

Combined Discrimination and Harassment Policies and Procedures (Effective August 1, 2024)

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I. Nondiscrimination Policy

All members of the St. Lawrence community are valued equally. We are committed to multicultural diversity in our employees, student body and curriculum. Awareness training for students and employees is designed to eliminate all forms of unlawful discrimination. St. Lawrence University complies with all applicable federal and state legislation and regulations prohibiting discrimination (including the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act; the Age Discrimination in Employment Act (ADEA); the Age Discrimination Act of 1975; New York State Human Rights Law; and Part 53, Section 607 of the New York State Educational Law), as well as the Drug-Free Workplace Act of 1988. The University does not discriminate against students, employees, or other beneficiaries on the basis of *race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or any other characteristic* protected by applicable local, state, or federal law or regulation, in admission to, or access to, or treatment, or employment in its programs and activities.

II. Anti- Harassment Policy

It is the policy of St. Lawrence University that all our employees and students should be able to enjoy a work and educational environment free from all forms of unlawful discriminatory harassment, including sexual harassment. St. Lawrence University provides for the development of a climate of tolerance and pluralism and prohibits behavior which is demeaning, intimidating or hostile, communicated verbally, physically or with other communication device, including telephonic or electronic means. It is expressly against University policy for any student, employee, or other member of the University community to engage in discriminatory harassment. The University does not tolerate discriminatory harassment of or by any employee, student, visitor, or third party. The University will act to remedy all forms of harassment when reported.

Students and employees are strongly encouraged to report instances of discriminatory harassment to appropriate University officials, as described below. Employees, students, and other members of the University community will be subject to disciplinary action for violation of this Policy, up to and including termination, expulsion, or removal from the campus.

III. Title IX and Sexual Misconduct Policy

Title IX of the Education Amendments of 1972 provides: “No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Pursuant Title IX, the Violence Against Women Act, and New York Education Law Section 129-B, this Policy specifically prohibits sex discrimination, including certain other types of sex-based conduct (i.e., sexual assault, dating violence, domestic violence, stalking and sexual exploitation), collectively referenced for purposes of this Policy as “Sexual Misconduct”. The University will advise Complainants of their Title IX and analogous state law rights and will take steps to prevent Sexual Misconduct and to correct its discriminatory effects, as appropriate. This Policy applies to all University students and employees

IV. Scope and Jurisdiction of Policies

This Policy applies to all University students, employees, and non-University community members. This policy sets forth expectations for the St. Lawrence University community and applies to the University's education programs and activities (i.e. in a context over which the University has substantial control over both the Respondent and the context in which conduct occurs), circumstances where the University exercises disciplinary authority, and off campus misconduct that limits or denies a person's access to the University's education program or activities.

Non-community members (e.g., alumni, family of students, vendors, etc.) visiting campus or participating in a University program or activity are expected to abide by the behavioral expectations in this Policy.

This Policy is not intended to proscribe, and should not limit free discussion of, the merits of any issue relating to ethnic, racial, religious or other multicultural difference or open inquiry into any material or issue relevant to the academic content of a course. Nothing in this policy or section is meant to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion. St. Lawrence University is an academic institution at which academic freedom is necessary and valued.

V. Title IX Coordinator

The Title IX Coordinator has the responsibility for providing the campus community comprehensive nondiscrimination prevention education and training, coordinating the University's efforts related to intake, implementation of supportive measures, informal resolution, investigation, and adjudication.

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and/or procedures, may be made internally to:

Lindsey Cohen
Title IX Coordinator and Sexual Wellness Educator
504 Coordinator
Student Center Room 302
315-229-5334
lcohen@stlawu.edu

Inquiries may be made externally to
Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimilie: (202) 453-6012
TDD #: (877) 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Equal Employment Commission (EEOC) (Employee-employee matters).

VI. Amnesty for Students

The health and safety of every student at St. Lawrence is of utmost importance. St. Lawrence recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to discrimination, harassment, including sexual harassment, domestic violence, dating violence, stalking, or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. St. Lawrence strongly encourages students to report discrimination, harassment, including sexual harassment, domestic violence, dating violence, stalking, or sexual assault to St. Lawrence officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of discrimination, harassment, including sexual harassment, domestic violence, dating violence, stalking, or sexual assault to St. Lawrence's officials or law enforcement will not be subject to charges for violating St. Lawrence's student alcohol and/or drug use policies occurring at or near the time of the commission of the discrimination, harassment, including sexual harassment, domestic violence, dating violence, stalking, or sexual assault.

VII. Transcript Notation Policy for Certain Offenses

As required by New York law, all colleges and universities in New York are required to denote certain conduct outcomes on academic transcripts of students found to have engaged in conduct that constitutes crimes of violence (including but not limited to sexual assault) as defined in the Clery Act. Required transcript notations, as appropriate to the circumstances, are:

- "Expelled after a finding of responsibility for a code of conduct violation"
- "Suspended after a finding of responsibility for a code of conduct violation"
- "Withdrew with conduct charges pending"

Suspension and expulsion transcript notations are applied at the conclusion of the conduct proceedings and appeals processes. If a student withdraws with charges pending, but conduct proceedings are nonetheless completed, any final transcript notation will be based on the outcome of those proceedings. Pending completion of those proceedings, the transcript will carry the above withdrawal notation. Transcript notations for a student suspended are required by law to remain on the transcript for a period of at least one year following completion of the suspension. Per University policy, a withdrawal notation will remain on a transcript for at least one year following the withdrawal. Per state law, expulsion notations are not subject to removal. Subject to these minimum periods, a student may request to have a suspension/withdrawal transcript notation removed by submitting a petition in writing to the Title IX Coordinator, who will share the request with the Deans of Academic Affairs and Student Life. The Deans will make all decisions about notation removal. A petition will not be considered if filed before the expiration of the minimum one-year period noted above. **The petition shall include:**

- A statement describing the incident and what was learned over the time away from the institution;
- The rationale for removal of the notation;
- Documentation of successful completion of any terms imposed in the underlying conduct proceeding (e.g., completion of required or recommended in/outpatient program, therapy or educational programming, etc.)

Petitions will be reviewed, and a decision will be provided by the Deans in writing, generally within thirty (30) days of submission. The Deans and/or the Title IX Coordinator may request additional information from the student. Decisions regarding the removal of transcript notations are within the discretion of the Deans.

If the Deans decide against removing a notation, the student may submit subsequent petitions seeking removal every five years since the Deans' initial determination. These petitions will be made with the same process as the first petition and include updated information about the student's experience since the earlier petition(s).

Note on Withdrawal Prior to Conduct Case Adjudication

A student who withdraws from the institution prior to an outcome of a pending conduct case should understand that the investigation and proceeding may continue, with or without their participation. Withdrawal from the institution will not protect a student from completion of disciplinary processes and possible sanctions. The transcript notation, if any, will be based upon the final outcome of any proceeding.

VIII. Obligations of University Employees

All employees will receive training upon hire and annual training thereafter regarding their reporting obligations. No employee is authorized to investigate or resolve reports or complaints of discrimination, harassment, sexual misconduct, or retaliation without the express, written direction of the Title IX Coordinator. If any employee has questions about their obligations, they should contact the Title IX Coordinator.

A. Mandatory Reporters

St. Lawrence University designates all non-student employees, who are not otherwise Confidential resources, as mandatory reporters. All Community Assistants ("CAs") and Graduate Assistants ("GAs") are also designated as mandatory reporters. Mandatory Reporters are obligated to report to the Title IX Coordinator any incident of discrimination, harassment, sexual misconduct, or retaliation they learn about. Mandatory Reporters must also promptly share all details of behavior under this Policy they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Failure of a Mandatory Reporter, as described above in this section, to report an incident of harassment, discrimination, sexual misconduct or retaliation of which they become aware is a violation of University Policy and can be subject to disciplinary action for failure to comply/failure to report.

If a Mandatory Reporter themselves is the target of harassment, discrimination sexual misconduct, or retaliation under this Policy, they are not required to report their experience, though they are, of course, encouraged to do so.

B. Required Referrers

St. Lawrence University designates all student-employees, who are not CAs and GAs, as Required Referrers. Required Referrers have the responsibility to share with a reporting party the Title IX Coordinator's contact information and how to make a complaint upon learning information regarding discrimination, harassment, sexual misconduct, or retaliation. These employees are encouraged to promptly share all details of behavior under this Policy they observe or have knowledge of, even if not reported to them by a Complainant or third party.

If a Required Referrer is concerned about someone's imminent health and safety, then they must inform the Title IX Coordinator and contact Safety and Security.

C. Confidential Resources

Confidential Resources are required to provide the complainant with the Title IX Coordinator's contact information, offer resources, and provide information on how to make a complaint.

There are three types of Confidential Employees:

- An employee whose communications are privileged or confidential under Federal or State law. The employee's confidential status, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
- An employee of the University whom the University has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, sexual misconduct, or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about discrimination, harassment, sexual misconduct, or retaliation in connection with providing those services; or
- An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, sexual misconduct, or retaliation. The employee's confidential status only applies with respect to information received while conducting the study.

Confidential Resources are expected to maintain confidentiality while operating in the scope of their role, unless the Complainant wishes them to share information or in extreme cases of serious threat to self or others, abuse of a minor, elder, or when required to disclose by law or court order. Confidential Resources are required to provide the Complainant with the Title IX Coordinator's contact information, offer resources, and provide information on how to make a complaint.

D. All employees

All University employees who become aware of a student's pregnancy or related condition, unless the employee reasonably believes the Title IX Coordinator has been notified, must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University's education program or activity.

