

# 1.18 TITLE IX SEXUAL HARASSMENT AND GRIEVANCE POLICY

## 1.0 Reason for Policy

This 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 Complainant, the Respondent, and other parties involved in or affected by Prohibited Conduct.

Applicable to all forms of sexual harassment, including sexual assault, dating violence, domestic violence, and gender-based stalking.

## 2.0 Policy Statement

This policy applies to all forms of sexual harassment, including sexual assault, dating violence, domestic violence, sexual or gender-based stalking 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;
- Privacy and Confidentiality;
- Effective Consent;
- Prohibited Conduct;
- Reporting Options, Resources and Accommodations;
- Grievance 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 any person participating in or attempting to participate in a university program or activity. This includes, but is not limited to, all enrolled students (as defined in Section 2.1 of the Community Standards). Other university resources and policies, such as the *Student Handbook*, the *Harassment Policy*, and the SLU ([https://www.slu.edu/provost/policies/faculty-manual/faculty\\_manual\\_current.pdf](https://www.slu.edu/provost/policies/faculty-manual/faculty_manual_current.pdf)) Faculty Manual (St. Louis Campus) ([https://www.slu.edu/provost/policies/faculty-manual/faculty\\_manual\\_current.pdf](https://www.slu.edu/provost/policies/faculty-manual/faculty_manual_current.pdf)), may govern reports that do not fall under Title IX.

This policy applies to Prohibited Conduct that occurs:

- on campus;
- in the context of a university program or activity, which includes locations, events, and circumstances where the university has substantial control over the Prohibited Conduct and the person accused of having committed the Prohibited Conduct.

Conduct that occurs outside of the United States, including on the campus of SLU-Madrid, is not covered by this policy. The Office of Student Life at SLU-Madrid is the reporting contact for all matters of Prohibited Conduct that fall under the SLU-Madrid Code of Conduct.

The University will respond to reports of Prohibited Conduct that occur on campus or in a university program or activity to:

- **eliminate the conduct,**
- take steps to **prevent its recurrence,**
- and **address any effects** of the conduct on the Complainant or the university community.

When the Respondent is an enrolled student, faculty, or staff at the university, the procedures outlined in Section 2.11 of this policy apply.

Where the Respondent is a third party or other non-university affiliated party, the university will offer and implement supportive measures to the Complainant consistent with the goals of this policy, which may include reporting the conduct to law enforcement, as appropriate.

## 2.1 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 pursuits, employment opportunities, 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 understands the forms of Prohibited Conduct identified in this policy as offenses that can affect individuals of any 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 university standards of conduct. Any form of Prohibited Conduct is a serious violation of these standards and will not be tolerated. Any student found in violation of this policy may face sanctions up to and including, suspension or expulsion from academic programs. Any employee found in violation of this policy may face sanctions up to and including termination of employment.

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's values and mission, including respect for the dignity of all persons, the importance of individual safety, and the worthiness of 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.

## 2.2 Notice of Non-Discrimination Under Title IX

Saint Louis University prohibits discrimination based on sex, which includes sexual harassment (which includes discrimination based on a student's gender identity, gender expression, gender transition, transgender status, gender nonconformity, or sexual orientation), sexual assault, dating violence, domestic violence, gender-based stalking under this policy. Saint Louis University is committed to protecting the dignity of each person and all university policies, practices, and procedures are administered in a manner consistent with our Catholic, Jesuit identity.

This policy addresses all forms discrimination on the basis sex, including sexual harassment, dating violence, domestic violence, sexual or gender-based stalking. Saint Louis University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of admission or 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, dating violence, domestic violence, and stalking are also governed by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act ([https://www.govinfo.gov/content/pkg/FR-2014-10-20/pdf/2014-24284.pdf#\\_blank](https://www.govinfo.gov/content/pkg/FR-2014-10-20/pdf/2014-24284.pdf#_blank)) (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA) (<https://www.federalregister.gov/documents/2014/10/20/2014-24284/violence-against-women-act/>). The Annual Security Report can be found on the Department of Public Safety webpage (<http://www.slu.edu/public-safety-and-emergency-preparedness-home/clery-report-log-and-policy/annual-disclosure-of-crime-and-fire-statistics/>).

**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 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;
- Identifying and offering reasonably available supportive measures;
- Assuring that sanctions and supportive measures are reasonably designed to eliminate Prohibited Conduct, prevent its recurrence and address its effects on the Complainant and the university community;
- Knowing and training the university community on policies and procedures and relevant state and federal laws;
- Advising any individual, including the Complainant, Respondent, or a third party, about the courses of action available at the university and in the community;
- Respecting a Complainant's request for anonymity or that no investigation or disciplinary action be taken;

- Dismiss Formal Complaints that do not fall under the jurisdiction of Title IX;
- Providing assistance to any university employee regarding how to respond appropriately to a disclosure 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 Deputy Title IX Coordinators, as appropriate. A Deputy Title IX Coordinator is a member of the university community who understands this policy and has received training with respect to the federal guidelines under Title IX. Deputy Title IX Coordinators are strategically chosen amongst various departments, areas, colleges, and schools within the community to best serve the different student populations on campus. Deputy Title IX Coordinators often serve in roles such as, but not limited to: members of the Sexual Misconduct Advisory Board, Hearing Officers, Appeal Officers, and advisors to students. Deputy Title IX Coordinators may be called upon to serve in the role as Title IX Coordinator when needed. Contact information for the Deputy Title IX Coordinators is available through the Office of Institutional Equity and Diversity and at <https://www.slu.edu/about/safety/sexual-assault-resources/index.php>. <https://www.slu.edu/compliance-ethics/hotline.php>

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 or 314-977-3838

After hours reporting: 314-580-8730

Email: [anna.kratky@slu.edu](mailto:anna.kratky@slu.edu)

Office for Civil Rights

Kansas City Office

US Department of Education

One Petticoat Lane

1010 Walnut Street, Suite 320

Kansas City, MO 64106

Ph: 816-268-0550

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

## 2.3 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 any consenting 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 assumed based on prior sexual contact or subsequent sexual contact.
- 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 residence hall 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.
- All 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 are 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. A Respondent 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. Such intimidation could involve the use or threat of a weapon.
- 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.

## 2.4 Confidentiality

The university will keep the identity of any individual who has made a report or complaint of sexual harassment confidential unless otherwise

permitted under the law or it is necessary to disclose the identity of the individual in the implementation of this policy, such as to provide supportive measures or conduct the Grievance Process. Likewise, the university will keep the identity of the Respondent or any witness to a report of sexual harassment confidential unless otherwise permitted under the law or in the implementation of this policy. Additionally, 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. Individual and community safety considerations will be balanced with the confidentiality interests of all involved, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures.

The Complainant and the Respondent are not prevented under this policy or any other policy from discussing the allegations with others. The Title IX Coordinator, investigator, and advisors appointed by the university, and members of the hearing panel will keep the identities and details of the matter confidential.

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. Please see Section 2.7 of this policy for further details.

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 Jeanne Clery Act (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.

## 2.5 Prohibited Conduct

Saint Louis University prohibits all forms of sexual harassment, including sexual assault, dating violence, domestic violence, and gender-based stalking. The following are the definitions of this Prohibited Conduct under this policy.

