

Policy Against Harassment/Discrimination and Complaint Resolution Overview

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I. Policy Statement

St. Norbert College (“college”) is committed to providing and maintaining a healthy learning and working environment for all students, staff, faculty, and other

The college has jurisdiction over complaints regarding Sexual Misconduct that occur on campus, during or at an official college program or activity (regardless of location or method of delivery, i.e. virtual or in person), or off campus when the conduct continues to create a hostile environment on campus. The college will investigate all complaints made under this policy and, as necessary, take action to prevent the recurrence of Sexual Misconduct and to remedy its effects.

III. Title IX Statement and Contacts

It is the policy of the college to comply with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex in the college's educational programs and activities, including employment and admissions. Title IX and its implementing regulations also prohibit retaliation for anyone involved in a formal complaint, investigation, or response to discrimination. The college has designated the following Title IX Coordinator to coordinate its compliance with Title IX and other related laws, receive inquiries regarding Title IX, and process all complaints of Sexual Misconduct:

Title IX Coordinator

Heather Butterfield

Assistant Vice President of Human Resources

Main Hall, Garden Level, Room 16

920-403-3210

heather.butterfield@snc.edu

The college has also designated the following Title IX Deputy Coordinators. The Title IX Deputy Coordinators assist with Title IX compliance, including facilitation of training and

Title IX Deputy Coordinator for Faculty

Valerie Kretz, Ph. D.

Assistant Professor of Communication and Media Studies

Boyle Hall, Room 352

920-403-2906

valerie.kretz@snc.edu

Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another; and
Consent can be withdrawn by verbal or physical conduct that a reasonable person would understand to indicate a desire to stop or not engage in the sexual conduct at issue. A person is deemed not to have consented to any sexual activity that occurs after they withdraw consent.

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

Coercion - Coercion is direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to coercion unless they wrongfully

person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's decision-making ability, awareness of consequences, ability to make informed judgments, and capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of incapacitation. Some common signs that someone is incapacitated may include: slurred speech, confusion, shaky balance, stumbling, falling down, vomiting, and unconsciousness.

D. Formal complaint – A formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging Sexual Misconduct by a respondent and requesting that the college respond to these allegations, either by investigation/live hearing or through alternative resolution, which may involve investigation prior to alternative resolution being offered.

A formal complaint may be filed with the Title IX Coordinator through an online form; complainants may request a link to this form by contacting the Title IX Coordinator through the contact information outlined within this policy. The formal complaint must be signed electronically by the complainant, or can be signed by the Title IX Coordinator when acting on behalf of institutional safety and security.

At the time of filing a formal complaint that alleges a violation of Title IX Sexual Harassment, a complainant must be participating or attempting to participate in the education program or activity of the college. Formal complaints that allege other violations can be filed at any time. Complainants with questions can speak to the Title IX Coordinator for details and clarification.

E. Retaliation - It is a violation of this policy to retaliate against any member of the college community who reports or assists in making a complaint of Sexual Misconduct, responds to a complaint of Sexual Misconduct, or who participates in the investigation and adjudication of a complaint in

Terminating a person'

VI. Involved Parties

Complainant – The complainant is the person who has experienced the alleged misconduct. This person is considered a complainant regardless of whether they choose to file a

a. Sexual Assault includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape. This college definition of Sexual Assault is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the college to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System; see 34 C.F.R. § 106.30(a).