IX. Sanctions

A student found to have engaged in discrimination, harassment, sexual misconduct, or retaliation, is subject to a range of sanctions depending on the circumstances of each situation. Those sanctions can be found at <http://www.stlawu.edu/resource/student-handbook>.

Students who violate sanctions imposed under these procedures shall be subject to further disciplinary action up to and including expulsion from the University, which can be imposed directly by the Vice President and Dean of Student Life, provided the student is first given the opportunity to meet with the Vice President and Dean. A student's prior disciplinary record may be considered in determining which sanction is appropriate.

Any University employee found to have engaged in discrimination, harassment, sexual misconduct, or retaliation is subject to a range of discipline, depending on the circumstances of each case. That discipline can include, but is not limited to, mandatory educational programs, removal of organizational membership, restricted or no contact orders, unpaid leave, and termination. An employee's prior employment record may be considered in determining which sanction is appropriate.

X. Record keeping

Records generated in connection with reports, investigations, informal resolutions, along with any outcome, are maintained for seven years in confidential files maintained by an appropriate office, which may be the Title IX Coordinator, the Vice President and Dean of Student Life, Human Resources, and/or the Registrar (for records concerning disciplinary outcomes), and only those with a right and need to know are permitted access. All materials used to provide training to the Title IX Coordinator, Investigators, Adjudicators, Informal Resolution Facilitator, Appellate Officers or any person who has the authority to modify or terminate supportive measures will be made available upon request.

XI. Training

The University trains all individuals involved in the investigation and resolution of complaints made pursuant to its Combined Discrimination and Harassment Policies. Training materials are unbiased, do not rely on sex stereotypes, and promote the fair and impartial investigation, adjudication, and resolution of complaints.

Training topics include discrimination, harassment, sexual exploitation, sexual assault, stalking, domestic violence and dating violence, what constitutes the scope of the institution's "education program or activity" for purposes of the application of this policy, how to apply the definition of "affirmative consent", how to conduct fair and impartial investigations, the effects of trauma, rights of the Respondent, including the right during investigatory and adjudicatory proceedings to a presumption of "not responsible" until a finding of responsibility is made, issues of relevancy of evidence (including, for investigators, issues of relevance in creating an investigative report), how to disclose and appropriately address conflicts of interest and bias, and the University's grievance process, including conferences, hearings, appeals, and the informal resolution process, as applicable. The training provides participants involved in implementation of this policy with the tools they need to ensure that they serve in their roles in an objective manner and without bias.

XII. Clery Act Compliance

The University is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Names of individuals involved in incidents are not reported or disclosed in ASRs. In the case of an emergency or ongoing dangerous situation, the University will issue a timely warning to the campus. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the victim/Complainant will not be disclosed.

XIII. Coordination with Other Policies

A particular situation may potentially invoke one or more University policies or processes. The University reserves the right to determine the most applicable policy or process and to utilize that policy or process.

This Policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. Academic disability accommodations are handled by the Student Accessibility Services office and pursuant to that office's policies. Work-related disability accommodations are handled by the Human Resources Office and pursuant to that office's policies.

XIV. Delegation of Authority and University Counsel

Any University administrator or official whom this Policy empowers to act may request that the Title IX Coordinator delegate that authority to another appropriate University official, or the Title IX Coordinator in their own discretion may delegate that administrator's or official's authority to act to another appropriate person. Delegation of authority may be necessary to avoid conflicts of interest

or where time constraints or other obligations prevent a University official named in this Policy from fulfilling their designated role.

The Title IX Coordinator may delegate their responsibilities and/or authorities under this Policy to any Deputy Title IX Coordinator or other appropriate official.

Any University administrator or official involved in implementing this Policy may seek the advice of the University's legal counsel, to be coordinated through the Title IX Coordinator.

XV. Interpretation/Other Issues

Final interpretation of any provision of these policies is vested in the Title IX Coordinator. Issues that are not specifically addressed in these policies may be resolved by the Title IX Coordinator.

XVI. Policy Compliance

Any person with a concern about the University's handling of a particular matter should contact Title IX Coordinator and Sexual Wellness Educator, Lindsey Cohen, 315-229-5334, Student Center 302, lcohen@stlawu.edu

The University reserves the right to adapt or modify any of the specific procedures provided herein to deal with the unique circumstances presented by the University's various off-campus programs, including specifically its overseas programs

Procedures Under the Combined Discrimination and Harassment Policies

Title IX Complaints will be investigated and adjudicated under the policies and procedures in place at the time of the alleged incident. For alleged incidents that took place before August 1, 2024, the 2020 policy and procedures shall apply and are available from the Title IX Coordinator, upon request. For matters where the alleged incident took place on or after August 1, 2024, these procedures will apply.

All other complaints of discrimination, harassment, retaliation, or sexual misconduct complaints that were not within Title IX jurisdiction prior to August 1, 2024 will also be handled under these procedures.

I. Reporting Discrimination, Harassment, Sexual Misconduct, or Retaliation

The University encourages reporting of discrimination, harassment, sexual misconduct or retaliation. Any University community member who has been the subject of discrimination, harassment, sexual misconduct or retaliation has the right to make a report to Campus Safety, a Mandatory Reporter, local law enforcement, and/or the New York State Police, or to choose not to report. The University prohibits retaliation against a reporting individual. If a report is made under this Policy/Procedure, a reporting individual will receive appropriate assistance and resources from the University. Reports may be made anonymously, but the University's, or anyone else's, ability to respond may necessarily be limited by anonymous reporting.

If you have been subjected to discrimination, harassment, sexual misconduct, or retaliation the following resources/options are available to you to seek help and/or report the conduct:

A. A Report to a Confidential Resource

If a Complainant would like the details of an incident kept confidential and not reported to the University then they may consult with one of the following resources. Resources with the designation of "Confidential" have legally recognized levels of confidentiality. Discussions with resources with the designation of "Confidential/Private" are not entitled to the same degree of confidentiality under the law, but they are nonetheless treated as private under university Policy.

- On-campus Confidential

- **Health and Counseling Center:**
315-229-5392

If you are a student, you may contact the University's Health and Counseling Center. Discussions with the Center's Counselors are treated confidentially (pursuant to the Health and Counseling Center's confidentiality protocols). The Health and Counseling Center can provide assistance and information regarding medical assistance and treatment, resources available through the New York State Office of Victim Services, academic and other campus support options, and campus disciplinary proceedings and law enforcement options. If unsure of where to go, contact the Health and Counseling Center.

- **Chaplain's Office**
315-229-5062

All members of the University community may report confidentially to the Chaplain's office.

- **On-campus Confidential/Private Resources**

o **Student Advocates**

315-229-5466; www.stlawu.edu/advocates

If you are a student, you may contact a student Advocate, who is not a University Official, but is a student volunteer trained in supporting survivors of sexual misconduct.

- o **St. Lawrence University Athletic Trainers**
- o **International Student Services Staff**
- o **Director of Wellness Education**

Reports of discrimination, harassment, sexual misconduct, or retaliation made to a Confidential or Confidential/Private Resource will NOT be reported to other University officials in any personally identifiable manner, and as a result, if you would like a University response, you should ask these resources to connect you with the Title IX Coordinator or you should contact the Title IX Coordinator directly. Similarly, information shared at public awareness and advocacy events, like Take Back the Night, are not considered notice to the University. The University will nonetheless use any information learned at these events to monitor patterns of behavior, but outside an imminent and serious threat to health or safety of an individual or the community, information learned at these events will not result in a response from the University.

- **Off Campus Resources**

Confidential reports of discrimination, harassment, sexual misconduct, or retaliation can be made by students and employees to off-campus resources, including

o **Canton-Potsdam Hospital**

315-265-3300

o **Renewal House**

3 Chapel Street

M-F 8:00am-5:00pm

315-379-9845

The St. Lawrence Valley Renewal House is an empowering resource for survivors and families of domestic violence and sexual assault. The Renewal House has a 24/7 hotline as well as resources in their center. Office hours are 8am-5pm. The Renewal House's services are free and confidential for victims of domestic violence and sexual assault. Renewal House can assist with providing information about preserving evidence, testing for sexually transmitted infections, and sexual assault forensic examinations. Renewal House can also assist with initiating legal proceedings in family court and civil court, including obtaining an Order of Protection, and understanding an Order of Protection

- **Reachout of St. Lawrence County**
315-265-2422
- **Employee Assistance Program (Employees only)**
1-800-327-2255
- **New York State Office of Victim Services**
1-800-247-8035
<https://ovs.ny.gov>

While there should be no charge for a sexual assault forensic examination, commonly referred to as “rape kits”, there may be a charge for medical or counseling services off campus, and in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, **For more information on “rape kits” and preservation of evidence, please see Appendix C.**

B. A Report to Law Enforcement

If an incident involves criminal conduct, the victim may make a complaint to law enforcement. A victim of a crime, including a crime arising from discrimination, harassment, or sexual misconduct under this Policy, will be notified that the victim may, but is not required to, report the incident to local law enforcement and pursue criminal charges. The criminal process and the University’s disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint, or University complaint, or both.

In criminal cases, including non-consensual sex offenses, the preservation of evidence is critical and must be done properly and promptly. The Canton Police Department can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner.

Reporting to criminal authorities may result in some delay in any internal University investigation, so as not to interfere with evidence gathering by law enforcement, but University procedures will resume as soon as possible. In addition, the University will cooperate with any criminal proceedings as permitted by law.

- **Canton Police Department**
315-386-4561 or 911
- **New York State Police Hotline 1-844-845-7269**

Reporting individuals should understand that not all discrimination, harassment, or sexual misconduct under this Policy may be a crime and that the standard law enforcement employs in processing complaints is different than the University’s standard under this Policy. Questions about whether incidents violate criminal laws

and how the criminal process works should be directed to law enforcement officials or the St. Lawrence County (or other relevant) District Attorney.

