolution

Students, faculty and staff may bring concerns to the university Title IX Coordinator or deputy coordinator on an informal basis. Where appropriate, the Title IX Coordinator/deputy coordinator will provide counseling and advice and may attempt to facilitate an informal resolution. The university Title IX Coordinator/deputy coordinator also is available to receive and address such allegations through the formal grievance procedures described below.

Complainants who are considering bringing a formal grievance may at any time meet with the university Title IX Coordinator/deputy coordinator, who will discuss the matter and describe the formal grievance process. Where appropriate and with prior notice where applicable, these grievance procedures may be modified or amended by the university.

The university Title IX Coordinator has the authority to investigate allegations of discrimination prohibited by Title IX even absent the filing of a formal grievance, or after its subsequent withdrawal. The university has an obligation to the entire University of Saint Joseph community to take appropriate steps to prevent community members from being subjected to discrimination and sexual misconduct. As a result, there may be circumstances that will require the university Title IX Coordinator to proceed with investigating a formal or informal grievance even if a complainant specifically requests that the matter not be pursued.

In instances where it is deemed possible and safe, the university may choose to resolve reports through informal means. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator, deputy Title IX Coordinator or designee will speak with the complainant about this option. If the complainant agrees, the Title IX Coordinator or deputy coordinator will speak with the person alleged to have engaged in the misconduct. If a satisfactory resolution is reached through this informal process, the matter will be considered completed. If these efforts are unsuccessful, the formal investigation process will commence. The informal resolution process will not be used in cases of sexual assault.

C. Formal Complaints and Resolution

1. Formal Reporting and Response

The Title IX Coordinator or designee will formally investigate student grievances, address inquiries and coordinate the university's compliance efforts regarding student complaints and grievances. Notice of a formal complaint can be made in writing or orally to an appropriate staff member (Residential Life, Public Safety, Student Affairs, etc.), though the university encourages students to submit grievances in writing (electronically or by hard copy) to the Title IX Coordinator or other appropriate staff member. The Title IX Coordinator or designee also reserves the right to investigate any incident referred to the dean of student's office that may relate to this policy, and, if necessary, refer that incident to the Title IX grievance process.

The complaint should clearly describe the alleged incident, when and where it occurred, and the desired remedy, if known. Additionally, the initiator of a formal complaint should submit any supporting materials in writing as quickly as possible.

Following receipt of a formal report, the university will take steps protect privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Following receipt of a formal report, University of Saint Joseph strives for completion of the investigation and grievance procedures within 60 days of the receipt of the complaint. Should this process last longer than 60 days, the Title IX Coordinator will communicate the reasons and expected timeline to all parties. Reasons for extending beyond 60 days could include, but are not limited to: multi-party investigations, the availability of witnesses, disability accommodations approved by the Office of Student Accessibility and periods of university closure and breaks.

The university's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the university may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The university will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

2. Interim Remedial Action

After reviewing the complaint, the Title IX Coordinator or designee may enact interim remedial actions in order to stop the alleged harassment or discrimination, and/or to protect the safety and well-being of the individuals and university community. Interim remedial action is preliminary, and only in effect until the process is complete and a decision is rendered. Interim remedial actions include, but are not

limited to: no contact orders, changes in university housing accommodations, changes in academic schedule and accommodations, university housing suspensions, campus restrictions and university suspensions. These actions may be instituted or removed at any point during the investigation process.

3. Preliminary Review

After reviewing the complaint, the Title IX Coordinator or designee will:

- determine the identity and contact information of the complainant;
- identify what policies, if any, were allegedly violated;
- meet the complainant to discuss the complaint if necessary;
- conduct an immediate review to determine if there is cause to proceed with further investigation.

If there is insufficient evidence to support a reasonable cause for the complaint, or if the behavior described in the complaint does not violate this policy, the grievance will be closed with no further action.

4. Investigation

If the Title IX Coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. During the formal investigation, the Title IX Coordinator or designee will:

- a. identify one or two qualified investigators to conduct the investigation. The Title IX Coordinator may serve as an investigator if necessary. An investigation may be conducted by a single investigator if appropriate and upon approval by the Title IX Coordinator;
- b. commence a thorough and impartial investigation, generally to include interviews with all relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information, if necessary.;
- c. give the respondent proper notice of the investigation and provide an opportunity for the respondent to provide information;
- d. complete the investigation in a timely manner;
- e. maintain communication with the complainant and the respondent on the status of the investigation and overall process.

At the conclusion of the investigation, the investigator will meet with the complainant and the respondent student separately to present the findings. If supported by the investigation findings, the investigator will present the respondent with a notice of alleged violations of the Student Code of Conduct.

5. Advisors

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. Advisors serve as a moral and emotional support for students during investigations and conduct meetings, and can assist with meeting preparation. The advisor may be any supporter a party chooses to advise them who is both eligible and available, with exception of a University of Saint Joseph employee who is related to the participant, or any party who may serve as a witness or is otherwise directly involved in the current case. A party may elect to change advisors during the process, and is not locked into using the same advisor throughout, but is only allowed to have one advisor at any interview or meeting.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, meetings, and appeals. Advisors may help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The university cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the university is not obligated to provide one.