**"Sexual Harassment"** as defined by this policy occurs when conduct satisfies one or more of the following:

1. **Quid Pro Quo:** sexual harassment occurs when an employee of Saint Louis University provides an educational benefit or service in exchange for unwelcome sexual conduct;

2. **Hostile Environment:** sexual harassment occurs when there is conduct on the basis of sex that is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to the school's education program or activity;
3. **Clery Act:** sexual harassment occurs when there is an instance of **sexual assault, dating violence, domestic violence, or gender-based stalking** as defined by the Clery Act (see below for further definitions).

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 under this policy 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. Sexual 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 on-campus residential settings, or in any other setting related to an education program or activity; 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 an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. These sexual offenses include instances where the Complainant is incapable of giving consent.

1. **"Rape"** refers to penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
2. **"Fondling"** refers to the touching of the genitals (including vagina, penis or anus), the breasts, or the buttocks of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the Complainant is incapable of giving consent because of their youth or because of their temporary or permanent mental incapacity.

3. **"Incest"** refers to non-forcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.
4. **"Statutory Rape"** refers to non-forcible sexual intercourse with a person who is under the statutory age of consent.

**"Stalking"** occurs when a person engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

A course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, or indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

A reasonable person means a person under similar circumstances and with similar identities to the Complainant.

Stalking under this Policy refers to incidents in which the course of conduct alleged is in some part based on sex or gender.

**"Dating Violence"** includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

**"Domestic Violence"** includes a crime of violence, whether a felony or misdemeanor under the Missouri Revised Statutes, that is committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the Complainant shares a child in common; (3) a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner; (4) a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (5) any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**"Retaliation"** refers to any conduct that includes harassment, threats, intimidation, or coercion for the purpose of interfering with any right or privilege under this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in the Title IX Grievance Process.

A charge under the Student Handbook against an individual that does not involve a charge under this policy, but arises out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege under this policy, constitutes retaliation. Retaliation can be committed by any individual or group of individuals, not just a Complainant or Respondent.

Reports of retaliation should be made as soon as possible to one of the following individuals:

- Anna Kratky, the Title IX Coordinator in the Office of Institutional Equity and Diversity;
- John Janulis, the Director of Office of Student Responsibility and Community Standards;
- Mary Duggan, Deputy Title IX Coordinator in Human Resources.

Reports of retaliation involving a Respondent who is a student will follow the procedures outlined in the Student Handbook. Reports of retaliation involving a Respondent who is an employee of the university will be governed by the applicable university policy.

## 2.6 Resources

Any individual who has experienced Prohibited Conduct has the option to receive supportive measures and is strongly encouraged to seek immediate emergency assistance from law enforcement, medical professionals or crisis counseling resources. The university recognizes that deciding whether to file a Formal Complaint can be a difficult decision that evolves 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. 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 a Complainant, Respondent, 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.* Complainants 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 in this policy.

### A. Emergency Resources

The priority response to any report of Prohibited Conduct is to address the safety of the Complainant. The university will help the Complainant 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, Complainants are strongly encouraged to contact the Department of Public Safety (DPS), the local police department, University emergency medical or counseling services.

#### EMERGENCY ASSISTANCE AND MEDICAL CARE

##### Saint Louis Metropolitan Police Department - 911

##### Department of Public Safety

Wool Center, Rm. 114, 314-977-3000

##### Saint Louis University Hospital Emergency Department

3635 Vista at Grand Boulevard, St. Louis, MO 63110

### Student Health Center

Marchetti Tower East, 314-977-2323 (24-hour line)

### University Counseling Center

3711 West Pine Mall, Wuller Hall, 2nd Floor, 314-977-8255 (24-hour line)

The university also maintains a 24-hour toll free SLU (<http://www.lighthouse-services.com/slu/>) Integrity (<http://www.lighthouse-services.com/slu/>)Hotline (<http://www.lighthouse-services.com/slu/>) or 877-525-5669. Reports or information related to Prohibited Conduct can be submitted anonymously through the hotline. Information submitted through the SLU Integrity Hotline will be shared with the Title IX Coordinator.

### University Hotline

877-525-5669 or <https://www.slu.edu/compliance-ethics/hotline.php>.

## B. Confidential Resources

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(1)) 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 (2).

[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 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.

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 (Talk)

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. University counselors are trained to provide services to persons impacted by sexual violence. 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 Center

Marchetti Tower 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. More information about the services provided can be located on their website: <https://www.slu.edu/life-at-slu/student-health/>.

### 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:

Saint Louis University Hospital 314-577-8777

St. Mary's Health Center 314-768-8360

Barnes/Jewish Hospital 314-362-9123

Missouri Baptist Hospital 314-996-5225

Mercy Hospital St. Louis 314-569-6090

#### **Additional Confidential Resources in the St. Louis Area**

##### **St. Louis Regional Sexual Assault Center (YWCA)**

314-531-7273 (24-hour access)

<https://www.ywcastl.org/what-were-doing/womens-resource-center>  
(<https://www.ywcastl.org/what-were-doing/womens-resource-center/>)

##### **Alternatives to Living in Violent Environments (ALIVE)**

314-993-2777 (24-hour access/crisis line)

<https://alivestl.org/>

##### **Crime Victims Advocacy Center**

314-652-3623 (24-hour access)

<https://www.supportvictims.org/>

##### **Legal Advocates for Abused Women**

314-664-6699

<https://www.supportvictims.org/legal-advocates-for-abused-women>  
(<https://www.supportvictims.org/legal-advocates-for-abused-women/>)

##### **RAINN (Rape, Abuse & Incest National Network)**

1-800-656-HOPE (4673) (24-hour access)

[www.rainn.org](http://www.rainn.org)

##### **LGBT Counseling St. Louis**

314-602-5534

[www.lgbtcounselingstl.com](http://www.lgbtcounselingstl.com)

##### **St. Louis Metro Trans Umbrella Group**

<https://www.stlmetrotrans.org/>

##### **Life Crisis**

314-647-4357

##### **Safe Connections**

Crisis Hotline: 314-531-2003, Deaf or Hard of hearing dial (711)

Counseling & Support Services: 314-646-7500

[www.safeconnections.org](http://www.safeconnections.org)

##### **Bridgeway Sexual Assault Center Hotline**

(877) 946-6854

<https://www.bridgewaybh.com/sexual-assault-services/>

##### **Provident Life Crisis Hotline**

314-647- HELP (4357)

1-800-273-TALK (8255)

<https://www.providentstl.org/crisis-intervention/247-crisis-hotline/>

##### **Saint Martha's Hall (domestic violence shelter)**

314-533-1313

[www.saintmarthas.org](http://www.saintmarthas.org)

##### **Kathy J. Weinman Shelter for Victims of Domestic Violence**

314-423-1117

[www.friendsofweinman.org](http://www.friendsofweinman.org)

##### **Legal Services of Eastern Missouri**

314-534-4200

Immigration Law Program: 314-256-8756

[www.lsem.org](http://www.lsem.org)

#### **C. Campus Resources**

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.

##### **Dean of Students Office**

Busch Student Center, Suite 356

20 N. Grand Blvd

St. Louis, MO 63103

314-977-9378

[deanofstudents@slu.edu](mailto:deanofstudents@slu.edu)

The Dean of Students Office 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

314-977-7326

[conduct@slu.edu](mailto: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**

221 N. Grand Blvd.

DuBourg Hall, Room 157

St. Louis, MO 63103

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. For additional resources and handouts regarding how to report an incident, please visit [www.here4you@slu.edu](http://www.here4you@slu.edu).

