

SAINT ANSELM COLLEGE HARASSMENT AND SEXUAL MISCONDUCT POLICY

Policy Statement

As a Benedictine Catholic institution of higher education, Saint Anselm College strives to create an environment in which the dignity and worth of all individuals are respected. It is the policy and commitment of the College not to discriminate or harass on the basis of race, religion, color, age, sexual orientation, sex, disability, veteran or military status, marital status or national origin in its educational programs, activities, admissions or employment policies and to comply with the requirements of Federal Executive Orders 11246 and 11375 as amended; Title VII of the Civil Rights Act of 1964 as amended; Title IX of the Educational Amendments of 1972; the Violence Against Women Act of 1994; Section 503 and 504 of the Rehabilitation Act of 1973; Section 402, Vietnam Era Veterans Readjustment Assistance Act of 1974; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990 (as amended by the ADA amendments Act of 2008); and pertinent law and regulations of the State of New Hampshire, and other applicable state and federal statutes.

In accordance with Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 *et. seq.* and its implementing regulations, 34 C.F.R. Part 106, Saint Anselm College does not discriminate on the basis of sex in any of the College's educational programming and activities. This extends to employees of and applicants for admission to Saint Anselm College. The College is committed to preserving an educational and employment environment that is free from gender-based discrimination, gender based harassment, sexual harassment, sexual violence, and relationship violence and stalking. Accordingly, the College maintains comprehensive policies and procedures to ensure that all students, faculty and staff are afforded all of the rights available under Title IX. Inquiries concerning the application of Title IX may be referred to the college's Title IX Coordinator at (603) 641-7150 or titleIXcoor@anselm.edu, or to the Office of Civil Rights of the United States Department of Education at <http://www2.ed.gov/about/offices/list/ocr/index.html>.

This policy applies to all members of the College community – students, faculty and staff – whenever they are serving as representatives of the College on - or off - campus. Harassment of College guests, including opposing sports teams, speakers, visiting students or others, is also prohibited. Vendors who do business with the College are expected to comply with this policy. All members of the community should immediately report concerns about - or incidents of - harassment. Any student or employee who believes that he or she has been the subject of discrimination or harassment should report the incident or incidents to one of the following College representatives: Dean of Students, Dean of the College or the Director of Human Resources.

The College encourages the timely reporting of any incident(s) of discrimination or sexual harassment/sexual violence. The Title IX Coordinator, or her designee, will investigate all complaints that arise under Title IX, as set forth in the Complaint Procedure section below. All reports of harassment and/or discrimination that do not arise under Title IX will be investigated by the Dean of Students, Dean of the College or the Director of Human Resources, as set forth in the Complaint Procedure section below. The College hereby provides notice that it reserves the right to use third parties to investigate claims of harassment. Persons found to be in violation of this policy may be subject to disciplinary action up to and including dismissal from the College or its employment.

Harassment is a violation of trust and a form of intimidation or exploitation which undermines the atmosphere of respect that is essential to a healthy work and academic environment. Therefore, harassment of or by students, staff or faculty violates the mission of the College and is prohibited.

The College recognizes the need for freedom of inquiry and openness of discussion in its educational and research programs, and seeks to maintain an atmosphere of intellectual seriousness and mutual tolerance in which these essential features of academic life can thrive. This harassment policy is not meant to proscribe or inhibit discussions, in or out of the classroom, of complex, controversial or sensitive matters when, in the judgment of a reasonable person, they arise appropriately and with respect for the dignity of others.

Retaliation against a person who reports harassment, assists someone with a report of harassment, or participates in any manner in an investigation or resolution of a harassment report is prohibited. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to education or employment.

Individuals who make reports of harassment that are later found out to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action in accordance with the applicable disciplinary procedure. Reports are expected to be made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

The College will determine the scope, nature, extent, and timing of an investigation, and reserves the right to terminate an investigation, or to undertake a further proceeding, when in its judgment it is necessary or appropriate to do so.