Orders of Protection

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a University community member or other person. In appropriate circumstances, an order of protection may be available that restricts the person's right to enter University property, and the University will abide by a lawfully issued order of protection. Campus Safety, or other University officials, will provide reasonable assistance to a University campus community member, in connection with prohibited conduct under this Policy, in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order. This assistance includes providing that person with:

- a copy of an order of protection or equivalent when received by the University and providing that person with an opportunity to meet or speak with a University representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and
- assistance from Campus Safety in contacting local law enforcement to effect an arrest for violating such an order.

C. An Online Report

A report online, using the reporting form, "online bias incident report form" found at https://stlawu-advocate.symplicity.com/public_report, and the "Sexual Misconduct Reporting Form" found at <https://www.stlawu.edu/offices/title-ix/title-x-related-and-crime-reporting-resources>, can be used. Anonymous reports are accepted, though anonymous reports may limit the University's ability to investigate. If it is not an anonymous report, the reporting person can expect to be contacted by the Title IX Coordinator within 72 hours.

D. A Report to a Required Referrer

St. Lawrence University designates all student-employees, who are *not* Community Assistants ("CAs") or Graduate Assistants ("GAs") as Required Referrers. These personnel have the responsibility to share with a reporting party the Title IX Coordinator's contact information and how to make a complaint. They can also facilitate a complaint made to the Title IX Coordinator. However, disclosure to these individuals is not notice to the University of discrimination, harassment, sexual misconduct, or retaliation. If a Required Referrer is concerned for a person's health and safety, then they are obligated to share the information with the Title IX Coordinator.

Reporting obligations for University employees, including “Required Referrers”, are fully defined on page 7-8 of these procedures.

E. A Report to a Mandatory Reporter

St. Lawrence University designates all non-student employees who are not otherwise Confidential resources as Mandatory Reporters. All CAs and GAs are also designated as mandatory reporters. A Mandatory Reporter will promptly share the information about the incident with the Title IX Coordinator, and the Title IX Coordinator will reach out to the reporting person with more information and an offer to meet to discuss possible options, including supportive measures, informal resolution, and Complaint Investigation, which are discussed fully beginning on page 24. The options for reporting are not mutually exclusive. For instance, a person can receive supportive measures and pursue a Complaint Investigation

II. Prohibited Conduct

This section addresses the different forms of prohibited behavior that would constitute discrimination, harassment, sexual misconduct, or retaliation.

A. Discrimination

Discrimination can take two primary forms:

1) Disparate Treatment Discrimination:

Any intentional differential treatment of a person or persons that is based on an individual’s actual or perceived protected characteristic and that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual’s participation in the University’s program or activity.

Examples of discrimination include, but are not limited to, using racial, ethnic or religious slurs; name-calling that demeans on the basis of age, disability, physically harming or threatening another due to racial or religious animosity; displaying vulgar pictures or ethnically offensive symbols or writings; using gestures that mimic or mock person’s race, disability, race or age; denying a student a research opportunity because of the student’s race, gender or other protected characteristic; giving a student a lower grade than deserved because of the student’s race, gender or other protected characteristic; denying an employee a raise or a promotion because of the employee’s age, race, gender or other protected characteristic.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this Policy. The determination is based on a “reasonable person” standard and considering the totality of the circumstances. The University considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the

incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community. In all instances, a key factor is whether the complained-of behavior occurred because of a protected characteristic. If it did not, the behavior is not regulated by this Policy/Procedures.

2) **Disparate Impact Discrimination:**

Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual's participation in the University's program or activity.

B. Discriminatory Harassment

Is unwelcome conduct on the basis of actual or perceived protected characteristic(s), that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the University's education program or activity

C. Hate Crimes

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. A hate crime is defined under New York State law, Penal Law Section 485.05 – Hate Crimes, as follows:

A person commits a hate crime when they commit a specified offense and either:

- 1) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- 2) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Note: All hate crimes are bias incidents, but not all bias incidents are hate crimes. Even when bias incidents do not rise to the level of a hate crime, discrimination, or discriminatory harassment, the bias incident response team will still follow up. While such conduct would not result in discipline under this Policy, the conduct may still be addressed through educational conversations, mediation, restorative justice practices, etc.

D. Sex-Based Harassment (under Title IX and Title VII)

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

1) *Quid pro quo harassment:* An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity, explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

2) *Hostile environment harassment:* Unwelcome sex-based conduct, that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(i) The degree to which the conduct affected the Complainant's ability to access the University's education program or activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other sex-based harassment in the University's education program or activity

3) *Sexual Assault:*

1) **Rape**—The 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 affirmative consent of the victim

2) **Fondling**—The touching of the private body parts (including genitalia, anus, groin, breast, inner thigh or buttocks) of another person for the purpose of sexual gratification, without the affirmative consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

3) **Incest**—Sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by New York law.

4) **Statutory Rape**—Sexual intercourse, with a person who is under the statutory age of consent. The statutory age of consent in New York, which is 17.

4) *Dating Violence:* "Dating violence" means violence, on the basis of sex, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the

frequency of interaction between the persons involved in the relationship. For purposes of this Policy, verbal and/or emotional abuse will also be considered by the University to violate this Policy. For purposes of this Policy, the “intimate” relationship may be characterized as a series of sexual encounters, dating, “hooking up”, or similar interactions. Examples of abusive actions range from physical acts like hitting, shoving, or restraining to threats designed to control the victim’s behavior.

5) Domestic Violence: “Domestic violence” means violence, on the basis of sex, committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

6) Stalking: Engaging in a course of conduct, on the basis of sex, directed at the victim that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, *Course of conduct* means two or more acts, including, but not limited to, acts in which the Respondent directly, 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. The term *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. The term *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. For purposes of this Policy, harm to physical, mental, or emotional health, employment status, or property of such person, a member of such person’s immediate family, or a third party with whom the person is acquainted could, in the appropriate circumstances, give rise to substantial emotional distress.

7) Sexual Exploitation: Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy.

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

- Prostitution
- Acts of incest
- Observing or recording (whether by video, still photo or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing or showering) without the affirmative consent of all involved;
- Taking intimate pictures of another, but then distributing the pictures to others without the photographed person’s affirmative consent;
- Engaging in voyeurism,
- Engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection;
- Exposing one’s genitals in non-consensual circumstances.

- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) (i.e. drink spiking) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.

E. Unauthorized Disclosure

Distributing, duplicating (via image content like photographs or screenshots), or otherwise publicizing materials created or produced during an Informal Resolution or Complaint Investigation process, except as required by law or as expressly permitted by the University; or publicly disclosing a party's personally identifiable information without authorization or consent. This prohibited conduct does not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation under this Policy), consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in a process under this Policy.

F. Retaliation

means intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has engaged in protective activity, including reporting information, making a complaint, testifying, assisting, or participating or refusing to participate in an investigation, proceeding, conference, or hearing, including in an informal resolution.

Acts of retaliation should be reported immediately to the Title IX Coordinator, and the University will respond quickly and strongly to anyone engaging in retaliatory behavior.

Examples of retaliation include, but are not limited to: threats, intimidation, pressuring, social aggression, damage to property, abuse, violence, the sharing of private information in a manner intended to harm or embarrass another individual or in a manner that would recklessly do so regardless of intention, or maliciously interfering with an individual's academic or professional career or reputation. Retaliation can occur through various modes, including in-person and electronic communication.

A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good faith; a person may provide inaccurate information believing it is

accurate, which is still good faith. If a person who makes a statement knowing that it is false, the person has acted without good faith (i.e. has acted in bad faith).

The exercise of rights protected under the First Amendment does not constitute retaliation.

III. Report

Upon receipt of a report or a complaint, the Title IX Coordinator will conduct two outreach attempts to a potential Complainant. If a Complainant chooses to meet with the Title IX Coordinator, the Title IX Coordinator will discuss whether the impacted person wishes to explore supportive measures, an informal resolution, or a Complaint Investigation.

If a Complainant does not respond and there is not a concern of threat to self or others, the Complainant will be free to not respond to the offer to meet. In that outreach, the Title IX Coordinator will provide details about the person's rights in the process, reporting options which include supportive measures, an informal resolution, or Complaint Investigation, confidential reporting options, and the right to be protected from retaliation.

IV. Emergency Removal of Student Respondent

The University may need to undertake an emergency removal of a student in order to protect the safety of its community, which may include contacting local law enforcement to address imminent safety concerns. Emergency removal is not a substitute for reaching a determination as to a student respondent's responsibility for the alleged harassment, discrimination, sexual misconduct or retaliation allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's health or safety, which may arise out of the allegations. An emergency removal does not assume that the removed student is responsible for the alleged violations.

Prior to removing a student respondent through the emergency removal process, the University will undertake an individualized safety and risk analysis assessment. If it is determined that there is an imminent and serious threat to the health or safety of any student or other individual, then a student respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a complaint was filed.

In the event a determination is made that a student respondent poses an imminent and serious threat to the health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the Complainant and Respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision. If a student respondent disagrees with the decision to be removed from campus, they may appeal the decision. The student respondent must provide a written request to the Title IX Coordinator within five (5) days of receiving the notice of removal. When this request is not provided in a timely manner, objections to the emergency removal are deemed waived. The burden of proof is on the student respondent to show that the removal decision was incorrect. This appeal is solely to determine whether the emergency removal is appropriate. This is not the process to hear the merits of the allegation(s). Violations of an emergency removal will result in discipline, which may result in expulsion.

