

- (1) A University employee conditioning the provision of an aid, benefit, or service on an individual's pdu

Inquiries, issues, reports, or formal complaints relating to sex discrimination, sexual misconduct, interpersonal violence or retaliation should be directed to the Title IX Coordinator. Inquiries regarding application of Title IX to the University may also be directed to the Assistant Secretary for Civil Rights at the United States Department of Education. Information regarding key staff at the U.S. Department of Education's Office for Civil Rights may be found here: <https://www2.ed.gov/about/offices/list/ocr/contactus2.html>.

7. DEFINITIONS

Sexual Harassment

The definition of sexual harassment that will be applied in the context of allegations arising within the scope of this Title IX policy is set forth above.

Outside the context of Title IX, prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other unwanted and offensive verbal, electronic, or physical conduct based on sex or of a sexual nature when:

- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment; or
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement or advancement; or
- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals.

In addition, the University reserves the right to address conduct that could lead to sexual harassment before it rises to the level of unlawful conduct in accordance with this and other University policies and procedures.

Sexual Assault

The definition of sexual harassment that will be applied in the context of allegations arising within the scope of this Title IX policy is set forth above.

Outside the context of Title IX, prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other unwanted and offensive verbal, electronic, or physical conduct based on sex or of a sexual nature when:

- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment; or
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic achievement or advancement; or
- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals.

In addition, the University reserves the right to address conduct that could lead to sexual harassment before it rises to the level of unlawful conduct in accordance with this and other University policies and procedures.

Domestic Violence

The definition of sexual harassment that will be applied in the context of allegations arising within the scope of this Title IX policy is set forth above.

An individual need not be charged with or convicted of a criminal offense to be found responsible for stalking pursuant to this policy.

Consent

Consent is permission that is clear, knowing, voluntary, and expressed prior to engaging in and during an act. Consent is active, not passive. Consent requires words and/or actions that demonstrate a voluntary agreement to engage in mutually agreed-upon sexual activity.

Both partners must clearly communicate their willingness and permission through mutually understandable words and/or actions. Consent is a “yes” through words and/or actions, not the absence of the word “no.” Failure to resist sexual advances, silence, and/or prior dating or sexual relationship does not constitute consent. Both partners have the right to revoke their consent at any time during the sexual activity by communicating (verbally or non-verbally) their desire to stop the activity. Consent to one form of sexual contact does not constitute consent to any other form of sexual contact, nor does consent to sexual contact with one person constitute consent to sexual contact with any other person. Additionally, consent to sexual contact on one occasion is not consent to engage in sexual contact on another occasion. There is no requirement that an individual verbally or physically resists unwelcome sexual contact for there to be a violation of this policy.

Both partners need to be fully conscious and aware of their actions. A person is unable to give consent if they are asleep, drugged, intoxicated, unconscious, a minor, mentally or physically impaired, or mentally or physically incapacitated. Signs that a person is intoxicated, incapacitated, or otherwise unable to give consent include, but are not limited to, slurred speech, loss of coordination, passing out, vomiting, and a visual or verbalized feeling of nausea.

Both partners must be equally free to act. The decision to be sexually intimate must be made without coercion or force. Coercion or force includes conduct, intimidation, or express or implied threats of physical or emotional harm that would reasonably place an individual in fear of actual, immediate, or future harm and that is used to persuade or compel someone to engage in sexual conduct.

Complainant

A complainant is an individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

Respondent

A respondent is an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this policy.

8. REPORTING

Reporting vs. Filing a Formal Complaint

The University encourages any student or employee who has experienced any conduct prohibited by this policy to report such conduct immediately and in accordance with the procedures detailed below. Any student who has witnessed or become aware of any conduct prohibited by this policy should report such conduct immediately and in accordance with the procedures detailed below. Employees who become aware of an alleged violation of this policy are required to report such conduct immediately to the Title IX Coordinator, unless there is a legal privilege of confidentiality.