I. UNLAWFUL HARASSMENT & DISCRIMINATION (Other Than Under Title IX)

Definitions: Harassment is unwelcome conduct or behavior, connected to an individual's characteristics or status that denies or limits a student's ability to participate in or benefit from educational opportunities at the College. If harassment is unwelcome and is severe or pervasive, it may be unlawful and may subject the College and the individuals who engage in the harassment to significant liability. This policy specifically prohibits harassment on any of the following bases: (1) age, (2) race, (3) color, (4) national origin, (5) religion, (6) sex (Title VII), (7) sexual orientation, (8) marital status, (9) pregnancy, (10) physical or mental disability, (11) gender identity, and (12) veteran status.

Regarding sexual harassment, the College will not tolerate the harassment of any employee, student, or other individual on the basis of sex.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding a favorable employment opportunity, evaluation, or assistance; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work or school, or creates an intimidating, hostile, or offensive work or learning environment.

Examples: Examples of prohibited harassment include but are not limited to conduct or comments that threaten physical violence; offensive, unsolicited remarks, unwelcome gestures or physical contact that relate to any of the bases listed above; display or circulation of written materials or pictures degrading to any gender, racial, ethnic, religious or other group listed above; and verbal abuse or insults about, or directed at, any employee or group of employees because of their membership in any of the groups listed above.

Prohibited sexual harassment includes a wide range of behaviors from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually oriented statements and unwelcome behavior emphasizing sexual identity. Indirect and unintentional conduct may violate this policy as well. Employees and students are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

This policy prohibits all of the activities discussed above, whether engaged in by a faculty member, agent of the College, co-worker, or non-employee who is on our premises or who comes in contact with the Company's employees or students.

The purpose of this policy is not to regulate the personal morality of employees. It is to ensure that in the workplace, no employee harasses or discriminates against another for any reason or in any manner. The conduct prohibited by this policy includes conduct in any form including but not limited to e-mail, voicemail, chat rooms, Internet use or history, text messages, pictures, images, writings, words or gestures.

Reporting Procedure for Harassment/ Discrimination - other than under Title IX

Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the problem. No person in this organization is exempt from our policies prohibiting harassment and discrimination.

- Any person who believes that he/she has been discriminated against or harassed should immediately notify the Dean of Students, Dean of the College, or the Director of Human Resources.
- Department chairs, directors, managers and supervisors who become aware of discriminating or harassing conduct and/or a complaint of discrimination or harassment must report the conduct and/or complaint immediately to the Dean of Students, Dean of the College, or the Director of Human Resources. Failure to carry out this responsibility may be grounds for disciplinary action.
- The College will investigate every reported incident promptly and in a discreet manner. All complaints will be considered confidential, and disclosure will be limited to those with a need to know in order to investigate the complaint and/or take corrective action.

Any person who has been found to have violated our policies or otherwise acted inappropriately will be subject to disciplinary action, up to and including immediate termination of employment. The College will also take other corrective or remedial actions, when appropriate.

We encourage reporting of complaints so that we may appropriately address and correct any problems. Any person who participates in good faith in any investigation under this policy has the College's assurance that it will not tolerate any retaliation against him/her as a result of bringing the complaint or otherwise participating in the process. All individuals are expected to be truthful, forthcoming, and cooperative in connection with a complaint investigation.

Complaint Resolution Procedures (Not Title IX)

The procedures outlined in this policy are designed to resolve a situation fairly, prevent further harassment, and mitigate harm to, first and foremost, the complainant, and also to the spirit of the College community.

Support services are available on and off campus for any individual who wishes assistance in dealing with harassment experiences. Please see the "Campus and Community Resources" section for further information.