#### **Saint Louis University Department of Public Safety**

Wool Center, Rm. 114

3545 Lindell Blvd.

St. Louis, MO 63103

314-977-3000

The Department of Public Safety will assist students in contacting appropriate law enforcement authorities, enforcing no contact or civil protective orders, providing safety escorts or emergency transportation to law enforcement or medical professionals.

#### **Campus Ministry**

Eckelkamp Center for Campus Ministry

Wuller Hall

3711 West Pine Mall

St. Louis, MO 63108

Phone: 314-977-2425

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. Campus Ministry welcomes and serves students of all religious backgrounds and traditions.

#### **Center of Accessibility and Disability Resources**

Busch Student Center, Suite 331

20 N. Grand Blvd

St. Louis, MO 63103

<https://www.slu.edu/life-at-slu/student-success-center/accessibility-and-disability-resources/index.php>.

The Center of Accessibility and Disability Resources partners with students, faculty, academic departments and service providers to facilitate equal access to and opportunity to participate in all university programs, services, and experiences. This office coordinates aid and services to meet the needs of students with disabilities to create a safe and supportive campus community for everyone.

#### **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.

#### **E. Employee Resources**

Employees are encouraged to report all instances of sexual harassment to the Title IX Coordinator. Employees may also report these concerns to the Department of Human Resources or the Department of Public Safety. Both those departments will relay the information provided to them to the Title IX Coordinator.

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](http://www.guidanceresources.com) (<http://www.guidanceresources.com/>) for more information.

## **2.7 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 Respondent is not a member of the university community at the time of the report, the university may not be able to take disciplinary action against the Respondent. The university will, however, still seek to meet its Title IX obligations by providing supportive measures for the Complainant, identifying any information relevant to



pattern or climate, and assisting the Complainant in identifying external reporting options. For more details regarding this support and available resources, please see Section 2.10.

A Complainant 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 Complainant may pursue either or both of these options at the same time. When making a report, a Complainant 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 promptly provide the Complainant a written notice that includes the following:

- The supportive measures that are available to the Complainant with or without the filing of a Formal Complaint with an emphasis on following the wishes of the Complainant regarding supportive measures;
- How to file a Formal Complaint;
- How to contact local law enforcement;
- An explanation of the Grievance Process and the prohibition of imposing any disciplinary sanctions or other actions that are not supportive measures against the Respondent prior to the conclusion of the Grievance Process;
- A statement that no response of the university shall restrict the rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

### A. Responsible Employees

With the exception of the Confidential Resources listed in Section 2.6(B) of this policy, all employees of the university are considered Responsible Employees and are **required** to report any information or report of Prohibited Conduct to the Title IX Coordinator. This information includes the names of the involved parties, any details of the alleged Prohibited Conduct, the date, time and location of Prohibited Conduct, and any other relevant information including electronic or physical documents. Responsible Employees should report this information to the Title IX Coordinator whether or not they learned the information directly or from another source. Employees include faculty, adjunct faculty and staff. Employee also include all student employees, such as teaching assistants and resident advisors. If a course includes curriculum that may lead to Title IX disclosures, the faculty member may contact the Title IX Coordinator for additional guidance and support prior to and during the semester the course is being taught. Responsible Employees must only share such information with the Title IX Coordinator to ensure the wishes of the Complainant are respected and that any request for confidentiality can be respected. Responsible Employees are encouraged to seek guidance from the Title IX Coordinator when they are unsure of what the appropriate next step is or how to remain compliant with this policy.

If a Title IX disclosure is made by a prospective student during the University admissions process, the disclosure must be shared with the Title IX Coordinator if that prospective student becomes an enrolled student. The purpose of sharing such a disclosure is to ensure that the student receives the resources and supportive measures available to them during their time at the University.

### B. 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 Complainant or person reporting sexual harassment. Again, 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:

- Anna Kratky, Title IX Coordinator  
DuBourg Hall, Room 36  
St. Louis, MO 63103  
314-977-3886  
After hour TIX reports: 314-580-8730  
anna.kratky@slu.edu
- Department of Public Safety  
Wool Center, Rm. 114  
3545 Lindell Blvd.  
St. Louis, MO 63103  
314-977-3000  
dps@slu. (dps@slu.edu)edu (dps@slu.edu)
- Dean of Students Office  
Busch Student Center, Suite 356  
20 N. Grand Blvd.  
St. Louis, MO 63103  
314-977-9378  
deanofstudents@slu.edu
- Department of Housing and Residence Life  
221 N. Grand Blvd.  
DuBourg Hall, room 157  
St. Louis, MO, 63103  
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, room 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 2.8 and 2.9, below.

### C. Law Enforcement Reporting Options

A criminal report may be filed with the St. Louis Metropolitan Police Department or appropriate jurisdiction. An individual that is 18 years of age or older has the right to notify or decline to notify law enforcement. The Department of Public Safety 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. Should a Complainant wish to have someone escort them to such a meeting, the Title IX

Coordinator will assign an advisor to do so. Filing a report with law enforcement does not obligate a Complainant to participate in any subsequent criminal proceedings.

#### **St. Louis Metropolitan Police Department**

911 – *emergency*

314-231-1212 – *non emergency*

314-444-5385 – *domestic abuse division*

314-444-5385 – *sex crimes division*

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 a Respondent, 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 Complainant 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.

#### **D. 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.

#### **E. Amnesty**

To encourage reporting and/or participation in the Title IX investigatory process, individuals who in good faith report Prohibited Conduct, either as a Complainant, 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, or other minor infractions, 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.

#### **F. 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 the investigation, determination of responsibility, or appeal process after the filing of a Formal Complaint. Any incidents of retaliation should be reported to the Title IX Coordinator or a designated Reporting Contact. Reports of retaliation involving a Respondent who is a student will follow the procedures outlined in the Student Handbook. Reports of retaliation involving a Respondent who is an employee of the University will be governed by the applicable university policy. The university will take prompt and corrective action against all acts of retaliation

## **2.8 Response Protocol**

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

1. All Responsible 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. Please see Section 2.7(A) of this policy for more information about Responsible Employees.
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 and/or Title IX Coordinator will assist the Complainant in getting to a safe place if necessary. In doing so, the Reporting Contact will coordinate with DPS as needed.
4. The Reporting Contact and/or Title IX Coordinator will encourage the Complainant 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 Complainant 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 Title IX Coordinator will inform the Dean of Students Office of any reports of Prohibited Conduct that involve force, repeated acts of Prohibited Conduct, the involvement of multiple Respondents in a single incident of Prohibited Conduct, or any report that involves a level of severity where the Dean of Students, or designee, may consider an Interim Suspension.
7. The Complainant 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 Complainant from filing a criminal report at a later date provided the conduct is within Missouri's applicable statute of limitations.
8. The Title IX Coordinator, or designee, will connect the Complainant with the University Counseling Center if the Complainant so wishes, which may include contacting the counselor on-call depending on the time of day.
9. When the Title IX Coordinator, or designee, receives information regarding Prohibited Conduct, the Title IX Coordinator or designee, will promptly contact the Complainant with available supportive measures, as well as information about filing a Formal Complaint.
10. If the Complainant does not file a Formal Complaint, the Title IX Coordinator will evaluate the necessity of filing a Formal Complaint signed by the Title IX Coordinator in light of its broader obligations to campus safety, as set forth in Section 2.9, below.
11. The Title IX Coordinator will maintain the confidentiality of the Complainant, the Respondent or any witness unless otherwise permitted under the law or unless it is necessary to disclose

the identity of the individual in the implementation of this policy, such as to provide supportive measures or conduct the Grievance Process.