- (1) Rape is the carnal knowledge of a person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.
- (2) Sodomy is oral or anal sexual intercourse with another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- (3) Sexual Assault with an Object is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the respondent other than the respondent's genitalia.
- (4) Fondling is the touching of the private body parts of another person (buttocks, groin,

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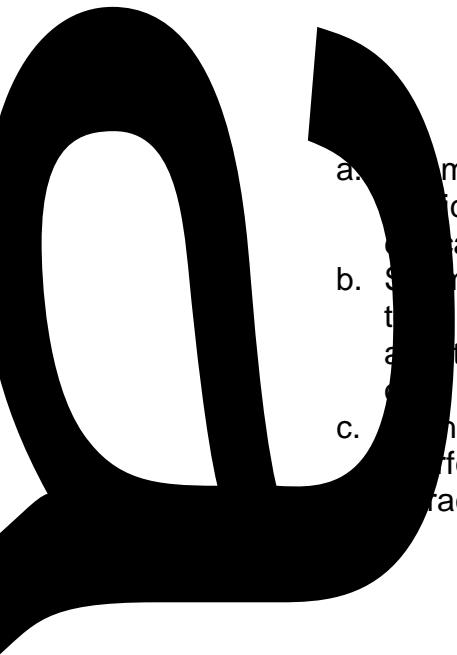
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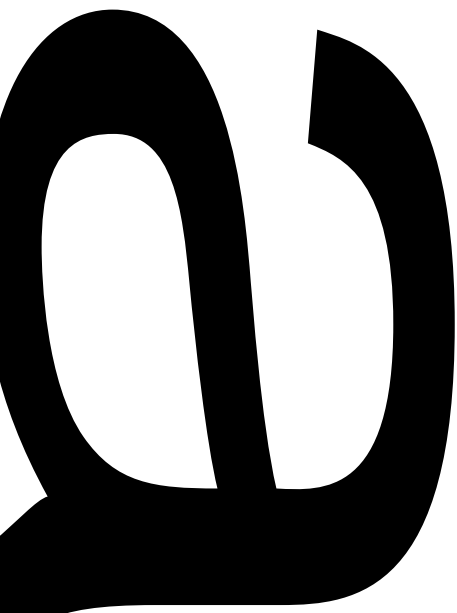
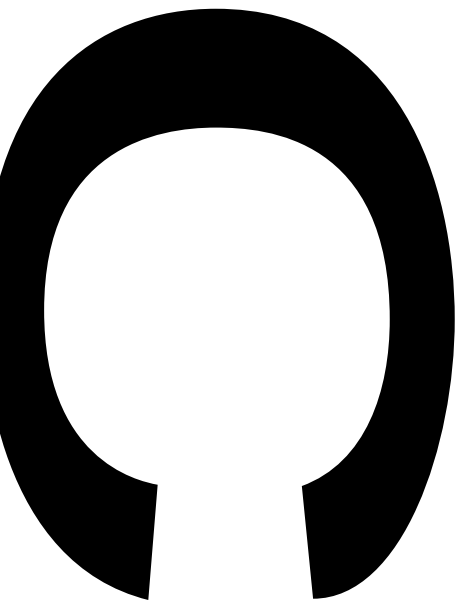
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- c. Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between persons involved in the relationship.



- a. ...mission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of any aspect of an individual's employment, education, or participation in college activities;
- b. ...mission to or rejection of such conduct by a person is used or threatened to be used as a basis for financial, academic, or employment decisions affecting that individual;
- c. ...n conduct is so severe, persistent, or pervasive that it substantially interferes with an individual's performance at work or in academic or professional activities.



- b. Sexual Contact/Fondling - Intentional contact with the breasts, buttocks, groin, or genitals, or touching another person with any of these body parts, or making another touch you or themselves with or on any of these body parts. Sexual contact may also include intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- c. Sexual Exploitation - Taking or attempting to take sexual advantage of another person without consent for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Actions of Sexual Exploitation may be completed via electronic means, methods, or devices.

iv. Domestic and Dating Violence

Domestic and Dating Violence (often called _____) include abusive and controlling behavior, threats of violence, and physical violence against a person who is or has been in a romantic or intimate relationship with the perpetrator, as defined below. Domestic and Dating Violence are considered to be a violation of this policy, no matter the motivation behind them. Domestic and Dating Violence can vary in frequency and severity and can include coercive behavior using threats of violence. It can occur on a continuum, including physical violence, sexual violence, abusive behavior, and stalking. The prohibited conduct can occur in person or electronically. It often takes the form of threats, assault, or property damage.