There are three potential avenues to resolve a complaint of harassment or discrimination that does not arise under Title IX:

A. Independent Course of Action

Sometimes the type and nature of the harassing behavior can be effectively stopped and dealt with by directly informing the harasser that the behavior in question is unwelcome and must cease. The complainant may take independent actions, orally or in writing, addressing the harassing behavior with clear and precise communication, indicating the specific nature of the objectionable behavior and the desire/need for it to cease.

If an individual takes this course of action, the circumstances should be documented and the documentation kept (personal notes recording the relevant incidents and conversations, including date, time, place, witnesses or individual (s) to whom one told immediately of the incident, what was said and done). If the complainant takes action by letter, the writer should keep a dated copy of the sent letter as well as advise a trusted second party that such an action was chosen and taken.

In some circumstances the independent course of action may not be feasible, may be uncomfortable to initiate, or may have proven unsuccessful. In this case, the individual should report the offending behavior as soon as possible or within a time period that is reasonable so that the College can take the necessary steps to resolve the situation.

An individual is not obliged to undertake this independent course of action before reporting the unwelcome behavior(s).

B. Intervention for Resolution

The purpose of intervention is to ensure that the alleged offending behavior ends and that the matter is resolved promptly. When this purpose is achieved, the complaint is considered resolved.

All complaints will be taken seriously and will be investigated and addressed expeditiously. Every reasonable effort will be made to preserve the confidentiality of all parties to the extent that the investigative process allows. Only relevant information will be disclosed to those people with a need for information regarding the investigation.

The process of investigation may include interviews with the complainant and alleged harasser (or elsewhere “respondent”) to determine the facts and nature of the behavior. If the complaint is determined to be valid, the College will take a) remedial actions, including but not limited to changes to academic, living, transportation and working conditions, reasonably calculated to be effective and appropriate in ending the inappropriate activity, and b) measures to prevent recurrence. The College may also, in appropriate circumstances, seek to mediate a resolution that is satisfactory to the parties involved without reaching a conclusion as to the validity of the complaint.

Should the complainant elect to proceed formally, s/he may elect to stop the informal process at any time and proceed through the formal process.

C. Formal Resolution

A complainant may file a formal complaint with either the Director of Human Resources, Dean of the College, or Dean of Students without first using the independent course of action or the intervention for resolution procedure. A formal complaint should include the following: the respondent’s name and position; the times, dates, places, and circumstances surrounding the allegation of harassment; the names of any witnesses to the incident(s), and any other information believed to be relevant. All complaints will be taken seriously and will be investigated and addressed expeditiously by the Dean of Students, the Dean of the College, or the Director of Human Resources as appropriate.

Investigations of reports of harassment or discrimination shall incorporate the following standards:

1. The Director of Human Resources, Dean of the College or Dean of Students, and/or their designee, shall conduct formal investigations of allegations of harassment or discrimination and coordinate College response(s) to complaints of the same. The College reserves the right to use an independent third party investigator.
2. The individual(s) accused of conduct violating the College policy prohibiting harassment or discrimination shall be informed of the substance of the allegations. If the individual(s) accused cannot be located, attempts at notification shall be documented,
3. The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed and a review of relevant documents as appropriate.
4. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Those conducting an investigation should remain cognizant of the confidentiality of the investigation. Those conducting investigations may ask witnesses to refrain from sharing information regarding an investigation in appropriate circumstances.
5. At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate College officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative workplace or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the policy prohibiting such conduct.
6. The investigation shall be completed as promptly as possible and in most cases within 30 working days of the date the written complaint was received. In the event that an investigation cannot be completed within 30 working days, the parties shall be notified in writing.
7. Any individual who has engaged in harassment or discrimination or otherwise violated our policies will be subject to appropriate disciplinary action, up to and including immediate discharge. When appropriate, the complainant may be informed of the outcome of the investigation.

Appeal (Non Title IX): Rights of appeal under this process are found in the appropriate Student, Staff and Faculty Handbooks.