All advisors are subject to the same campus rules. Advisors may not speak on behalf of their advisee in a meeting or interview and should request or wait for a break in the proceeding to confer with their advisee or interact with campus officials.

Advisors are expected to refrain from interference with the university investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once

and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the appropriate university official will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

6. Resolution Agreement Option

If the respondent accepts responsibility for the alleged Student Code of Conduct violation(s) presented in investigator's report, the Conduct officer will present proposed sanctions to the respondent. If the respondent accepts the sanctions, then those sanctions will be presented in a written decision letter. After acceptance of responsibility and sanctions, the respondent has three business days to reconsider that acceptance and request a conduct meeting. Respondents who do not accept responsibility or the proposed sanctions will have their matter handled through the Student Code of Conduct process. Students who accept responsibility and the sanction recommendation cannot appeal the decision.

Should the respondent accept responsibility for all charged violations of the code of conduct, but disagree with the proposed sanction, a sanctions-only meeting will be conducted.

7. Conduct Process

The Title IX Coordinator or designee will meet with both the complainant and the respondent prior to the conduct meeting to outline the process and answer questions. Prior to the conduct meeting, the Title IX Coordinator or designee will:

- a. be available to both the complainant and respondent to answer questions and address concerns with the process;
- b. schedule the conduct meeting
- c. prepare copies of all reports and documentary information to be disseminated to the complainant and respondent before the conduct meeting

At the conduct meeting, the following individuals may be present:

- respondent
- advisor for the respondent (optional)
- Conduct officer
- university counsel (optional)

Students needing accommodations may make requests through the Office of Student Accessibility. Audio or video recording devices are not permitted at conduct meetings.

If any individual should become disruptive during the conduct meeting, the Conduct officer maintains the discretion to remove that individual from the meeting.

At the conclusion of the student conduct meeting, the Conduct officer will deliberate privately to determine the respondent's responsibility for the charged conduct code violations.

The university uses the preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the university never assumes a responding party is in violation of university policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed. Where a violation is found, the university will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the university community. All parties will receive written notification of the outcome, to the extent permitted by or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications.

The outcome of a conduct meeting is part of the education record of the responding party, and is protected

from release under a federal law, FERPA. However, the university observes the legal exceptions as follows:

- Parties to non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and intimate partner violence incidents have an absolute right to be informed of the outcome, essential findings/rationale, and any sanctions that may result, in writing, without condition or limitation, and without substantial delay between notifications to each party.
- The university may release publicly the name, nature of the violation, and the sanction for any student who is found in violation of a university policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, intimate partner violence, stalking and kidnapping/abduction. In doing so, the university will strive to not release any information that could lead to the identification of the reporting party.

D. Sanctions

The following are possible sanctions for incidents reviewed under this policy:

1. Students found responsible for violating this policy in regard to nonconsensual sexual contact or intimate partner violence will likely receive a sanction ranging from probation to expulsion, depending upon the severity of the incident and any previous violations of the Student Code of conduct.
2. Students found responsible for violating this policy in regard to nonconsensual or forced sexual intercourse will likely receive a sanction of suspension, dismissal or expulsion.
3. Students found responsible for violating this policy in regard to sexual harassment, sexual exploitation, or other gender-based misconduct will likely receive a sanction ranging from an official reprimand to expulsion, depending upon the severity of the incident and any previous violations of the Student Code of Conduct.
4. The Conduct officer will sanction students found responsible for violations of the Student Code of Conduct not related to this policy in accordance with sanctions used in the general Student Conduct Process.

A more detailed list of possible sanctions is available in the Student Procedural Rights Section of the Student Code of Conduct in the USJ Student Handbook. The Conduct officer reserves the right to increase or decrease the recommended sanction guidelines listed above in the case of significant mitigating or aggravating factors. Neither the Conduct officer nor the appeal officer will deviate from the guidelines listed above unless significant mitigating or aggravating factors exist. The Conduct officer also reserves the rights to include additional sanctions, educational or otherwise, in accordance with the general student conduct process.

E. Withdrawal While Charges Pending

University of Saint Joseph does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination. Should a student decide to leave and/or not participate in the resolution process, the process will nonetheless proceed in the student’s absence to a reasonable resolution and that student will not be permitted to return to the university unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

F. Appeals

After receiving notification of the Conduct officer’s decision, both the complainant and the respondent have five business days to notify the Title IX Coordinator of their intent to appeal the decision. An appeal form may be obtained from the Title IX Coordinator or designee and a formal letter of appeal specifying the grounds upon which the appeal is based and supporting information must be submitted within five business days of the receipt of the appeal form. The Title IX Coordinator has the discretion to extend the deadline for submission of a letter of appeal.