- a. Domestic Violence - Domestic Violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Wisconsin and includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

- is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

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- shares a child in common with the victim; or
- commits acts against

behavior, threats of violence, and acts of physical violence committed by a person:

who is or has been in a social relationship of a romantic or intimate nature with the complainant; and

where the existence of such a relationship shall be determined based on a consideration of the following factors:

length of the relationship;

the type of the relationship, and

the frequency of interaction between the persons involved in the relationship

v. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

a. fear for their safety or the safety of others; and/or

b. suffer substantial emotional distress

Stalking may include cyberstalking, which is a form of stalking occurring in electronic media such as through the internet, social networks, blogs, cell phones, texts, or emails that are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

VIII. Roles and Responsibilities

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

Receive all formal complaints of sex and/or gender based discrimination and harassment at the college;

Oversee the process of responding to Sexual Misconduct reports and formal complaints;

Coordinate dissemination of information and education and training programs;

Identify and address any patterns or systemic problems that arise during the review of such complaints;

Assist members of the college community in understanding that Sexual Misconduct is prohibited by this policy;

Answer questions about this policy;

Serve as and/or appoint investigators and ensure that investigators are trained to respond to and investigate complaints of Sexual Misconduct;

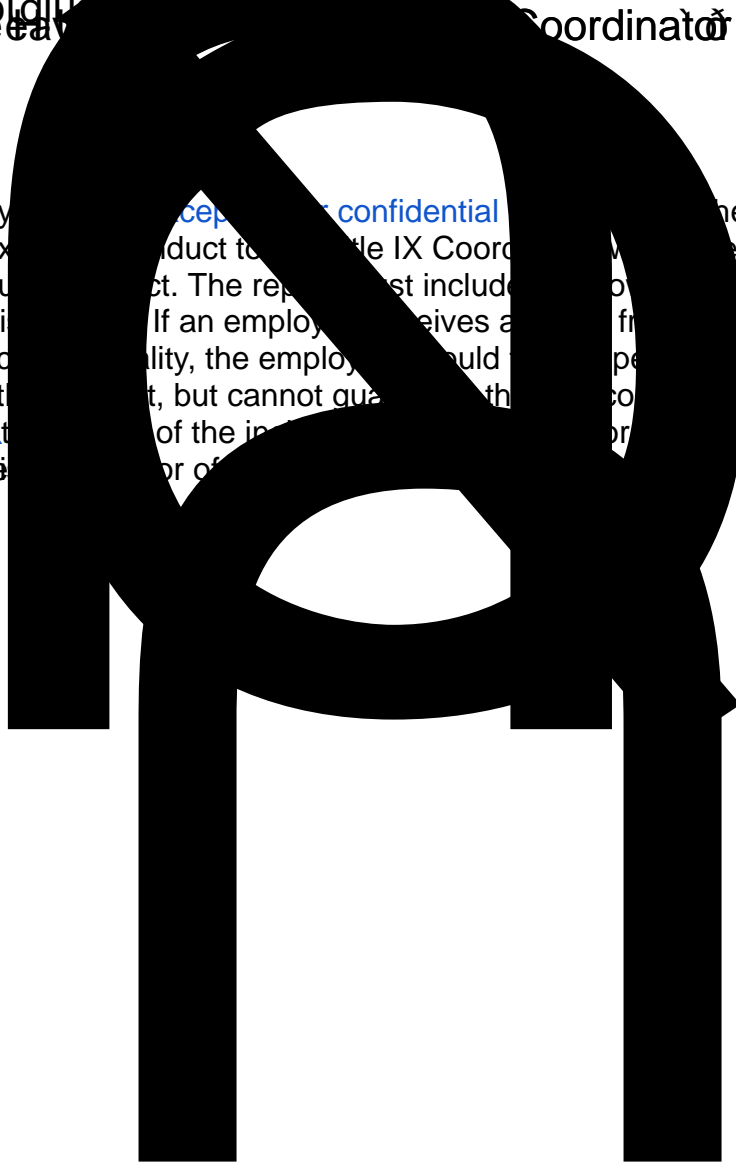
Ensure that employees and students are aware of the procedures for reporting and addressing complaints of Sexual Misconduct;