Employee respondents are not subject to this process. When the accused is not a student but is a member of the University community, they may be subject to administrative leave in accordance with the University's employment policies and practices (including applicable collective bargaining agreements). When the accused is a student-employee, they may also be put on administrative leave from their employment responsibilities. Absent a need for emergency removal, the administrative leave will not result in the removal of the student from campus.

V. Supportive Measures

In appropriate cases, the Title IX Coordinator may secure individualized supportive measures on behalf of a Complainant or a Respondent. Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the University's educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties. Supportive measures may include, but are not limited to, no-contact orders; changes in academic, extracurricular, residential, transportation, dining or working arrangements; access to academic, counseling and other support; counseling services; safe walks and escorts; and other relief as appropriate. The Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various University departments and offices that may be involved. Supportive measures may be secured and coordinated, at the direction of the Title IX Coordinator, through the Associate Dean for Student Life, Associate Dean for Faculty Affairs, or the Director of Human Resources, as appropriate. Supportive measures will be offered free of charge, and the University will maintain the confidentiality of supportive measures and will not disclose information about any supportive measure to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure.

Supportive measures may include, as appropriate, but are not limited to:

- Changes in academics such as the extension of deadlines or other course-related adjustments
- Changes to housing, transportation and campus working situations if those changes are requested by a party and reasonably available
- Class schedule modifications, withdrawals, or leaves of absence
- Changes in class registration process
- Education to the institutional community or community subgroup(s)
- Allowing withdrawal from or retaking of classes without penalty
- Prohibiting attendance at group or organizational functions overseen by the University
- Mutual "No Contact" orders and, in limited circumstances, one-way no contact orders.
- Access to safe walks and campus escorts or other reasonable security or monitoring measures
- Facilitated access to counseling services
- Facilitated access to the Employee Assistance Program

- Interim removal of a student from the University, which will only be taken pursuant to the Emergency Removal provisions above.

Violations of no contact orders (“NCO”) or other restrictions will be referred to the appropriate student or employee conduct process for enforcement. While a no contact order or other restrictions implemented as supportive measures are non-disciplinary and non-punitive, a violation of such an order/restriction could result in discipline, including consequences up to and including termination, suspension, or expulsion.

In determining whether a NCO violation has occurred, multiple factors will be considered including, but not limited to:

- Size and layout of the space where the alleged NCO violation took place
- Any attempted contact or communication by the subject of the NCO
- Duration of time before the student/employee vacated the space
- Obligation of the subject of the NCO to be present in the space (i.e. place of work, athletic competition, internship location, etc.)
- Whether a reasonable person would have seen the subject of the NCO
- Other relevant factors

VI. Review of Supportive Measures

When a no contact order or any other supportive measure is issued, both the person against whom it is issued and the other party, will, upon request, be afforded a prompt review, of whether the need for and terms of the supportive measure are reasonable under the circumstances to the extent it directly affects them. Similarly, if a party’s request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed to assess whether the supportive measure is reasonable under the circumstances and may submit evidence in support of that request. This request for review of supportive measures may include a request for potential modification of the no contact order or other supportive measure.

A request for a review must be made in writing to the Title IX Coordinator within five (5) days, providing the basis for the request and submitting any evidence in support of the request. Each party will be allowed to submit evidence in support of, or in opposition to, the request to the extent the supportive measures under review affect that party.

The review will be conducted by an impartial employee, other than the employee who made the challenged decision, who has authority to modify or reverse the decision if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in the Title IX regulations. The Title IX Coordinator will advise the parties of the result of the review. This determination is not subject to further review, unless circumstances have changed materially

VII. Informal Resolution

The intent of the Informal Resolution is to provide the parties with an opportunity to understand each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator. Informal Resolution will be pursued only where Complainant(s), Respondent(s), and the University agree in writing to utilize the process. No party should feel intimidated, coerced, or threatened to participate in an Informal Resolution Process.

The University reserves the right not to offer Informal Resolution in cases where the University determines Informal Resolution to be inappropriate based on the allegations or other circumstances. The Title IX Coordinator may consider a variety of factors to determine if an informal resolution agreement is appropriate such as: the likelihood of potential resolution, the nature and severity of the alleged misconduct, future risk of harm to others, the parties' motivation to participate, civility of the parties, disciplinary history of the Respondent, whether emergency removal is needed, emotional investment/capability of the parties, and goals of the parties.

Either party in an Informal Resolution process may terminate it at any time, and if that occurs, the Complainant will have the option to file a Complaint and pursue a Complaint Investigation. Supportive measures are available to both parties during the Informal Resolution process.

If both parties consent to participate in the Informal Resolution process, the University will assign a facilitator, who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be free from conflicts of interest and bias. The facilitator will schedule one or more meetings with the parties. The parties will not be required to meet in person unless they each wish to do so, and the facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. The Informal Resolution process should proceed with due promptness. The University imposes no specified timeframe for the process, but the facilitator or either party may choose to terminate the Informal Resolution Process if insufficient progress is being made.

Before the initiation of an informal resolution both parties will be provided notice that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume the University's Complaint Investigation Procedures;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the Complaint Investigation process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- What information the University will maintain, and whether and how it could disclose such information for use in its Complaint Investigation process.

The ultimate determination of whether informal resolution is available or successful is made by the Title IX Coordinator. The Title IX Coordinator is authorized to facilitate the resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

A resolution is reached only if both parties agree. The facilitator's role is to conduct the informal resolution process in a way that is impartial and does not favor one party over the other. The facilitator will not impose an outcome, although the facilitator may assist the parties in suggesting resolutions that appear to meet the parties' needs. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations to find common ground and a resolution of the allegations that is satisfactory to both parties.

For the Informal Resolution process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the Informal Resolution process will be kept confidential by the facilitator. In addition, the facilitator will not be available as a witness in any Conference that may occur should either party terminate the Informal Resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties. If a resolution is not reached and a Complaint is filed, the parties may not disclose information shared by the other party during the Informal Resolution process in the Conference, unless that information is learned outside the Informal Resolution process through the investigation or otherwise.

If a resolution is reached, the Title IX Coordinator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. After a written resolution has been finalized, the University will keep a record of the parties' written consent to the Informal Resolution process and the written resolution. Any written resolution involving discipline or other action taken against a Respondent will be dealt with in the same manner as any other disciplinary action is taken.

The informal resolution process is also not available in a complaint involving more than two parties unless 1) all parties consent to use the informal resolution process, 2) there is an understanding among all parties about what happens when a party stops the informal resolution process and files a complaint to initiate the Complaint Investigation process, and 3) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution.

The Title IX Coordinator will maintain records of any informal resolution that is reached, and failure to abide by the resolution agreement may result in responsive/disciplinary actions (e.g. referral to a Complaint Investigation).

VIII. Complaint Investigation

A. Overview

If a report of harassment, discrimination, sexual misconduct, or retaliation is made to any Mandatory Reporter, including the Title IX office, the Title IX Coordinator will contact the Complainant to inform them of their options to pursue Supportive Measures only, an Informal Resolution, or their right to file a Complaint under this Policy. A Complaint is

necessary to initiate the University's Complaint Investigation process. A Complaint can be in oral or written form and must be objectively understood as a request for the University to investigate and make a determination about alleged misconduct under this Policy. If a Complaint is filed, the University will undertake an adequate, reliable, fair, prompt, and impartial investigation.

B. Title IX Coordinator May Sign a Complaint

If a Complainant does not wish to move forward with a Complaint, they have the right to decide not to file a complaint and **request** that the University maintain this report as confidential (to the extent permitted by law) and/or to request that it not conduct an investigation or that action not be taken against an alleged perpetrator. The University will do its best to honor that request, but in some circumstances, the University may be compelled to move forward with a Complaint Investigation without the consent or cooperation of the reporting individual. In making such a determination the University must consider its obligation to provide a safe, non-discriminatory environment for all students and employees. The University has designated the Title IX Coordinator as the individual who will evaluate any requests for confidentiality. The Title IX Coordinator will consider a range of factors, including:

- The Complainant's request not to proceed with initiation of the complaint;
- The Complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of discrimination would occur if a complaint is not initiated;
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the University;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether discrimination occurred;
- Whether the University could end the alleged discrimination and prevent its recurrence without initiating its Complaint Investigation procedures;
- The risk that the alleged perpetrator will commit additional acts of violence;
- Whether there have been other discrimination complaints about the same alleged perpetrator;

- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence and/or repeat behavior;

- Whether the incident represents an escalation of past discrimination by the accused;
- Whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- Whether there is an increased risk of additional acts of violence;
- Whether the discrimination was committed by multiple perpetrators;
- Whether the discrimination was perpetrated with a weapon or force;
- Whether the victim is a minor;
- Whether the University possesses other means to obtain relevant evidence of the discrimination (e.g., security cameras or personnel, physical evidence);
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group; and
- The overall safety of the campus community (including the reporting individual).

If the University determines that it cannot maintain a Complainant's confidentiality, it will inform the Complainant prior to filing a complaint and initiating the Complaint Investigation process starting with an investigation and will, to the extent possible, maintain information as private and only share information as needed so that the University may respond and act under this Policy. If a Complainant does not wish to file a complaint and initiate a Complaint Investigation, the Complainant will, nevertheless, be entitled to receive supportive measures.

A student's Bill of Rights and an additional statement of Rights in Cases Involving Sexual Assault, Domestic Violence, Dating Violence or Stalking are attached to this Policy as Appendix B.