No Retaliation: Retaliation against an individual who in good faith complains or participates in an investigation about sexual and other unlawful harassment is a violation of the College's policy and is prohibited by state and federal law. Retaliation is a form of harassment and will be handled in the same manner as other forms of harassment. Any participant who believes s/he has been subjected to retaliation s/he should contact the Vice President for Human Resources & Administration; the Dean of Students; the Dean of the College; or the Director of Human Resources. Anyone found to be in violation of this retaliation provision may be subject to disciplinary action.

False Allegations/Information: No person shall make an allegation that he or she knows to be untrue or knowingly provide false information during the course of an investigation. Making a false complaint or giving false information is a violation of this Policy and may be a basis for disciplinary action, including expulsion or termination. Evidence of false complaints or information should be referred to the Dean of Students if a student is involved, the Dean of the College if a faculty member is involved, or to the Director of Human Resources if a staff member is involved.

II. TITLE IX

A. Policy Against Gender-Based Discrimination, Gender-Based Harassment, Sexual Harassment, Sexual Violence, Relationship Violence and Stalking (Title IX Violations)

The College declares and affirms a commitment to maintaining a healthy and safe learning, living and working environment for all members of the Saint Anselm community. The College does not condone and will not tolerate sexual harassment or sexual violence of any kind. Gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence and stalking are reprehensible wrongs that violate another person's rights and constitute unacceptable behavior. The College prohibits rape, domestic violence, dating violence, sexual assault and stalking as well as discrimination or harassment based on sex.

The College recognizes the need for freedom of inquiry and openness of discussion in its educational and research programs, and seeks to maintain an atmosphere of intellectual seriousness and mutual tolerance in which these essential features of academic life can thrive. This Title IX policy is not meant to proscribe or inhibit discussions, in or out of the classroom, of complex, controversial or sensitive matters when, in the judgment of a reasonable person, they arise appropriately and with respect for the dignity of others.

All members of the community should immediately report concerns about - or incidents of - gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence and/or stalking. Any student or employee who believes that he or she has been the subject of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence and/or stalking should report the incident or incidents to one of the following College representatives: Title IX Coordinator, Dean of Students, Dean of the College or the Director of Human Resources. The College encourages the timely reporting of any incident(s) of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence and/or stalking. The Title IX Coordinator, or her designee, will investigate all complaints that arise under Title IX, as set forth in the Complaint Procedure section below. The College hereby provides notice that it reserves the right to use third parties to investigate claims of Title IX violations. Persons found to be in violation of this policy may be subject to disciplinary action up to and including dismissal from the College or its employment.

If the College becomes aware of incidents of gender-based discrimination, gender-based harassment, sexual harassment, sexual violence, relationship violence and/or stalking, the College will take immediate action to eliminate the discrimination, harassment, or violence, prevent its recurrence, and address its affects.

During new student orientation, sexual assault awareness month, and throughout the academic year, a variety of educational programs focusing on sexual assault, sexual violence, sexual harassment, prevention and awareness will be presented to inform students about these issues and the steps that can be taken to prevent such issues from occurring.

Faculty and staff will also be provided training on issues related to Title IX.

B. Definitions

Gender-Based Discrimination refers to the unfair treatment of one person with respect to others in the same work or academic role, in terms of, including but not limited to, hiring, promotion, retention, grading, etc., because of that person's gender, including, but not limited to, pregnancy, gender identity, or failure to conform to stereotypical notions of masculinity or femininity.

Gender-based harassment includes, but is not limited to, acts of verbal, non-verbal, or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if these acts do not involve conduct of a sexual nature.

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

The first two conditions are defined by the EEOC as quid pro quo harassment and the third condition is defined as hostile environment harassment.

Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (see definition of "consent" below) due to the complainant's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including, but not limited to, rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual coercion refers to forcing an unwilling person to touch another's intimate parts.