Implement the Complaint Resolution Procedures or to designate appropriate persons for implementing the Complaint Resolution Procedures;

Monitor full compliance with the requirements and timelines specified in the Complaint Resolution Procedures; and

All employees accept that confidential information the college have a duty to report Sexual Misconduct to the IX Coordinator. When they receive a report of or witness such conduct. The report must include important details of the alleged Sexual Misconduct. If an employee receives a report from an individual who asks to maintain confidentiality, the employee should inform the individual that the college will consider the request, but cannot guarantee that the college will be able to honor it. In reporting the incident to the IX Coordinator, the employee will also report the

IX reporting



G. The College - When the college is aware that a member of the college community may have been subjected to or affected by conduct that constitutes Sex or Gender Discrimination/Harassment, the college will take prompt action and review the matter

minor or when required for Clery reporting purposes). Notwithstanding, a non-identifying report may be made to the Title IX Coordinator and/or Campus Safety so that the college can identify patterns of Sexual Misconduct on campus.

On-Campus Confidential Resources for Students	
SNC Health & Wellness Services	Office Hours: Monday-Friday 8:00 a.m. – 11:30 a.m. and 12:30- 4:30 p.m. 920-403-3266
Title IX Confidential Resource Chris Betcher	Office Hours: Monday-Friday 8:00 .am. – 4:30 p.m. 920-403-3021 christina.betcher@snc.edu
SNC Clergy or Norbertines Fr. Mike Brennan, O.Praem. Fr. Matthew Dougherty O.Praem.	All clergy can serve in this role. When calling, ask to speak with a confidential resource. 920-403-3012 michael.brennan@snc.edu 920-403-3010 matt.dougherty@snc.edu

On-Campus Confidential Resources for Employees	
SNC Health & Wellness Services (Services available to benefit eligible employees only)	Office Hours: Monday-Friday 8:00 a.m. – 4:30 p.m. 920-403-3266
SNC Clergy or Norbertines Fr. Mike Brennan, O.Praem. Fr. Matthew Dougherty O.Praem.	All clergy can serve in this role. When calling, ask to speak with a confidential resource. 920-403-3012 michael.brennan@snc.edu 920-403-3010 matt.dougherty@snc.edu

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

organizations for assistance:

Off-Campus Confidential Resources for Students

Sexual Assault Center	319 Crooks Street, Green Bay 920-436-8899 920-436-8888 (24-hour crisis line)
Golden House Domestic Violence Program & Services	920-432-4244 (phone) 920-770-6415 (text)
We All Rise - An African American Resource Center	430 S. Webster Ave, Green Bay 920-785-9115 920-600-4313 - 24 Hour Crisis call or text line
Wise Women Gathering Place	1641 Commanche Ave, Suite H, Green Bay 920-490-0627

Off-Campus Confidential Resources for Employees

Sexual Assault Center	319 Crooks Street, Green Bay 920-436-8899 920-436-8888 (24-hour crisis line)
Golden House Domestic Violence Services	920-432-4244 (phone) 920-770-6415 (text)
Employee Assistance Program Employee Resource Center, Inc. (Benefit eligible employees only)	800-222-8590 (365)

The names

the event that the complainant's confidentiality cannot be ensured, the college will notify the complainant.