C. Notice

If Complaint Investigation is selected, the Title IX Coordinator will promptly provide a written Notice of Investigation and Allegations ("NOIA") to both parties detailing the commencement of the investigation. The NOIA outlines for both parties their rights in the process and facilitates identifying an advisor. (In the Complainant's case, they may already have identified an advisor.) The Complainant will be provided advance notice of when the NOIA will be delivered. The NOIA will include: a meaningful summary of the allegations, the identity of the parties involved (if known), the specific policy violation alleged, the time, date, and location of the incident(s) (if known), a description of the investigation and adjudication procedures, a statement of all potential sanctions, a statement that the University presumes the Respondent is not responsible until there is a finding of Responsibility at the conclusion of the Complaint Investigation, a statement that the burden is on the University, not on either party, to gather sufficient evidence to reach a fair and impartial decision, a statement about the University's retaliation policy, a statement that

the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, information on the need to identify an Advisor, a statement about confidentiality and unauthorized disclosure, a statement about the University's policy that prohibits knowingly making false statements, including knowingly submitting false information in the process, the name of the assigned investigator(s), and information on how to pose an objection.

This information will be provided in sufficient detail and with sufficient time to prepare a response before any initial interview. If, in the course of the investigation, the University decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator will provide notice of the additional allegations to the parties. The Complainant and Respondent will be provided with notice of the name of the appointed investigator(s) (who may be one or more external investigators as determined necessary by the Title IX Coordinator) and an opportunity of not more than two (2) days after the notice to raise an objection to the investigator(s), based on any alleged conflict of interest known to the party. If an objection is raised, the Title IX Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator. Investigators will also be provided the identities of the parties and provided an opportunity to recuse themselves.

The University will make a good faith effort to conclude the Complaint Investigation process according to the following timeframes. Evaluation stage (i.e. the University's decision whether to dismiss or investigate a complaint) between 5-10 days; NOIA and investigation stage, estimated between 30-60 days; adjudication stage, including pre conferencing and determination writing, estimated between -30-60 days; and appeal, where applicable, estimated between 20-30 days. Certain factors such as but not limited to the complexity of the matter, the number of witnesses involved, academic break periods, concurrent law enforcement activity and professional or personal obligations of all parties involved, or other circumstances reasonably necessitating delay, may extend the duration of the investigation, and the parties will be advised of the reason(s) for any extension. Delays due to ongoing law enforcement investigations will not exceed ten (10) days unless the law enforcement agency specifically requests and justifies a longer delay. The University will make a good-faith effort to complete its Complaint Investigation process as promptly as circumstances permit and will communicate regularly with the parties to update them on progress and timing of the investigation.

D. Complaints involving Parties with Multiple Statuses and/ or Multiple Complainants/Respondents

In cases where there are multiple Complainants and/or multiple Respondents, the University reserves the right to handle the cases individually or jointly to the extent permitted by law. Further, in cases where there are allegations of a violation of this Policy and collateral allegations of other policy violations (e.g., an allegation of non-consensual sexual contact and minor property damage), the University reserves the right to have allegation(s) of violations of this Policy and the collateral allegation(s) investigated and adjudicated pursuant to this Policy. In cases where the individual has more than one status with the University (such as a student who is also employed with the University, or any employee who takes courses at the University), the University will determine in its

discretion which status is primary; in such a situation, sanctions imposed may include sanctions related to each status.

E. Dismissals

The Title IX Coordinator may determine at any point in the process that facts have emerged that support the dismissal of a complaint. A decision to dismiss a complaint is appealable by the Complainant. Notice of dismissal will be in writing. A Respondent will usually also be informed of such a dismissal and offered an opportunity to appeal as well, unless the dismissal occurred before the Respondent was aware of the complaint. The Title IX Coordinator has discretion to dismiss on the following grounds:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the University's education program or activity and is not employed by the University;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the University determines, that without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute a violation under this Policy, even if proven;
- The University determines the conduct alleged in the complaint, even if proven, would not constitute a violation under this Policy.

While there is no time limitation on making a Complaint, if a Respondent is no longer under the University's jurisdiction, the University's ability to investigate, respond and/or provide remedies may be limited.

F. Rights and Expectations of Advisors and Support Persons* for definitions of advisor and support persons, please see Appendix A

- Either party may use an advisor who may attend with the party any meeting, interview, or conference the party is required or eligible to attend. The advisor's role is to consult with and support the party, and the advisor may not do so in any way which disrupts or distracts from the investigation.
- The advisor is not permitted to speak or otherwise make any direct statements to the investigator(s) (or others) during meetings with the investigator(s) (or with others). If the Complainant or the Respondent wishes to provide information, they must speak on their own behalf and not through their advisor.
- If a party requests that email communication be made through their advisor, the University will comply with that request at the discretion of the Title IX Coordinator. A party will still be cc'ed on all communication and substantive decisions must be communicated to or from the party directly. The Title IX Coordinator maintains discretion to determine what is considered a substantive decision. For example, something that may be considered non-substantive would be the scheduling of an interview.

- An advisor who does not abide by this role may be precluded from further participation in investigatory meetings and/or conference. In such a circumstance, the party will be allowed reasonable time to identify another advisor.
- While a party is free to choose a witness to also serve as their advisor, issues of potential bias will be explored by the Adjudicators.
- For parties who are entitled to union representation, the University will allow the unionized employee to have their union representative (if requested by the party)
- In addition to an advisor, the University may permit parties to have a support person, upon request to the Title IX Coordinator.
- All advisors and support persons will be required to sign Non-Disclosure Agreements (NDAs). The University may restrict the role of an advisor or support person who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.
- If a party requires assistance identifying an advisor at any point in the process, the Title IX Coordinator will identify and offer, without fee or charge to that party, an advisor, which the party may use. In appointing a University advisor, the University cannot require a confidential employee to serve as an advisor.
- The University generally expects an advisor or support person to adjust their schedules to attend University meetings/interviews/conferences when planned, but the University may change scheduled meetings/interviews/conferences to accommodate an advisor/support person's inability to attend, if doing so does not cause an unreasonable delay. If an advisor or support person is unavailable for weeks or more, the University can decline rescheduling and require a party to identify a new advisor or support person. While meetings or interviews may be rescheduled with little notice, a change in conference date will not be accepted within 72 hours of the conference date, outside extraordinary circumstances.
- Witnesses are not permitted to bring an advisor or other person to these proceedings, absent an approved disability accommodation.

IX. Investigation

The investigation will be fair and impartial and will usually involve interviews of witnesses and review of relevant documentation and other information. The Complainant and the Respondent will be given an equal opportunity to separately present information in the context of the investigation and may request the interview of specific witnesses. The investigator(s) retain(s) discretion to determine how to conduct the investigation and what information is necessary and relevant, subject to the direction of the Title IX Coordinator.

No audio or video recording of any kind is permitted during investigation meetings, unless the investigator(s) elect(s) to audio and/or video record interviews, in which case, all parties involved in the meeting will be made aware that audio and/or video recording is occurring and will be provided a transcript of such recording.

A. Appointment of Adjudicators

The parties will be provided with the names of the Adjudicators, and all objections to an Adjudicator must be raised in writing within five (5) days, detailing the rationale for the objection. An Adjudicator may only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial review or

determination of the complaint. Adjudicators will also be provided the identities of the parties and an opportunity to recuse themselves. Such recusal shall occur in a timely manner so as not to impede the process.

B. Draft Investigative Report

The investigator(s), via the Title IX Coordinator, will provide a Draft Investigative Report to the Adjudicators and the parties simultaneously.

The Draft Investigative Report will be made available via an electronic file platform, or upon request, provided in hard copy, subject to redaction permitted and/or required by law. This Draft Investigative Report will be made equally available to the Complainant and Respondent, and all evidence will be made available, unless it is otherwise impermissible, regardless of whether the information will be relied on in reaching a determination.

During a time period of at least seven (7) days, the Complainant and Respondent will have the opportunity to provide follow-up questions and/or a response to the Draft Investigative Report, if any. The Title IX Coordinator will share the parties' desired follow-up questions with the Adjudicators, who will then approve, deny, or revise each question. If a question is deemed not relevant, duplicative, or rephrased, a rationale for its omission or change will be provided, in writing. Additionally, the Adjudicators will have at least two (2) days to submit their own relevant questions after receiving the parties' submissions. The investigators, as applicable, will then hold individual meetings with the parties and/or witnesses to ask the follow-up questions compiled by the parties and the Adjudicators.

All party questions must be posed during this phase and cannot be posed later, unless authorized by the Adjudicators.

Within five (5) days of the final individual meeting, the investigator(s) will incorporate any new, relevant evidence and information obtained through the parties' review of the Draft Investigative Report, interviews including transcripts, and follow-up individual meetings including transcripts, into the Final Investigative Report.

C. Final Investigative Report

This Final Investigative Report is then shared with the parties and the Adjudicators simultaneously, via the Title IX Coordinator. Upon receiving this Final Investigative Report, the parties and the Adjudicators will be provided at least five (5) days to provide any follow-up questions or response. If no follow-up questions are provided, the Adjudicators will move directly to deliberation. Generally, if follow-up questions are provided then follow-up inquires, or "a conference" will be held. The Title IX Coordinator has the discretion to determine that the follow-up questions could be addressed via another round of individual meetings. Factors the Title IX Coordinator will use to inform this decision include, but are not limited to, the ability of the Adjudicators to assess the credibility of parties and witnesses absent a conference, the straightforwardness of the question(s), and the number of questions posed. Where the Title IX Coordinator determines additional individual meetings would be appropriate, the decision will be made within three (3) days.

The parties may also submit a separate personal impact statement during this five (5) day time period. The Title IX Coordinator will provide each of the parties an opportunity to review any impact statement submitted by the other party in a time of not less than two (2)

days. Impact statements will only be shared with and considered by the Adjudicators if the Respondent is found responsible for one or multiple charges.