Additionally, the University has a duty to complete certain publicly available recordkeeping, including reporting and disclosing information about certain crimes pursuant to a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”). The University is also obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. Duties under the Clery Act will not require the University to report or disclose a complainant’s personally identifying information.

Further, there may be situations where disclosing information about a complainant (or respondent) is necessary to provide a safe and non-discriminatory environment and/or to provide any supportive measures. The Title IX Coordinator will determine what information about an individual needs to be disclosed and to whom this information will be disclosed.

If a student or employee tells a CSA about a criminal incident that was not reported to the MSJ Police Department, the CSA is required to report the information to MSJ Police Department. CSAs are also required to report the incident to the Title IX coordinator, who will contact the alleged victim to discuss the availability of supportive measures, the process for filing a formal complaint, and confidentiality considerations and who will provide a copy of this policy and/or other written statement of the individual’s rights, reporting options and resources, as set forth above. The only exception is Wellness Center professional personnel who may serve as confidential reporting resources under limited circumstances, as discussed below.

Students may seek support from the University’s Wellness, Counseling and Health Services Center. For more information please use the following link to the

continuing threat of serious harm to the individual patient/client or to others or there is a legal obligation to reveal such information.

An alleged victim is encouraged to make a report even if the alleged victim is not seeking disciplinary action against the respondent. The University will make reasonable efforts to respect or consider a complainant's autonomy in determining how to proceed. Supportive measures and resources are always available to an alleged victim regardless of the chosen course of action. Receiving a report of an incident permits the University to keep records of reported incidents and determine the appropriate response and the potential need to alert the University community to potential danger. Reported incidents will also be included in the University's annual crime statistics as required.

Supportive Measures

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or a party to the resolution process by virtue of filing the formal complaint. This means the alleged victim will still receive all of the same notices and be entitled to the same rights and responsibilities of a

Coordinator as soon as possible in the event of a scheduling conflict or other concern related to the details of these arrangements.

Informal Resolution of Complaints

In appropriate circumstances, and with the written and voluntary consent of the co nt 6e(ainan)-2(t an)-2(d)JTJETQq0.000

this policy does not bar appropriate disciplinary action or procedures in accordance with another University policy.)

7. Prepare Investigation Report: If pre-hearing dismissal is not warranted, the Title IX Investigator(s) shall prepare a written Investigation Report complete with a summary of interviews, relevant documents, and next steps.
8. Distribute Investigation Report: The Title IX Investigator(s) shall provide any complainant and respondent with access to the Investigation Report as well as any documents or evidence gathered by the Title IX Investigator(s) that were used to prepare the Investigation Report to the parties.

Efforts will be made to complete a formal investigation within sixty (60) days of receiving the formal complaint.

Adjudication Hearing

include, but is not limited to, the absence of a party, a party's advisor, or a witness; concurrent law

The University offers a variety of education, training and support resources to students and employees related to sex discrimination, interpersonal violence and retaliation. Information about education and training provided by the University can be found in the Sex Discrimination, Sexual Misconduct and Interpersonal Violence Policy. Information about additional resources for students and employees related to sex discrimination, sexual misconduct, interpersonal violence and retaliation can be found in the Sexual Misconduct Brochure.

The Title IX Coordinator, Investigators, Hearing Panel Members, Appellate Officials, and any individuals who facilitate informal resolution processes will receive training on the definitions in this policy; the scope this policy; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes; how to serve impartially, including by avoiding prejudgment of the facts at issue; conflicts of interest and bias; technology used at a live hearing; issues of relevance of questions and evidence, including when questions and evidence about when sexual predisposition or prior sexual behavior are not relevant; and on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train such individuals will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints. All training materials are available on the University's website.

If your report/complaint involves discriminatory, harassing, or retaliatory conduct based on race, color, national origin, religion, age, disability, or another legally protected status, please refer to the University's Equal Opportunity and Non-Discrimination Policy. If you are reporting a Title IX complaint, please refer to the University's Title IX Complaint Process. If you are reporting a student disability accommodation, please refer to the University's Student Accommodation Grievance Procedure.

¹ If your report or complaint