In the event a complainant requests confidentiality or does not decide to file a formal complaint, the college will take all reasonable steps to respond to the complaint consistent with the request for confidentiality or request not to pursue the concern. If a complainant insists that their name not be disclosed to the alleged perpetrator, the college's ability to respond will be limited.

The college reserves the right to initiate a formal complaint and proceed with an investigation in limited circumstances involving serious or repeated conduct,

respondent throughout the investigation process, the retaliation policy, and any other information pertinent to the incident or the individuals involved. The complainant and respondent will also be notified about their rights to process advisors, the right to review and inspect any evidence, and the expectation that all involved will provide truthful, factual information. Both participants will be notified that the respondent is presumed not responsible until, and only when, a Hearing Officer determines that evidence shows, by preponderance of the evidence standard, that the respondent is responsible.

The NOIA will typically also include any Supportive Measures that have been put in place at the time of issuance. Notices of any No Contact Orders will be issued by Campus Safety or the Title IX Coordinator. The complainant and respondent will be offered a trained process advisor from the college or may select their own.

G. Dismissal of a Formal Complaint- If a preliminary assessment of the formal complaint determines that the conduct at issue falls outside of the scope of [Section VII A.](#)(Title IX Sexual Harassment), it will be dismissed from [Section VII A.](#) and addressed according to [Section VII B.](#) (Other Prohibited Conduct).

Formal Complaints will fall outside of [Section VII A.](#) (Title IX Sexual Harassment) and must be dismissed when:

- a. The conduct does not constitute Sexual Harassment, as defined in [Section VII A](#) (Title IX Sexual Harassment);
- b. The conduct did not occur in the college's education program or activity;
- c. The conduct did not occur against a person within the United States; and/or
- d. The complainant was not participating or attempting to participate in the college's program at the time of the complaint.

Likewise, formal complaints may be dismissed under the following circumstances:

- a. The complainant requests, in writing to the Title IX Coordinator, that the complaint and relevant procedures/investigation be withdrawn; and/or
- b. The respondent is no longer enrolled/employed by the college.

If a complaint is dismissed under Title IX Sexual Harassment ([Section VII](#)

responsible for a violation.

All formal grievance process meetings, specifically including investigatory meetings and the hearing, will be recorded - either through summary documents completed by the Coordinator, Deputy Coordinator, or Investigator, or utilizing a device to record the audio of the meeting. When a device is utilized, all participants will acknowledge that they agree that the meeting/hearing is being recorded.

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

- L. Resolution** - If a complaint of Sexual Misconduct is found to be substantiated, the college will take appropriate corrective, disciplinary, and remedial action to stop the inappropriate conduct, address its effects, and prevent its recurrence. The college will provide persons who have experienced Sexual Misconduct ongoing support as reasonably necessary to restore or preserve access to the college's education programs or activities. Students and employees found to be in violation of this policy will be subject to discipline up to and including written reprimand, suspension, probation, demotion, termination, or expulsion. Affiliates and program participants may be removed from college programs and/or prevented from returning to campus.

Remedial steps may also include individual counseling, as well as academic, work, or transportation accommodations for the complainant, separation of the parties, and training for the respondent and other persons.

Additional information regarding resolution and sanctions can be found in the Complaint Resolution Procedures and related handbooks.

- M. Recordkeeping** - The college will comply with all recordkeeping requirements imposed by applicable law and regulations, including those recordkeeping requirements set forth in 34 C.F.R. § 106.45(b)10. Beginning on August 14, 2020, the above-cited records must be maintained for no less than seven (7) years from the conclusion of a matter, including any appeal. This may include the following records:

- a. Any formal complaints and investigation records, including determination regarding responsibility, audio or audiovisual recording or transcript, disciplinary sanctions or corrective actions imposed on the respondent,

N. Good Faith Reports - The college encourages the good faith reporting of Sexual Misconduct. However, the college will not allow this Policy or the Complaint Resolution Procedures to be abused for improper means. Therefore, if the college's investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline, up to and including termination and/or expulsion. Such disciplinary action will not constitute prohibited retaliation. A person makes a bad faith report of Sexual Misconduct if, at the time they make the report, they know the report is false or frivolous.