D. Pre-conference meeting

The Adjudicators may convene a pre-conference meeting(s) with the parties and/or their Advisors at least three (3) days prior to the conference, so that the Adjudicators can rule on the relevance of follow-up questions ahead of time or to provide recommendations for more appropriate phrasing. This pre-conference meeting can also be used to discuss decorum during the conference, logistics, and other procedural questions.

The pre-conference meeting(s) will not be recorded. The pre-conference meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Adjudicators will work with the parties to establish the format. The Title IX Coordinator will be copied on written exchanges or present at these meetings to be available for procedural questions.

X. Conference Procedures

A. Overview

The Title IX Coordinator will notify the parties in writing of the date, time, and location of the conference, the names of the Adjudicators, and how to challenge participation by any Adjudicator for bias or conflict of interest. If a party requires and has not yet informed the Title IX Coordinator that they require disability accommodations, language assistance, and/or interpretation services at the conference, they must do so at least five (5) days before the conference.

Participants in the conference will include the Adjudicators, the Complainant and the Respondent, their respective advisors, and witnesses (solely during their own testimony). Conferences are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator, such as for purposes of an accommodation for a disability. Witnesses will be present at the conference for the duration of their testimony. If a Complainant or Respondent chooses to only appear for their own testimony, if any, they are permitted to do so. If they wish for their advisor to ask questions of the other party or witnesses, the advisor may remain at the conference without their advisee and ask questions on their behalf, so long as they have the party's written consent.

Conferences will be held virtually, with technology enabling the Adjudicators and the parties to simultaneously see and hear any party or witness providing information or answering questions. The parties are only permitted to bring their advisor to the virtual conference. Either party may request an in-person conference. In order for such a request to be granted, both parties, the Adjudicators, and the Title IX Coordinator must agree. If there is no such agreement then the conference will be held virtually, as described in this paragraph.

The Title IX Coordinator may postpone the conference for good cause. Good cause, as determined by the Title IX Coordinator may include, but is not limited to, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

B. Procedural Matters

One Adjudicator will be appointed Chair and be in charge of organizing the presentation of information to be considered at the conference. In cases involving students only, the Adjudicators will be referred to as the Review Board; in case involving employees only (not including the termination for cause of a tenured faculty member), the Adjudicators are Senior Staff; in cases involving termination for cause of a tenured faculty members only, the Adjudicators will be two members of the Professional Standards Committee (PSC) and one faculty member with Title IX experience/experience with discrimination and harassment matters (i.e., service on the Review Board or an investigator). Generally, the conference will proceed in the following order:

1. *Initial Relevance Determinations, as determined at the pre-conference, are put on the Record*
2. *Questions for the Complainant by the Adjudicators, including advisor submitted questions, if any*
3. *Opportunity for Respondent's advisor to send Adjudicators follow-up questions, if desired.*
4. *Follow-up questions posed to the Complainant by the Adjudicators, where relevant and not otherwise impermissible, if any*
5. *Questions for the Respondent by the Adjudicators, including advisor submitted questions, if any*
6. *Opportunity for Complainant's advisor to send Adjudicators follow-up questions, if desired.*
7. *Follow-up questions posed to the Respondent by the Adjudicators, where relevant and not otherwise impermissible, if any*
8. *Questions for each witness by the Adjudicators, including advisor submitted questions, if any*
9. *Opportunity for both advisors to send Adjudicators follow-up questions, if desired.*
10. *Follow-up questions posed to the witness by the Adjudicators, where relevant and not otherwise impermissible, if any*

All questions advisors pose must be sent to the Adjudicators, and they may never be asked of a party or witness directly. Moreover, a Complainant or Respondent may never pose questions directly. It is also important to clarify that only follow-up questions based on the responses provided at the conference will be permitted, unless authorized by the Adjudicator.

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by these procedures, any information that the Chair determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report, as described above, will be made available at the conference to give each party equal opportunity to refer to such evidence during the conference, including for purposes of questioning.

Absent extraordinary circumstances as determined by the Chair, no party may seek to introduce at the conference any evidence not previously made available in accordance with the preceding sentence, other than the investigative report itself, individual meetings, and any responses to the investigative report submitted by the parties, as described above. If new evidence is submitted that meets this extraordinary circumstances threshold, the Chair will either pause the conference and send the case back to the investigation stage to assess the new evidence, or if both parties consent, have the new evidence, exhibit, witness, etc. brought directly to the conference following the same questioning procedures as outlined in this section.

The Chair will address any concerns regarding the consideration of information prior to and/or during the conference and may exclude irrelevant information. Subject to the terms of these procedures, the Chair will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence, or information will be accepted or considered, to call breaks or temporary adjournments of the conference, to call for a recess of the conference for the purpose of consulting with the other Adjudicators and/or the Title IX Coordinator, to alter the order of the proceedings from that described above, and/or to recall parties or witnesses for additional questions, as the Chair deems necessary or appropriate. The Chair may impose additional ground rules, as the Chair may deem necessary or appropriate for the orderly and efficient conduct of the conference, which will apply equally to both parties.

C. Questioning Procedures

Neither the investigation nor conference will consider 1) incidents not relevant to the possible violation(s), unless they evidence a pattern; 2) in sexual misconduct cases, questions, and evidence about the Complainant's or Respondent's sexual interests or prior sexual conduct, unless such questions and evidence (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual conduct with respect to the Respondent that are offered to prove consent; 3) evidence that is protected under a privilege as recognized by federal, or state law or evidence provided to a confidential employee, unless the person whom the privilege and confidentiality is owed has voluntarily waived the privilege or confidentiality.

Questions that are harassing, abusive, or duplicative will also be deemed not relevant. Within these boundaries, the investigation and the conference can consider character evidence, generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Only relevant questions may be requested by a party's advisor. If the Chair deems that a question is not relevant, they will explain the decision to exclude the question or rephrase it. The advisor who submitted the question may request that the Chair reconsider any decision to exclude a question, and the Chair, after soliciting the other party's advisor's opinion, will render a final determination. Such decisions by the Chair are final and not subject to further objection or reconsideration during the conference.

If a party or witness whose presence is requested by a party declines to participate in the conference or does not answer permissible questions, the Adjudicators may nevertheless rely on statements of that party or witness, during the conference or otherwise, in reaching a determination regarding responsibility, but may also determine what significance to afford those

statements in view of the lack of live questioning during the conference (for example, the Adjudicators may determine whether the statements are sufficiently reliable in the absence of live questioning at the conference). The Adjudicators will not, however, draw an inference as to responsibility based solely on a party's or witness's absence from the conference or refusal to respond to such questions.

Conferences, but not deliberations, are recorded by the University for the purpose of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted. The Adjudicators, the parties, their advisors, and appropriate administrators of the University will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator. No person will be given or allowed to make a copy of the recording without the permission of the Title IX Coordinator.

D. Determinations

Following conclusion of the conference or following review of the final investigative report, where a conference is not necessary, the Adjudicators will deliberate and render a determination by majority vote as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Adjudicators will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the evidence" means that the Adjudicators must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged. The Complaint Investigation Process involves an objective evaluation of all available relevant evidence, including inculpatory and exculpatory, and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

If the Adjudicators determine that the Respondent is responsible for one or more violations, the Adjudicators will then determine appropriate sanctions.

In addition to the impact statement(s), if any, factors considered when determining sanctions may include:

- the nature and severity of, and circumstances surrounding, the violation(s);
- the Respondent's previous disciplinary history;
- the need for sanctions to bring an end to the conduct and/or to prevent the future recurrence of similar conduct;
- the need to remedy the effects of the conduct on the Complainant and/or the community;
- the impact of potential sanctions on the Respondent;
- sanctions imposed by the University in other matters involving comparable conduct;
- and
- any other lawful factors deemed relevant by the Adjudicators.

E. Notice of Outcome

The Adjudicators will issue a written determination, including the following information:

- A description of the charges that were adjudicated;
- Information about the policies and procedures that the University used to evaluate the allegations;
- A description of the procedural steps taken from the submission of the complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and conferences held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's educational programs or activities will be provided to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator will provide the written determination to the parties simultaneously. In addition to sanctions implemented, if any, the Title IX Coordinator will also implement remedies, as appropriate, that are intended to stop the discrimination, harassment, sexual misconduct, or retaliation, remedy the effects, and prevent recurrence.

F. Appeals

Either party may submit a written appeal of the Adjudicators' decision or of an earlier decision to dismiss the complaint or any specific allegations in the complaint. Any sanction imposed as the result of deliberations and/or conference will only be implemented after the appeal time has concluded or a final decision has been made on the appeal. An appeal must be submitted to the Title IX Coordinator within five (5) days of receipt of the Adjudicator determination or dismissal (as applicable) and must identify all information a party wishes to have considered on appeal. Any appeal statement will be shared with the other party, who will have two (2) days to submit a response to the Title IX Coordinator. The appeal and any response will be considered by two members of Senior Staff. Generally, in cases involving students, the Vice President and Dean of Academic Affairs and the Vice President and Dean of Student Life will be the appellate officers. In the event the Vice Presidents cannot agree, the Title IX Coordinator will appoint a third member to the appeals panel.

The parties have the right to petition that an Appellate Officer be removed, and the objection must be raised in writing to the Title IX Coordinator within five (5) days, detailing the rationale for the objection. An Appellate Officer may only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial review and might compromise the integrity of the appeal process. Appellate Officers will also be provided the identities of the parties and an opportunity to recuse themselves.