12. The Title IX Coordinator, will also assist, at the request of the Complainant, in coordinating follow-up services, including referrals to appropriate resources listed in Section 2.6, above.
13. The Title IX Coordinator will initiate and maintain ongoing contact to communicate information about available and requested supportive measures and the status of any stage of the Grievance Process.
14. The Complainant and the Respondent will be notified if a Formal Complaint is filed and results in the initiation of an investigation. Supportive measures will be made available to both the Complainant and the Respondent by the Title IX Coordinator. For more information, please see Section 2.11.

- 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 Respondent'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.

## 2.9 Respecting A Reporting Party's Request For Anonymity, Or That No Investigation Or Disciplinary Action Be 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 Complainant's request to the contrary. The university will balance the Complainant's decision not to initiate a Formal Complaint with the totality of the information known to the Title IX Coordinator.

The university's ability to act to protect the interests of the Complainant and other individuals is limited by the information provided by a Complainant. For example, the university's ability to respond to a report of Prohibited Conduct may be limited if the Complainant requests that their name or other identifiable information not be disclosed to the Respondent, that no investigation occur, or that no disciplinary action be taken. Additionally, while the Complainant is under no obligation to reveal the identity of the Respondent, the Complainant 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 Complainant chooses not to file a Formal Complaint, the Title IX Coordinator will assess the available information and whether to file a Formal Complaint. In assessing the appropriate university action(s), the Title IX Coordinator will consider the Complainant'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 Complainant and Respondent;
- Whether there have been other reports of Prohibited Conduct against the Respondent;
- The right of the Respondent to receive notice and relevant information at the initiation of any Grievance Process;
- Whether the circumstances suggest there is an increased risk of the Respondent committing additional acts of Prohibited Conduct;
- Whether the Respondent has a history of arrests or prior conduct violations (at the university or elsewhere) indicating a history of violence;
- Whether the Respondent threatened further acts of Prohibited Conduct or other violence against the Complainant or others;

Again, in these circumstances, the Title IX Coordinator can file a Formal Complaint. The Title IX Coordinator is not, however, a Complainant or Party during the Grievance Process.

The university will respect a Complainant's request for anonymity and their decision not to file a Formal Complaint. A Complainant may access any of the available supportive measures without filing a Formal Complaint. However, there may be circumstances in which the Title IX Coordinator decides to file a Formal Complaint themselves due to nature of the allegations and information known to the Title IX Coordinator, as outlined above. When the Title IX Coordinator determines that a Formal Complaint should be filed absent a Formal Complaint being filed by the Complainant, the Title IX Coordinator will inform the Complainant of this decision. The Title IX Coordinator will also provide the Complainant with an explanation of the investigation process, including an invitation to participate. However, the university will respect any decision made by the Complainant not to participate in any investigation or Grievance Process.

Alternatively, the university may implement other measures to limit the effects of the alleged sexual harassment and prevent its recurrence that do not involve disciplinary action against the Respondent or disclosing the identity of either Party.

## 2.10 Supportive Measures

Following a report of Prohibited Conduct, the university will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to university employment or education programs and activities. The university offers a wide range of supportive measures for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the university's response to a report of Prohibited Conduct. Supportive measures are not disciplinary or punitive in nature. Supportive measures are designed to restore or preserve equal access to educational opportunities, programs, or activities without reasonably burdening the other Party. Supportive measures may be implemented on an interim basis, or may be extended permanently.

The university offers the following range of supportive measures:

- Imposition of a mutual No Contact Order which prohibits either Party from communicating through any manner or medium with the other Party. Parties will be notified of such orders via their SLU email and failure to comply with such orders may result in disciplinary action.
- 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;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing access to medical services;
- Providing access to counseling services;
- Providing academic support services, such as tutoring;
- University-imposed administrative leave or separation;
- Providing information and support regarding how to seek a Civil Protection Order and/or;
- Any other remedy which can be tailored to the involved individuals to achieve the goals of this policy.

Supportive measures are available regardless of whether a Complainant files a Formal Complaint under this policy. The university will maintain the privacy of any supportive measures provided under this policy to the extent practicable and will promptly address any violation of the supportive measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of the supportive measures and has the discretion to implement and/or modify any supportive measure based on all available information. The Title IX Coordinator is available to meet with a Complainant or a Respondent to address any concerns about the provision, scope, or application of the supportive measures.

The university will provide reasonable supportive 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 provide information about this process.

## 2.11 Grievance Process: Filing of a Formal Complaint and Overview of the Investigation, Hearing and Appeal Procedures for Title IX Complaints

Saint Louis University's process for resolving reports of Prohibited Conduct will be prompt and equitable and conducted with the oversight of the Title IX Coordinator. This section details the entirety of the Grievance Process, which is initiated upon the Title IX Coordinator receiving a Formal Complaint. During the entirety of the Grievance Process, both Parties may request supportive measures be implemented to preserve the individual's access to education programs or activities.

### A. Filing a Formal Complaint and Initiating the Grievance Process

A Formal Complaint is a document filed and signed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against the Respondent and requesting that the university investigate the allegation of Prohibited Conduct. At the time of filing a Formal Complaint,

a Complainant must be participating in or attempting to participate in an education program or activity at Saint Louis University. The Complainant cannot be anonymous and must sign their name on the Formal Complaint.

The Formal Complaint document may be provided to the Title IX Coordinator in person, online through this link ([https://urldefense.com/v3/\\_\\_https://cm.maxient.com/reportingform.php?SaintLouisUniv&layout\\_id=18\\_\\_;!!K543PA!bWAU0iSk32DGCUt3wV94Li7kd6p9fgas2y\\_K2uSleXHexNhOVsUSzUdLbz6dXnCiyEC\\$](https://urldefense.com/v3/__https://cm.maxient.com/reportingform.php?SaintLouisUniv&layout_id=18__;!!K543PA!bWAU0iSk32DGCUt3wV94Li7kd6p9fgas2y_K2uSleXHexNhOVsUSzUdLbz6dXnCiyEC$)), via mail or email and the Complainant may physically sign the document or electronically. To access the Formal Complaint document, click here or visit the Office of Institutional Equity and Diversity's website at <https://www.slu.edu/about/safety/sexual-assault-resources/> (https://www.slu.edu/about/safety/sexual-assault-resources/index. (https://www.slu.edu/about/safety/sexual-assault-resources/)php (https://www.slu.edu/about/safety/sexual-assault-resources/)). The Title IX Coordinator's contact information is located in Section 2.2 of this policy.

The Title IX Coordinator has the discretion to sign a Formal Complaint and initiate the Grievance Process even when a Complainant does not wish to do so. The Title IX Coordinator will consider the following factors when assessing whether to move forward with the Grievance Process: the severity of the conduct alleged including multiple accused individuals and/or the use of force; the risk of the conduct being repeated and the continuation of sexual harassment; and the availability of information or evidence. See Section 2.9 of this policy for further details.