Sanction(s) imposed by the Conduct officer will remain in effect while the appeal is pending. The letter of appeal specifies the grounds upon which the appeal is based, and how those grounds materially affected the outcome (responsibility or sanctions) of the original meeting.

The letter of appeal must be completed and signed by the student or submitted directly from the student’s University email account.

Once the appeal materials are submitted, the other party and the investigator(s) may submit materials in response to the appeal. Other parties will be assigned an appropriate deadline for submission of materials by the Title IX Coordinator or designee. Respondents who fail to attend the conduct meeting forfeit the right to request an appeal.

The accepted grounds for an appeal are:

- a. additional and/or new relevant information which was not available at the time of the conduct meeting;
- b. an error in the process or an abridgement of rights, as outlined by this policy, which materially impacted the outcome of the conduct meeting;
- c. the sanction(s) assigned by the committee did not adhere to the sanction guidelines stated in this policy.

The university Title IX Coordinator reviews requests for appeals or designates a university staff member to serve as the appeal officer. If the appeal letter(s) does not bring forward sufficient grounds for appeal, the appeal will be denied and the matter will be closed.

If the Title IX Coordinator, or designee, determines that the appeal should be considered, the Title IX Coordinator, or designee, will assign the appeal to an appeal officer, which can:

- a. affirm the decision of the Conduct officer, in which case the initial decision is final;
- b. remand the matter back to the Conduct officer to make a decision in light of the appeal officer's findings;
- c. initiate a new Title IX conduct meeting.

G. Long-Term Remedial Action

Following the conclusion of the Conduct Process and in addition to any sanctions implemented, the Title IX Coordinator may utilize long-term remedial actions to stop the harassment or discrimination, remedy its effects, and prevent their reoccurrence. These remedial actions may include, but are not limited to:

- Referral to counseling and health services
- Education to the community
- Permanently altering the housing situation of a resident student
- Providing campus escorts
- Climate surveys
- Policy modification
- Providing transportation accommodations
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided even when the responding party is found not responsible.

The university will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the university's ability to provide the actions or protective measures.

H. Compliance with Sanctions and Remedial Actions

At the conclusion of the Title IX Conduct process, the Title IX Coordinator will be responsible for ensuring compliance with all assigned sanctions, and to make any accommodations with the goal of preventing the recurrence of sexual and/or gender-based harassment.

I. Records

In implementing this policy, records of all allegations, investigations, resolutions, and meeting will be kept by the Title IX Coordinator indefinitely in the Title IX Coordinator database.

VI. Pregnant and Parenting Student Modifications

USJ is committed to creating an accessible and inclusive environment for pregnant and parenting students. Students may request adjustments based on general pregnancy needs or accommodations based on a pregnancy-related

conditions. Temporary adjustments and accommodation requests will require documentation from your medical provider and should be directed to the Accessibility Coordinator. Students who believe they are being harassed or discriminated against because of pregnancy, or that the university is not complying with Title IX requirements covering pregnancy and parenting, should immediately report these concerns to the Title IX Coordinator or any of the deputies. Schools cannot terminate or reduce athletic, merit or need-based scholarships because of pregnancy. The U.S. Education Departments Office for Civil Rights addressed guidelines in the June 2013 Dear Colleague Letter.

VII. Rights of Parties

Rights of Student Complainants and Respondents

Students who are parties to a claim shall have fair and reasonable rights throughout the Title IX complaint process. This shall include, but is not limited to:

- The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct, gender-based discrimination and/or harassment made in good faith to the university;
- The right to be treated with respect by university staff throughout the process;
- The right to be notified of available counseling, mental and physical health services on campus and off campus;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the either party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from university support staff in completing the relocation;
 - Transportation accommodations;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
- The right to have the institution maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.
- The right to identify witnesses and other parties, and to request the Title IX Coordinator or designee contact those individuals as part of the investigation;
- The right to have the university request attendance for individuals called as witnesses for the investigation;
- The right to have an advisor of your choice present in a support or advisory role during the investigation;
- The right to report the incident to off-campus authorities and/or law enforcement and to be assisted by university staff in doing so, as well as the right not to report to off-campus authorities and/or law enforcement;
- The right to review reports produced by the investigation that will be submitted for a final determination of a violation, subject to limitations provided by law
- The right to know which provisions of the Student Code of Conduct the respondent student is charged with violating;
- The right to challenge information and documents prior to the conduct meeting;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus meeting;
- The right to provide evidence by means other than being in the same room with the responding party;
- The right to make an impact statement to the Conduct officer, should the Conduct officer find the respondent student responsible for violating this policy;
- The right to have individuals involved in the process who are free of demonstrated bias toward either party;
- The right to be informed of the outcome and sanction of conduct meeting and to receive that decision in writing;

- The right to appeal the finding and sanction of the conduct meeting, in accordance with the appeal guidelines established in this policy;
- The right to be informed in writing of when a decision of the university is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the university;
- The right to privacy, to the extent possible and permitted by law, and the assurance that information regarding the complaint will be shared only with those necessary.

Revised June 27, 2019