The appeal process does not readjudicate the factual determination but ensures that rights are protected, and appropriate procedures are followed. Grounds for an appeal are limited to the following:

- Procedural irregularity that would change the outcome; and/or
- New evidence that would change the outcome and that was not reasonably available when the determination regarding responsibility or dismissal was made; and/or
- The Title IX Coordinator, investigator(s), or any Adjudicator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

A decision responding to the written appeal will be issued to the parties and the Title IX Coordinator. If an appeal is granted, it should generally be remanded to the investigators or the conference stage for reconsideration. When an appeal results in no change to the finding, that decision is final. When an appeal results in a new finding, that finding can be appealed one final time on the grounds listed above and in accordance with these procedures.

XI. Counterclaims

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to have been reported in good faith will be processed using the Resolution Process. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a policy violation.

XII. Communications during Cases

Complainants and Respondents are expected to regularly check their email (or supply an alternative email address) throughout any Complaint Investigation or informal resolution. University email is the primary way in which parties will receive communications from the Title IX Coordinator.

XIII. Statement of Privacy and Confidentiality

St. Lawrence University is committed to protecting the privacy of all individuals involved in a report or complaint under this Policy. Under this policy, confidentiality and privacy have distinct meanings.

Even when legal confidentiality is not available, St. Lawrence University officials and employees who cannot guarantee confidentiality will maintain parties' privacy to the greatest extent possible. The information provided to a nonconfidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Privacy: Privacy generally means that information related to a report of discrimination, harassment, sexual misconduct, or retaliation will be shared with a limited circle of individuals who "need to know" in order to assist with assessment, investigation, or resolution of a report and related issues. While

unable to offer confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. These individuals will maintain privacy to the greatest extent possible.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals including medical providers, mental health providers, and ordained clergy, all of whom normally have privileged confidentiality that is recognized by the law. These individuals are prohibited from breaking confidentiality unless: 1) given permission to do so by the person who disclosed the information, 2) there is an imminent threat of harm to self or others, 3) the conduct involves suspected abuse of a minor under the age of 18; or 4) as otherwise required or permitted by law or court order. While not confidential by virtue of privilege, St. Lawrence University has also designated Student Advocates and a number of employees as confidential who can protect the anonymity of Complainants.

The University may contact parents/guardians of students to inform them of situations in which there is significant health or safety risks but will usually consult with the student first before doing so.

XIV. Complainant Is an Active Member of the University Community and the Respondent Is Not an Active Member of the University Community

When the Respondent is not a member of the University community, that person has no inherent rights of access to or membership in the University community. The Title IX Coordinator has discretion to implement a temporary or permanent no contact order and temporary or permanent ban from campus. The University also reserves the right to implement a temporary or permanent no contact order and/or temporary or permanent ban from campus under its access to University property policies and practices, entirely separate from this procedure and the Combined Discrimination and Harassment Policies.

The Respondent has the right to appeal these decisions after one year, and the appeal will be heard by the Vice President and Dean of Student Life when the Complainant is a student and heard by the Senior Staff administrator overseeing the area of the Complainant when the Complainant is an employee.

The Title IX Coordinator also has the discretion to follow the Combined Discrimination and Harassment Procedures, described above, in cases involving discrimination, harassment, sexual misconduct, or retaliation.

Regardless of which procedures are followed, the University will offer supportive measures to its student(s) or employee(s) involved in any such cases.

XV. Complaints by Non-Members of the Community

When a non-member of the University Community believes they are experiencing or have experienced harassment, discrimination, sexual misconduct or retaliation they should report concerns to the Assistant Vice President for Security and Safety or the Title IX Coordinator. The University may use their Combined Discrimination and Harassment Procedures, described above, where a substantial University interest is implicated. University interests include:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.

- Any situation in which it is determined that the Respondent poses an imminent threat to the health or safety of any student, employee, or other individual.
- Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder
- Any situation that substantially interferes with the educational interests or mission of the University.

XVI. Qualifications and Appointment –Review Board (RB) Adjudicators:

The RB consists of up to fifteen non-student members of the St. Lawrence University community (plus the Title IX Coordinator), who must be trained annually in accordance with state and federal law before serving on any case. The Title IX Coordinator may also designate individuals external to the University to serve as RB members in particular cases, provided they have received training in accordance with state and federal law. Only those individuals who have undergone training directed by the Title IX Coordinator are eligible to serve as a RB member in any case. Generally, three members of the Board will serve as the RB for each case to be adjudicated by a RB. The Vice President and Dean of Student Life, the Associate Dean of Student Life, and the Title IX Coordinator collaborate in identifying employee members serving on the RB. The recommendations for faculty membership are forwarded to the Vice President and Dean of Academic Affairs and on to Faculty Council for approval. The role of the Title IX Coordinator is to ensure that all administrative and procedural requirements are met, to collect information, and to perform other administrative duties and otherwise assist the Board as needed. The Title IX Coordinator attends meetings of the RB but is not a voting member of the Board. During deliberations, the RB may consult with the Title IX Coordinator about process questions, but otherwise, the Title IX Coordinator does not attend deliberations. Review Board members are usually appointed by the President to serve.

Updated August 2024

These policies procedures may be amended by the University at any time. Unless otherwise provided in the amendment, amendments to these procedures will become effective upon approval.

Title IX Coordinator and Sexual Wellness Educator Lindsey Cohen Student Center Room 302). 315-229-5334, lcohen@stlawu.edu.

**Assistant Vice President for Safety and Security Patrick Gagnon
Torrey Health Center, 76 Park Street, rear entrance, 315-229-5555, pgagnon@stlawu.edu**

APPENDIX A: Definitions

Adjudicators: The decision about whether there has been a violation of University Policy will be made by a three-member Review Board in student cases, two members of Senior staff for employee only cases, and two PSC members and one faculty member with significant Title IX experience or discrimination and harassment complaint experience (e.g. serving on the Review Board or as an investigator) for termination for cause of a tenured faculty member cases. In the event that a panel cannot be convened due to limited availability or potential conflicts, a single Adjudicator will fulfil the role of a panel.

Advisor: An advisor is an individual chosen by a party to provide support and guidance throughout the process. In Title IX cases where a student is either a Complainant, Respondent, or both, or where an employee case involves stalking, dating or domestic violence, or sexual assault, an advisor of choice is permitted, who may be, but is not required to be an attorney. In all other cases, an advisor must be an active member of the university community. If either party does not have an advisor, the University will work with the party to identify one. In most cases the advisor's role is limited to observing, consulting with, and providing quiet support to the party throughout the proceedings.

Affirmative Consent: New York State law provides, and the University adopts, the following definition of affirmative consent:

“Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.”

Consent is free and informed permission. Consent given verbally is evidenced by affirmative agreement to engage in specific sexual activity. Consent through action is active participation in the specific sexual activity. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent to some sexual activity (e.g., kissing, fondling) cannot be presumed consent for other sexual activity (e.g., intercourse). Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

Certain conditions prevent a person from being able to consent. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

In considering whether an individual is incapacitated due to drug or alcohol use, the University will look at a number of factors, including but not limited to the type/amount of alcohol and/or

drugs used, as well as such outward signs as slurred or incoherent speech, impaired motor skills (e.g. walking, texting), vomiting, loss of consciousness, etc.

Consent cannot be given when it is the result of coercion or force. Coercion is a threat, undue pressure, or intimidation to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity.

The University expects that any sexual activity (including sexual contact) will be based on mutual, affirmative consent to the specific sexual activity. Sexual activity in the absence of affirmative consent (i.e., "non-consensual sexual activity") is prohibited. Sexual relationships between students and employees are strongly discouraged.

Complainant: means a student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, sexual misconduct or retaliation under the Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, sexual misconduct, or retaliation under the Policy and who was participating or attempting to participate in the University's education program or activity at the time of the alleged discrimination, harassment, sexual misconduct or retaliation. In some cases, the Title IX Coordinator may file a complaint and thereby initiate a Complaint Investigation, pursuant to the University's policy. In that instance, the Title IX Coordinator is not the "Complainant"; the Complainant remains the person who allegedly experienced the discrimination, harassment, sexual misconduct, or retaliation.

Complaint: means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged discrimination, harassment, sexual misconduct, or retaliation.

Confidential Employee: There are three types of Confidential Employees

- An employee whose communications are privileged or confidential under Federal or State law. The employee's confidential status, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
- An employee of the University whom the University has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, sexual misconduct, or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about discrimination, harassment, sexual misconduct, or retaliation in connection with providing those services; or
- An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, sexual misconduct or retaliation. The employee's confidential status only applies with respect to information received while conducting the study.

Day: All references to "day" refer to calendar days.

No-Contact Order: A directive from the University that the people involved in a case either temporarily

or permanently have no deliberate interaction with one another, nor may anyone on their behalf.

Pregnancy or Related Conditions: Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom

Preponderance of Evidence: The standard of proof used by the Adjudicators to determine whether an alleged violation of the Combine Discrimination and Harassment Policy took place. This standard evaluates whether it is “more likely than not” that the Respondent engaged in the conduct charged.

Relevant: means related to the allegations under investigation. Questions are relevant when they seek evidence that may aid in showing whether the conduct occurred, and evidence is relevant when it may aid Adjudicators in determining whether the alleged conduct occurred, or in determining the credibility of Parties or witnesses.

Respondent: Means a person who is alleged to have violated the University’s prohibition on discrimination, harassment, sexual misconduct, or retaliation for engaging in protected activity under the Policy. The term “accused” may be used in this policy to refer to the Respondent prior to the time that a complaint has been made.

Responsible: The term used when the Adjudicators determine there is a preponderance of evidence to support a finding of a violation of the Combined Discrimination and Harassment Policies.