Once a Formal Complaint is filed, the Title IX Coordinator will conduct an initial assessment to determine whether the allegations fall within the jurisdiction of this policy based on the parties involved, the conduct alleged to have occurred, and the location of such conduct. The Title IX Coordinator *must* dismiss the Formal Complaint if (1) the Formal Complaint does not allege circumstances that meet the definition of sexual harassment if proven; (2) the conduct did not take place within an education activity or program; (3) the conduct did not occur within the United States; or (4) the Formal Complaint is not signed by someone that meets the definition of a Complainant. The Title IX Coordinator has the discretion to dismiss a Formal Complaint when (1) the Complainant notifies the Title IX Coordinator that they wish to withdraw the Formal Complaint; (2) the Respondent is no longer enrolled at or employed by Saint Louis University; or (3) there are circumstances that prevent Saint Louis University from gathering the necessary information to make a determination regarding responsibility.

If the Title IX Coordinator dismisses a Formal Complaint either as a mandatory dismissal or a discretionary dismissal, both the Complainant and the Respondent will receive written notice of the dismissal and the reasons for the dismissal. Both the Complainant and the Respondent have the right to appeal the decision to dismiss. Such an appeal will follow the same appeal procedures outlined in Section 2.11(E).

If a Formal Complaint is dismissed under Title IX, the university may address the Prohibited Conduct as a violation of the Student Code of Conduct, the Faculty Manual, or the *Staff Performance Management Policy*. In those instances, Complainants will be connected to the Office of Student Responsibility and Community Standards, the Office of Institutional Equity and Diversity, or other appropriate office.

The Title IX Coordinator may consolidate two or more Formal Complaints when there are common Complainants or Respondents involved or when the sexual harassment arises out of the same facts or circumstances.

Once the Title IX Coordinator has confirmed that the Formal Complaint will not be dismissed, the Complainant and Respondent will be notified in writing of the following:

- The allegations including the date, time, location, parties involved, and the conduct alleged to have occurred;
- The corresponding policy violations under this policy and/or other relevant university policy;{C}An explanation of the Grievance Process and their rights under this policy;
- The presumption that the Respondent is not responsible for any policy violation prior to a finding of such at the conclusion of the Grievance Process;
- The right to an advisor;
- The use of the preponderance of the evidence standard throughout the Grievance Process;
- The right to inspect all information and evidence collected during the Grievance Process;
- A proposed date and time to meet with the investigator that provides sufficient time for each party to review this policy, to decide on their choice of advisor or to request that one be appointed by the university, and to prepare for an investigative meeting;
- The available supportive measures;
- The range of possible sanctions should the end of the Grievance Process result in a finding of responsibility.

Should additional allegations arise after the initial notice of the allegations is provided to the Parties, an amended or second notice of allegations will be provided in writing to the Parties explaining the additional conduct alleged to have occurred.

The following basic principles apply throughout the entirety of the Grievance Process:

- Both the Complainant and the Respondent will be treated equitably;
- There will be an objective evaluation of all evidence, both inculpatory and exculpatory, and a determination of credibility will not be made based on a person's status as a Complainant, Respondent, or witness;
- The Title IX Coordinator, Investigators, and adjudicators will be trained and free from any conflict of interest;
- The Respondent will be presumed not responsible throughout the Grievance Process unless a finding of responsibility is made at the conclusion of the Grievance Process.
- Each Party has the right to appeal a decision made by the hearing panel;
- Each Party will be provided the range of available support measures and these measures will remain an option for the Parties throughout the Grievance Process;
- Each Party will be provided a range of possible sanctions should the end of the Grievance Process result in a finding of responsibility;
- The university will adhere to reasonably prompt timeframes for the resolution of all Formal Complaints, but will allow for delays with good cause;
- Evidence of information that is protected by a legally recognized privilege, for example, conversations between a doctor and patient or attorney and client, will not be included in the

Grievance Process without written consent from the Party holding the privilege;

- The preponderance of the evidence is the standard of evidence utilized throughout the entirety of the Grievance Process.

#### B. Right to an Advisor

Throughout the process, a Complainant or Respondent may have an advisor provided by the university or an advisor of their choice present at any meeting or proceeding related to the investigation or Grievance Process. An advisor of choice may include an attorney retained by a Party at their own expense. An advisor provided by the university will have training that includes, but is not limited to, the following: the definition of sexual harassment; the grievance process as outlined in this section, the Rules of Decorum for the hearing, relevancy, the role of technology in the Grievance Process, and supportive measures available to both Complainants and Respondents.

While a Party may decide not to use an advisor for any portion other than the hearing, any person who serves as an advisor should plan to make themselves available for meetings and proceedings throughout the process. Advisors may participate in university processes in an advisory capacity, but they may not take part directly in the investigation, hearing, or appeal. If a Party wishes to speak privately with their advisor during the investigation or hearing, they may request a brief recess from the meeting or proceeding. The university has the right to determine what constitutes appropriate behavior on the part of an advisor as discussed in the Rules of Decorum. The advisor may not be a fact witness or otherwise have any conflicting role in the process.

#### C. Timeframe for Investigation, Determinations and Appeal

Except for good cause, the university will conclude its investigation, hearing, and appeal process within ninety (90) 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.

#### D. Investigation

When a Formal Complaint meets the requirements under Section 2.11(A), the Title IX Coordinator, or designee, will assign a trained investigator to conduct a prompt, thorough and impartial investigation of allegations contained in the Formal Complaint. 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 information, to the extent reasonably possible. The investigator will conduct a fair and reliable fact-gathering based on the allegations in the Formal Complaint. The investigator will be responsible for interviewing the Complainant and the Respondent, 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 Complainant and the Respondent will have an equal opportunity to be heard, to submit both inculpatory and exculpatory information, and to identify fact and expert witnesses who may have relevant information. Witnesses must have observed the acts in question, have information relevant to the incident, or offer information that speaks to a Party's individual's character. Neither Party is restricted in any way from discussing the allegations or gathering evidence or information about the allegations. The investigator will send each Party and their advisor a written notice of any investigative interview, meeting or other proceeding to which they are invited and expected to attend. This written notice will include the date, time, location, the names of those who will be present, and the purpose of the meeting, interview or other proceeding. Parties will be given sufficient time to prepare for such meetings, interviews, or other proceedings.

Medical and counseling records of either Party are privileged confidential records that the university cannot access, consider, disclose, or otherwise utilize without the express written consent of the Party that holds the privilege. If a Party decides to share such records with the Investigator after providing their written consent, those records become a part of the investigation and are available for review by the opposing Party. Records maintained by the following are examples of privileged medical records: a physician, a psychiatrist, a psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment of the Party.

Additionally, records pertaining to conversations between an attorney and their client, as well as conversations between an individual and a member of the clergy or ordained minister pursuant to seeking spiritual advice, are privileged. These are also records that the university cannot access, consider, disclose, or otherwise utilize without the express written consent of the Party that holds the privilege. If a Party decides to share such records with the Investigator after providing their written consent, those records become a part of the investigation and are available for review by the opposing Party.

A Complainant's prior sexual history will never be used as evidence of character or reputation, and will only be considered during an investigation or hearing under limited circumstances. Those circumstances include the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

At the conclusion of the investigation, the investigator will prepare a written report that summarizes the information gathered during the investigation, identifies the potential policy violations and synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts. Before the report is finalized, the Complainant and the Respondent, as well as their advisors, will be given the opportunity to review a preliminary investigative report as well as all information or evidence gathered that is directly related to the allegations regardless of whether it was included in the preliminary investigative report or not. These materials will be made available to the Parties and their advisors electronically. The Complainant and the Respondent may submit any additional comment or information to the investigator within ten (10) days of the opportunity to review the report. Upon receipt of any additional information by either Party, or after the ten (10) day comment period has lapsed without comment, the investigator will finalize the report. This finalized report, which will include any appropriate comments submitted by either Party, will be given to the hearing panel.