Further, the college may take disciplinary action against any person who knowingly provides false information during the investigation and resolution of a complaint of Sexual Misconduct and such disciplinary action will not constitute prohibited retaliation.

A finding of non-responsibility does not constitute a bad faith report.

O. Other Information for Complainants

1. Conduct that Constitutes a Crime

In addition to making a report under this policy, the college encourages any person who believes they are the victim of a crime—including Sexual Violence, Domestic Violence, Dating Violence, or Stalking—to make a report to the appropriate law enforcement agency. If requested, the college will assist the complainant in notifying the appropriate law enforcement authorities. A complainant may decline to notify such authorities.

Unless there is a health or safety emergency, ongoing threat to members of the college community, or a state law requiring reporting (such as in the case of child abuse), the college will not contact law enforcement without the alleged complainant's permission.

2. Emergency Reporting Options

Individual safety is paramount. Victims of sexual violence who are in an emergency situation or are uncertain about what they should do are encouraged to call 911 to request assistance from emergency personnel, including law enforcement and emergency medical personnel. Local law enforcement and emergency medical personnel are trained to help complainants and can recommend the best options to ensure preservation of evidence, ensure the complainant's safety, and begin a criminal investigation into the incident.

3. Special Advice for Individuals Making Complaints of Sexual Assault, Domestic Violence, Dating Violence, or Stalking

If you experience Sexual Assault, Domestic Violence, or Dating Violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary

for proof of the crime or in obtaining a protection order. For those who believe that they have experienced Sexual Assault, Domestic Violence, or Dating Violence, the college recommends the following:

Get to a safe place as soon as possible.

Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.

Contact law enforcement by calling 911.

Get medical attention; all medical injuries are not immediately apparent. This is also necessary to collect evidence in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the complainant wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.

Contact a trusted person, such as a friend, family member, or advocate, for support.

Talk with a professional licensed counselor, clergy, or health care provider who can help explain options, give information, and provide emotional support.

Make a report to the Title IX Coordinator.

Explore this policy and avenues for resolution under the Complaint Resolution Procedures.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. In cases of Stalking, evidence is more likely to be in the form of letters, emails, or text messages, rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of Sexual Misconduct investigations.

XI. Academic Freedom

While the college is committed to the principles of free inquiry and free expression, conduct constituting Sexual Misconduct is neither legally protected expression nor the proper exercise of academic freedom.

XII. Education

The college is committed to the prevention of sexual violence through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of campus resources. Prevention programs include the annual overview of the college’s Sexual Misconduct policies during new student and new employee orientation time periods. This program includes discussion on prohibited conduct, effective consent, bystander intervention, and the impact of alcohol and illegal drugs on Sexual Misconduct. The Title IX Coordinator, Deputy Coordinators, and other campus

personnel are responsible for providing ongoing training to existing students and employees on campus.

XIII. Review

This policy is maintained by the college's Title IX Coordinator. The Title IX Coordinator will review this policy regularly, utilizing assistance of the college's Title IX response group (which includes Deputy Coordinators and Investigators). The review will capture evolving legal requirements, evaluate the support and resources available to the parties, and assess the effectiveness of the Complaint Resolution Procedures. The review will incorporate an aggregate view of reports, resolution, and climate.

XIV. Distribution

This policy will be disseminated widely to the college community through email communication, the college's website, links in handbooks, inclusion in orientation programs for new employees and new students, and through other appropriate channels of communication.

XV. Related Campus Policies, Procedures, and Documents

Nothing in this policy or related procedural guides or associated materials should be interpreted so as to limit the college's right to resolve, investigate, and/or take disciplinary action against any improper conduct of a sexual nature even though such conduct is not of the type, severity, or pervasiveness m s