Sexual Misconduct: Sexual misconduct is an umbrella term used to refer to any form of sex/gender-based harassment, sexual exploitation, sexual assault, dating violence, domestic violence, stalking, prohibited by this policy.

Student: A person who has gained admission.

Supportive Measures: Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the University’s educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties. If a Complainant does not wish to file a complaint and initiate a Complaint Investigation, the Complainant will, nevertheless, be entitled to receive supportive measures.

Support Person: Individuals may choose a support person to be present at any meetings they are required to attend, so long as they do not conflict with the University’s Family Education Rights and Privacy Act (FERPA) obligations. The support person may not speak for or represent the persons. The University will not communicate directly with support people. Generally, support persons will not be granted access to the investigation file and will be required to sign non-disclosure agreements.

Title IX Coordinator: is the official designated by the University to ensure compliance with the Combined Discrimination and Harassment Policies, including Title IX. References to the “Title IX Coordinator” throughout this Policy and the corresponding Procedures may also encompass a designee of the Title IX Coordinator. Even when designees are assigned, the Title IX Coordinator will maintain ultimate oversight over all responsibilities.

Witness: Someone who may have seen an incident or who may have had real-time interactions with either the person making the charge, or the person charged, interactions (discussion, text or email messages and more) that will help the University understand the narrative as accurately as possible

APPENDIX B:

STUDENTS' BILL OF RIGHTS

IN CASES INVOLVING SEXUAL ASSAULT,

DOMESTIC/DATING VIOLENCE AND STALKING

Pursuant to New York Law, all students have the right to:

1. Make a report to local law enforcement and/or state Police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

RIGHTS IN CASES INVOLVING

SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE AND STALKING

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

1. Notify Campus Safety, Local Law Enforcement or the New York State Police.
2. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
 - options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the

University, as set out in the St. Lawrence University Combined Discrimination and Harassment Policy, which can be found at <https://www.stlawu.edu/title-ix> .

- where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
 - that the criminal justice process utilizes different standards of proof and evidence than the University's misconduct procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
 - whether the person they are reporting to is authorized to offer the confidentiality or privacy; and
 - Any other reporting options.
3. If they are a student, to contact the University's Health and Counseling Center, where they may be offered confidential resources pursuant to applicable laws/University policies and can be assisted in obtaining services for reporting individuals; or to contact non-University confidential resources, including:
- **Canton-Potsdam Hospital**
315-265-3300
 - **Renewal House**
3 Chapel Street
M-F 8:00am-5:00pm
315-379-9845
 - **Reachout of St. Lawrence County**
315-265-2422
 - **Employee Assistance Program**
1-800-327-2255
 - **New York State Office of Victim Services**
1-800-247-8035
<https://ovs.ny.gov>
4. Disclose confidentially the incident and obtain services from the state or local government;
5. Disclose the incident to the University's Mandatory Reporters who can offer privacy or, appropriate cases determined by the Title IX Coordinator, confidentiality, subject to the University's Combined Discrimination and Harassment Policy (which can be found at <https://www.stlawu.edu/title-ix>), and can assist in obtaining resources for reporting individuals;
6. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality. Private information can be shared to implement and fulfill the University's obligations under the law and its Combined Discrimination and Harassment Policy and related Procedures;
7. Disclose, if the accused is a University employee of the institution, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources; and

8. Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies (e.g., Renewal House), who can provide direct assistance with court proceedings.
9. Withdraw a complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so.

Information about available resources, including intervention, mental health counseling and medical services that might be available to anyone reporting an incident can be found at <https://www.stlawu.edu/title-ix>). In addition, information on sexually transmitted infections and sexual assault forensic examinations can be obtained from the Health and Counseling Center, if a student, or from Canton-Potsdam Hospital or Planned Parenthood, if an employee. Certain resources are also available to victims of crimes through the New York State Office of Victim Services, <https://ovs.ny.gov/>

Updated August 8, 2016, pursuant to New York State "Enough is Enough" legislation and subsequent guidance from the New York State Department of Education. This Policy may be amended by the University at any time. Unless otherwise provided in the amendment, amendments to this Policy will become effective upon approval.

APPENDIX C: Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. A Complainant may want to consider taking the following actions, even if they ultimately choose not to pursue criminal charges or a University process.

All Harassment, Discrimination, Sexual Misconduct, or Retaliation

- Save and document any requests for no further communication.
- Screenshot and/or save Snapchat, Insta Stories, or similar disappearing forms of communication, if able. Even if you have not retained copies of all these communications, the sooner a person can document, the more helpful such evidence would be if criminal charges or a university process is pursued.
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

Sexual Assault Forensic Medical Assistance

- Transportation provided to receive an exam and/or treatment. Due to legal requirements, such as chain of custody, these exams are unable to be completed in our Health and Counseling Center.
- Seek forensic medical assistance (i.e. SANE exam or “rape kit”.) These can be completed within 120 hours of an incident, though sooner is better for evidence collection.
 - o During such an exam, a person is asked for their consent at every step
 - o A person can stop the process and withdraw consent at any time
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, as it may remove evidence. Still even if a person does, evidence can still be collected.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement). If clothes are not changed. A change of clothes is recommended as clothes may be collected as evidence.
- Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence. Provision of prophylactic medications can be time sensitive.
- A SANE exam will only be processed if charges are filed with the police (or survivor has it tested privately). The kit will be stored for 20 years in New York State (other states and jurisdictions vary)
 - o If a person chooses to have it processed, evidence will be tested within 100 days
 - o If a person chooses not to have it processed, they will be informed if during those 20 years (or another number of years) the kit is moved, and they will be notified before the 20-year storage period ends.

APPENDIX D: Addendum Related to the Protection of Minors

The St. Lawrence University Combined Discrimination and Harassment Policies apply to all University students, employees, and non-University community members (where the alleged conduct arises out of

University programs or activities). In any case where a known or suspected victim of Sexual Misconduct is a minor (defined in accordance with applicable law), the following policies and procedures will supplement and, in any case of conflict, supersede the standard policy:

- The institution will comply with all state mandated reporting laws relating to minors. (A Summary Guide for Mandated Reporters in New York State is available at <https://ocfs.ny.gov/main/publications/Pub1159.pdf>)
- To the extent consistent with state law, all employees, and volunteers affiliated with the institution are **required** to report internally to the University's Title IX Coordinator any knowledge of or reasonable suspicion about sexual abuse perpetrated against a minor while on campus or in connection with any University-sponsored program or activity, regardless of where it occurs.
- Individuals who fail to comply with the internal reporting requirement will face discipline, up to and including termination.
- All internal reports of alleged sexual abuse of a minor will be reviewed and investigated, even if the allegations are denied by the alleged perpetrator or victim.
- When the institution receives an internal report of sexual abuse of a minor, the institution will promptly report the sexual abuse to:
 - o All authorities designated under state law, such as municipal or local (i.e., non-campus) police and child protective services or a similar agency
 - o The minor's parents or guardians
 - o The institution's insurance carriers
- All internal reports of sexual abuse by one perpetrator against multiple minors will also be reported promptly to the University President, Risk Manager, and Board of Trustees.

APPENDIX E: New York State Workplace Sexual Harassment Policy Addendum

In compliance with New York State law, St. Lawrence University provides for the following notifications concerning workplace sexual harassment in this Workplace Sexual Harassment Policy Addendum. The following Workplace Sexual Harassment Policy Addendum does not replace -- and is instead in addition

to the Combined Discrimination and Harassment Policies and can be accessed on the University's website at the following link: <https://www.stlawu.edu/human-resources/combined-discrimination-and-harassment-policies>). This Workplace Sexual Harassment Policy Addendum applies only to alleged sexual harassment in the workplace where the recipients of the unwelcome conduct are employees, vendors, or contractors and the New York Human Rights Law employment workplace sexual harassment statutory provisions apply.

Sexual harassment is a form of sex discrimination and is unlawful under state and federal law. Sexual harassment is considered a form of employee misconduct, and sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Sexual harassment is prohibited under the University's Title IX and Sexual Misconduct Policy, and the procedures for reporting, investigating and adjudicating complaints of sexual harassment are contained in the Combined Discrimination and Harassment Policy and the policy's Investigation and Adjudication Procedures, which can be accessed on the University's website at the following link: <https://www.stlawu.edu/title-ix/resource/procedures-under-nondiscrimination-discriminatory-harassment-and-sexual-and>).

This Workplace Sexual Harassment Policy Addendum addressing sexual harassment applies to all employees, including students employed by the University to the extent the allegations pertain to workplace sexual harassment. It also applies to individuals who are not employees of the University but are employees of contractors, subcontractors, vendors, consultants, and other persons who provide services in the University's workplace, such as interns and temporary employees.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - o Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).

- Unwanted sexual comments, advances, or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - o This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
 - o Subtle or obvious pressure for unwelcome sexual activities; or
 - o Repeated requests for dates or romantic gestures, including gift-giving.

- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - o Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - o Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - o This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - o Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, or name-calling;
 - o Intentional misuse of an individual's preferred pronouns; or
 - o Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by St. Lawrence University, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration

status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in the New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to St. Lawrence University does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

As noted above, this Workplace Sexual Harassment Policy Addendum supplements the Title IX and Sexual Misconduct Policy (which is set forth in the Combined Discrimination and Harassment Policies). Among other applicable provisions, the provisions in the Combined Discrimination and Harassment Policies concerning Coordination with Other Policies, Designation of Authority and University Counsel, and Interpretation /Other Issues specifically will apply when reconciling any issues that may arise when both this Workplace Sexual Harassment Policy Addendum and the Title IX and Sexual Misconduct Policy are applicable.