The investigator will seek to complete the investigation and provide that investigation to the Hearing Panel and the Parties within forty-five (45) days of receiving the Formal Complaint, but this time frame may be extended depending on the complexity of the circumstances of each case. Both the hearing panel and the Parties will receive the investigation electronically.

#### E. Live Hearings and Sanctions

The Title IX Coordinator will appoint a hearing panel to be comprised of three trained individuals, usually Saint Louis University staff or faculty. The Title IX Coordinator may choose to appoint members of the hearing panel who are not employed by or otherwise affiliated with the university. The hearing panel will receive the final investigative report and conduct a live hearing with the Complainant and the Respondent and their advisors. The three members of the hearing panel are equal decision-makers and are responsible for deciding whether the Respondent is or is not responsible for violating university policy based on the notice of allegations provided to the Respondent. A minimum of two of the three members of the hearing panel must decide that it is more likely than not that the Respondent is responsible in order for a finding of responsible to be made. If only one or none of the members of the hearing panel believe it is more likely than not that the Respondent is responsible, then the Respondent must be found not responsible. A determination must be made for each policy violation alleged. The Title IX Coordinator and the investigator cannot serve as members of the hearing panel. The members of the hearing panel will be free from bias or conflicts of interest that prevent them from serving in this role.

The Title IX Coordinator will appoint one of the three members of the hearing panel to serve in the role of the hearing chair. The hearing chair will be responsible for the following:

- Providing written notice of the date and time of the hearing to the Parties and their advisors allowing for sufficient time for the Parties to prepare to participate;
- Choosing a date for the hearing that is not sooner than ten (10) days from the conclusion of the investigative report and its dissemination to the Parties;
- Inquiring as to what advisor will be present for the hearing for each Party and whether or not either Party is requesting that the university provide an advisor;
- Answering any questions prior to the hearing about procedure or the Rules of Decorum;
- Providing a preliminary decision as to any inquiries of whether a question or topic will be considered relevant at the live hearing, noting that all final decisions of relevancy must be made during the live hearing;
- Communicating the date and time of the hearing with all witnesses and coordinating the appropriate time for their participation;
- Conducting the hearing proceedings, including but not limited to: opening remarks by the hearing chair; providing an opportunity for opening statements; introduction and questioning of the Parties and witnesses, including any questions submitted by either Party prior to the start of the hearing that were deemed relevant by the hearing chair; providing an opportunity for closing statements; closing remarks by the hearing chair;
- Assuring all questions asked by the hearing panel to the Parties or witnesses are relevant;
- Providing an explanation for any decision to exclude a question based on relevance during the hearing;

- Upholding the Rules of Decorum and notifying Parties, witnesses, or advisors when they are in violation of the Rules of Decorum, including the decision to remove an individual from the hearing for repeated violations;
- Maintaining the hearing schedule and ensuring the hearing occurs in a timely fashion;
- Creating an audio or audiovisual recording or transcript of the hearing;
- Summarizing the hearing panel's decision regarding responsibility in a written document that will be provided to the Parties and their advisors.

All hearings will be conducted using video-conferencing technology so that the Parties may see and hear each other without being present in the same room. Each hearing will begin by the hearing chair providing opening remarks. Opening remarks will include the identity of the Parties and their advisors, what university policy violation(s) are alleged to have occurred, the application of the preponderance of the evidence standard, and a review of the expectations outlined in the Rules of Decorum. The hearing chair will then provide the Complainant and the Respondent an opportunity to give an opening statement no longer than 5 minutes in length. The Complainant will be given the opportunity first and then the Respondent. The Party, not their advisor, may give the opening statement and no Party is required to give an opening statement. The purpose of an opening statement is to provide the hearing panel with an outline of what information the Party anticipates will be shared during the hearing and how that will impact the hearing panel's decision at the conclusion of the hearing. Only information that is relevant and anticipated to be heard during the hearing may be offered during an opening statement.

The hearing chair will first invite the Complainant to answer questions from the hearing panel. All questions asked by the hearing panel must be relevant. Relevant questions are those that call for information that will assist the members of the hearing panel in deciding whether the allegation(s) and information in the investigation is either more or less likely to be true. A question cannot be excluded on the basis of relevance if solely because it calls for prejudicial evidence or evidence of character. Questions concerning the Complainant's sexual history are not relevant unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Prior to the start of the hearing, Parties may submit questions that they would like to be asked by the hearing panel of either party. The hearing chair will ask these questions only if they are properly submitted, seemed to be relevant and have not already been asked by the hearing panel previously. The hearing chair will ask the submitted questions at the conclusion of the hearing panel's questioning.

The hearing chair will next invite the Respondent to answer relevant questions from the hearing panel. At the conclusion of the hearing panel's questioning, the hearing chair will ask the Respondent any questions properly submitted by the Complainant that are deemed to be relevant and have not already been asked by the hearing panel previously.

After both Parties have had the opportunity to be questioned by the hearing panel, the hearing chair will call each witness requested by either the hearing panel or one of the Parties to be questioned. The hearing chair will determine in what order these witnesses will be questioned. Prior to the hearing, Parties may submit questions that they would like to be asked by the hearing panel of a witness. The hearing chair will ask these questions only if they are properly submitted, deemed to be relevant and have not already been asked by the hearing panel previously.

The hearing chair will ask the submitted questions at the conclusion of the hearing panel's questioning of the witness.

If a Party or witness does not attend the hearing, the hearing panel may still consider the information provided by that individual in the investigative report. However, without the ability to question that individual, the hearing panel will be limited to the information provided by that individual in the investigative report.

The hearing chair will then provide the Complainant and the Respondent an opportunity to give a closing statement no longer than 10 minutes in length. The Complainant will be given the opportunity first and then the Respondent. The Party, not their advisor, must give the closing statement and no Party is required to give a closing statement. A closing statement may include a summary of the information shared during the hearing and the impact the Party believes it has on the decision before the hearing panel. It may also include how the Party has been impacted by the allegations and what their desired outcome of the hearing is.

At the conclusion of any closing statements offered, the hearing chair will provide closing remarks that conclude the hearing and provide both Parties with an anticipated date that they will receive the decision of the hearing panel. This decision will be provided to the Parties simultaneously and in writing. The written decision will include the following:

- Identification of each allegation and the corresponding policy violation;
- An explanation of the procedural steps taken through the entirety of the Grievance Process including the initial notice of investigation, dates of the interviews of each Party and witness, site visits, methods used to gather other evidence, and the date and summary of the live hearing;
- A determination regarding responsibility for each alleged policy violation;
- Findings of fact made by the hearing panel that led to their decision, conclusions about whether the alleged conduct occurred, and a rationale for the finding for each alleged policy violation;
- Any disciplinary sanctions imposed on the Respondent;
- Any remedies will be provided to the Complainant;
- An explanation of each Party's right to appeal and the appeal process.

If the hearing panel determines that the Respondent is responsible for one or more forms of Prohibited Conduct, the Hearing Panel 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 a violation of this policy by a student 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 educational sanctions. Sanctions for a violation of this policy by an employee may include: leave with pay, leave without pay, termination, change in job responsibilities or duties, relocation of assignment, mandated counseling or anger management assessment, mandated training, such as sexual harassment training.

In determining the appropriate sanction, the hearing panel may consider the following factors:

- The nature and violence of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact of the conduct on the university community;
- Prior misconduct by the Respondent, including the Respondent'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 Respondent 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.

If a Respondent wishes to return to campus after completing their period of suspension, the university shall notify the Complainant if a.) the Respondent's request to return has been approved and b.) the Complainant is currently enrolled in the university.

#### F. Appeals

Either Party may appeal the decision of the hearing panel or the decision of the Title IX Coordinator to dismiss a Formal Complaint. All appeals are due, in writing, to the Title IX Coordinator in the Office of Institutional Equity and Diversity, or their designee, within three (3) university business days following receipt of the written decision of the hearing panel regarding responsibility or the written decision of the Title IX Coordinator to dismiss a Formal Complaint. If a request is not received within three (3) business days, the hearing panel's or Title IX Coordinator'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 Title IX Coordinator will appoint an appeal panel to be comprised of three trained individuals, usually Saint Louis University staff or faculty. In some circumstances the Title IX Coordinator may choose to appoint external members to the appeal panel. The members of the appeal panel will be trained and free from bias or a conflict of interest that would prevent them from serving as a member of the appeal panel.

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 hearing, has arisen that would significantly impact the outcome of the case;
- The Title IX Coordinator, investigator, or member of the Hearing Panel had a conflict of interest or bias that affected 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. No additional submissions by either Party will be permitted.

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 fifteen (15) university business days following receipt of response to the appeal or when the three (3) day deadline to receive a response to the appeal has lapsed. All Parties will receive written notification following the final determination of any appeal. The written decision of the appeal panel will include the decision made by the appeal panel as well as the rationale for that decision.

## 2.12 Programming and Training

In accordance with the university's philosophy and mission, 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.

Additional training is provided to the Title IX Coordinator, Deputy Title IX Coordinators investigators, hearing panelists, appeal panelists, and any person who facilitates an informal resolution process. Training may be tailored to an individual's role in the process to include:

- The definition of Prohibited Conduct, including sexual harassment;
- Information about the scope of the university's educational programs and activities;
- Effective investigation techniques and issues of relevance to create an investigative report that fairly summarizes relevant information;
- Hearing, appeal, and informal resolution procedures;
- Impartiality, conflict of interest, bias, and the need to avoid any prejudgment of facts;
- Effective use of technology to be used during a hearing; and
- Determinations of relevance, including questions related to prior sexual behavior.

Students who wish to be involved in the university's efforts regarding peer-led prevention and awareness campaigns should contact Anna Kratyk, Title IX Coordinator (anna.kratky@slu.edu), or the Assistant Director of Campus Wellness and Recreation, Jodi Seals (Jodi.seals@slu.edu). Additionally, the Assembly for Sexual Assault Prevention is a student organization on campus that has expressed their support of those impacted by sexual violence and has encouraged members of the university to inquire regarding prevention opportunities.

## 2.13 Document Retention and Recordkeeping

In accordance with the Title IX Final Rule released by the Department of Education on May 6, 2020, the university will maintain complete records of the following for a period of seven (7) years:

- Any records related to the filing of a Formal Complaint, an investigation, a hearing, or an appeal;



- Any record of actions taken, including supportive measures, when the university learns of Prohibited Conduct, but a Formal Complaint is not filed. This will include the analysis conducted by the Title IX Coordinator that resulted in a decision not to file a Formal Complaint;
- Any materials used to train the Title IX Coordinator; investigators, hearing panelists, appeal panelists, and advisors, which will also be available to view online at: <https://www.slu.edu/about/safety/sexual-assault-resources/>; <https://www.slu.edu/about/safety/sexual-assault-resources/index>. (<https://www.slu.edu/about/safety/sexual-assault-resources/>)php (<https://www.slu.edu/about/safety/sexual-assault-resources/>).

### 3.0 Scope

This policy applies to all operating units of Saint Louis University including all faculty, staff, students, volunteers, and other workforce members not otherwise identified.

### 4.0 Procedures

The procedures related to this policy are written into Section 2.0.

### 5.0 Sanctions

Individuals who fail to comply with this policy and the procedures associated with it may be subject to disciplinary actions guided by the University's *Staff Performance Management Policy*, *SLU Faculty Manual (St. Louis Campus)*, or *Student Handbook*. Non-compliance with this policy may result in disciplinary action, up to and including separation from the University.

### 6.0 Responsibilities

**All Individuals.** All members of the University community should take reasonable and prudent steps to prevent or stop incidents of Prohibited Conduct.

**Office of Institutional Equity and Diversity:** Is responsible for maintaining this policy, responding to reports of sexual harassment, offering and implementing supportive measures and overseeing the Grievance Process.

### 7.0 References

#### University Policies Including But Not Limited to:

*Non-Retaliation Policy*

*Reporting Concerns of Misconduct Policy*

*SLU Faculty Manual (St. Louis Campus)*

*Staff Performance Management Policy*

Workplace Violence Prevention Policy ([https://slu.policystat.com/policy/token\\_access/2703822e-86d1-4930-aa97-c7d578033355/](https://slu.policystat.com/policy/token_access/2703822e-86d1-4930-aa97-c7d578033355/))

#### University Resources Including But Not Limited to:

Employee Assistance Program (<https://www.google.com/url?client=internal-element-cse&cx=016029172105975036162:szs2yuat-uk&q=https://www.slu.edu/human-resources/benefits/wellness/eap.php&sa=U&ved=2ahUKEwj7wKvV78vqAhVQI6wKHbozB2IQFjAAegQIAhABoisg-AowAwZ-D9VAIwKNSIhncCsQ>)

*Student Handbook*

#### External Resources Including But Not Limited to:

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (<https://www.govinfo.gov/content/pkg/FR-2014-10-20/pdf/2014-24284.pdf#page=33>)

Violence Against Women Act (<https://www.federalregister.gov/documents/2014/10/20/2014-24284/violence-against-women-act/>)

## 8.0 Definitions

**Advisor:** Complainants and Respondents may have an advisor of their choice who may attend interviews, meetings, and hearings throughout the Grievance Process. The university will assign an advisor for students who do not have one. Advisors provided by the university are trained staff members who can provide support throughout the Grievance Process.

**Campus Restriction:** A campus restriction refers to an individual's temporary or permanent inability to be on campus or participate in university activities. The Office of Student Responsibility and Community Standards issues Campus Restrictions.

**Comment Period:** At the conclusion of an investigation, both the Complainant and Respondent have an opportunity to review the initial investigative report and submit comments to be included in the finalized investigative report. The time frame during which the Complainant and Respondent can provide comments is referred to as a comment period and is a period of ten days.

**Complainant:** The Complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment, as defined by University's *Title IX Sexual Harassment Policy*.

**Confidentiality:** Confidentiality may be offered by an individual who is not required by law or policy to report known incidents to the university. This includes licensed mental health counselors, medical providers, and official clergy members. All reports of sexual harassment received by the Title IX Coordinator will remain confidential unless otherwise permitted under the law or it is necessary to disclose the identify of the Complainant or Respondent in order to implement supportive measures or the grievance process.

**Equity Officer/Investigating Officer:** An equity officer/investigating officer is a staff member in the Office of Institutional Equity and Diversity who investigates complaints and/or allegations under the *Title IX Sexual Harassment Policy*.

**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)).

**Employee:** Employee refers to an individual that is employed with Saint Louis University and can be staff or faculty.

**Responsible Employee:** All employees of the university are responsible employees except licensed counselors, medical professionals in the context of the physician-patient relationship, and members of the Clergy when communicating in their professional capacity of giving religious or spiritual advice. All responsible employees are required to report any information or report of Prohibited Conduct to the Title IX Coordinator.

**Formal Complaint:** A Formal Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the school investigate the allegation of Prohibited Conduct.

**Grievance Process:** The Grievance Process includes an investigation, a hearing to determine responsibility, the imposition of sanctions when appropriate, and an appeal process. The Grievance Process is initiated

by the Title IX Coordinator upon submission of a Formal Complaint that meets the requirements of Title IX.

**Investigation:** The investigation refers to the process by which information is gathered and witnesses are interviewed regarding an allegation of Prohibited Conduct. At the conclusion of the investigation, the investigator will prepare a written report that summarizes the information gathered during the investigation, identifies the potential policy violations, and synthesizes the areas of agreement and disagreement between the Complainant and the Respondent and any supporting information or accounts.

**No Contact Orders:** No Contact Orders, administered by the Office of Student Responsibility and Community Standards, prohibits either Party from communicating through any manner or medium with the other Party. Parties will be notified of such orders via their SLU email and failure to comply with such orders may result in disciplinary action. They are enforced insofar as each Party is a Student enrolled at Saint Louis University.

**Reasonable Person:** The Reasonable Person means a person under similar circumstances and with similar identities to the Complainant.

**Respondent:** The Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, as defined by University's Title IX *Sexual Harassment Policy*.

**Standard of Evidence:** In determining whether the University's Title IX *Sexual Harassment Policy* has been violated, the university will apply the preponderance of the evidence standard, meaning whether it is more likely than not that the alleged Prohibited Conduct occurred.

**Supportive Measures:** Supportive measures are nondisciplinary, nonpunitive, individualized services offered as appropriate as reasonably available without fee of charge designed to restore or preserve equal access to education programs and activities without unreasonably burdening another party.

**Sexual Harassment:** As defined by this policy, Sexual Harassment occurs when conduct satisfies one or more of the following:

- (1) Quid Pro Quo: sexual harassment occurs when an employee of Saint Louis University provides an educational benefit or service in exchange for unwelcome sexual conduct;
- (2) Hostile Environment: sexual harassment occurs when there is conduct on the basis of sex that is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to the school's education program or activity;
- (3) Clery Act: sexual harassment occurs when there is an instance of sexual assault, dating violence, domestic violence, or gender-based stalking as defined by the Clery Act (see below for further definitions). This 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.

**Sexual Assault:** Sexual Assault refers to an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. These sexual offenses include instances where the Complainant is incapable of giving consent.

1. **"Rape"** refers to penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
2. **"Fondling"** refers to the touching of the genitals (including vagina, penis or anus), the breasts, or the buttocks of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the Complainant is incapable of giving consent because of their youth or because of their temporary or permanent mental incapacity.
3. **"Incest"** refers to non-forcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.

**"Statutory Rape"** refers to non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence:** Dating Violence includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

**Domestic Violence:** Domestic Violence includes a crime of violence, whether a felony or misdemeanor under the Missouri Revised Statutes, that is committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the Complainant shares a child in common; (3) a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner; (4) a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (5) any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking:** Stalking occurs when a person engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

A course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, or indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

A reasonable person means a person under similar circumstances and with similar identities to the Complainant.

Stalking under this policy refers to incidents in which the course of conduct alleged is in some part based on sex or gender.

**Retaliation:** Retaliation refers to any conduct that includes harassment, threats, intimidation, or coercion for the purpose of interfering with any right or privilege under this policy, or because the individual has made

a report or complaint, testified, assisted, or participated or refused to participate in any manner in the Title IX Grievance Process.

**TIX:** "TIX" is an acronym which refers to Title IX.

**Title IX Coordinator:** The University's Title IX Coordinator oversees all reports of Prohibited Conduct at the university and facilitates the University's compliance with Title IX and related authority. A full listing of their responsibilities can be found in Section 4.0 of the Saint Louis University *Sexual Misconduct Policy*.

**Title IX Office:** The Title IX Office, located in DuBourg 036, is an office within the Office of Institutional Equity and Diversity. The Title IX staff work with and provide help to those who have experienced sexual harassment or who have questions about sexual harassment.

**Prohibited Conduct:** Prohibited Conduct refers to all forms of sexual harassment, including sexual assault, dating violence, domestic violence, gender-based stalking, and retaliation.

Office of Student Responsibility and Community Standards Commonly Used Terms:

**Aiding or Facilitating:** "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.

**Abusive Behavior:** "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.

**Accused:** The term "Accused" refers to the Student, group of Students, or university affiliated organization alleged to have committed a violation of the University's Community Standards.

**Appeal Body:** The term "Appeal Body" refers to any university official or group authorized by the university to hear appeals of decisions implemented by a Hearing Officer.

**Bias-Related Incident:** Specifically, a Bias-Related Incident is any act that may intimidate, mock, degrade, or threaten a member or group or property based upon real or perceived consideration of sex, gender, gender identity and expression, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran status, pregnancy, genetic information, or any other protected classification. Examples of Bias-Related Incidents include, but are not limited to: epithets, slurs, negative stereotyping, threats, intimidation, or hostile acts of communication in spoken, written, or electronic media that relate to the classifications protected by our laws and policies.

**Community Standards:** The term "Community Standards" refers to university policies and standards of conduct provided to create a safe learning and living environment that is grounded in our Catholic Jesuit identity.

**Community Standards Appeal Board:** The term "Community Standards Appeal Board" (CSAB) refers to the panel authorized by the university to hear appeals of decisions made by a Hearing Officer. Each CSAB consists of, at a minimum, a three-member Student panel selected from a larger trained pool of Students. The CSAB reviews appeals of non-

suspendable violations. CSAB appeal members receive annual training on the Community Standards process.

**Hate Crime:** Generally speaking, a hate crime (also known as a bias-motivated crime) is a criminal act that is motivated by actual or perceived membership in a social identity group such as sex, gender, gender identity and expression, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran status, pregnancy, genetic information, or any other protected classification.

**Hearing:** The term "Hearing" refers to the meeting in which a Student is provided the opportunity to meet with a Hearing Officer and either take responsibility or not take responsibility for the alleged Community Standard violation(s) as provided in their notification letter.

**Hearing Officer:** The term "Hearing Officer" refers to an individual authorized by the university to determine whether a student or organization has violated the University's Community Standards and the appropriate sanction(s).

**Reporting Party:** The term "Reporting Party" refers to any person or entity who submits a Complaint alleging that a Student violated the Community Standards.

**Sexual Exploitation:** Non-consensual or abusive sexual advantage taken by an individual 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.

**University Appeal Board:** The term "University Appeal Board" (UAB) refers to the panel authorized by the university to hear appeals of decisions made by a Hearing Officer. Each UAB consists of a three-member panel selected from a trained pool of faculty, staff, and Student representatives. Every effort will be made to have Student representation on each UAB, however, certain periods of the year make ensuring such representation difficult.

## 9.0 History

This interim policy is implemented due to an announcement from the Department of Education on August 24, 2021 that the requirement of cross examination in Title IX grievance procedures would no longer be enforced.