Sexual Assault refers to an offense that meets the definition of rape, fondling, incest, or statutory rape. Rape is defined as the penetration, no matter how slight, of any orifice of another person without consent. Fondling is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Statutory rape is defined as sexual intercourse with a person who is under the statutory age of consent.

Sexual assault is committed against a person's will, as evidenced by refusal, lack of consent, or the use of force, threat or intimidation. A respondent's level of intoxication shall not diminish his/her responsibility for sexual assault.

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

Domestic Violence means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the family or domestic violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress. Examples of stalking behaviors or activities include, but are not limited to: (1) non-consensual communication, including face-to-face communication, telephone calls, voice messages, emails, text messages, social media postings, written letters, gifts, or any other communications that are unwelcome; (2) inappropriate use of online, electronic or digital technologies, including, but not limited to, posting of pictures, or text in chat rooms or on websites, sending unwanted/unsolicited email or talk requests, and posting private or public messages on Internet sites, social networks, and/or school bulletin boards; (3) pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person; (4) surveillance or other types of observation

including staring or “peeping;” (5) gathering information about an individual friends, family or co-workers; and (6) accessing private information through unauthorized means.

Consent means an informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological or any altered state (i.e. inebriation). A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct. Impairment due to drugs or alcohol does not diminish each party’s responsibility to obtain consent.

A reasonable person’s test is the standard by which an objective, reasonable person would find conduct to be abusive or hostile *and* the complainant also finds it to be abusive or hostile.

Bystander intervention refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of gender-based harassment, gender-based discrimination, sexual harassment, sexual violence, relationship violence or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Any time a member of the College Community sees another person in trouble or in harm’s way, they should call the Office of Campus Safety and Security at (603) 641-7000 as soon as possible.

C. SEXUAL VIOLENCE: REPORTING

1. Preservation of Evidence

The preservation of evidence in incidents of sexual violence is critical and particularly time-sensitive. The College administrator, faculty or staff member who first hears such an incident from a complainant will inform the complainant of the importance of preserving evidence by taking the following actions:

1. Seek medical assistance at the hospital, ideally within 72 hours of the incident;
2. Do not shower, bathe, wash hands or face, or douche;
3. Try not to urinate;
4. If oral contact took place, refrain from smoking, eating, drinking, or brushing teeth; and
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).

2. How to Report Incidents of Sexual Violence to the Local Authorities

The College encourages full reporting of sexual assault and/or sexual violence as well as the full use of all available campus and off-campus resources. The College also recognizes that someone who believes that s/he has been sexually assaulted and/or experienced sexual violence has the right in most circumstances to decide whether to report the incident to College authorities and/or law enforcement and to decide what campus or community resources to use. The College cooperates with all investigative agencies. The College will do its best to comply with the wishes of someone who believes that s/he has been sexually assaulted and/or experienced sexual violence.

Goffstown Police Department: “911”, or “555” from a campus landline for an emergency; otherwise (603)497-4858 for the office

3. How to Report Incidents of Gender-Based Discrimination, Gender-Based Harassment, Sexual Harassment, Sexual Violence, Relationship Violence or Stalking to the College

Any person who believes that s/he has experienced a Title IX violation should contact the Title IX Coordinator, the Dean of Students, the Dean of the College or the Director of Human Resources.

Please note: if a person makes a report to a faculty or “responsible” staff member, federal law requires that the information be reported to the Title IX Coordinator. Reports include the name of the individual who reported that s/he has been assaulted/violated, residence hall assignment (if applicable), date, time and the location of the incident.

D. INTERIM MEASURES DURING AN INVESTIGATION AND RESOLUTION OF A REPORT OF A TITLE IX VIOLATION

Anyone who believes that s/he has experienced a Title IX violation may:

- Choose to report the incident and press charges through the local law enforcement agency and/or file a report with the Office of Campus Safety & Security
- Utilize Campus Safety to be escorted on Campus if feeling unsafe
- Utilize counseling services as set forth in the Campus and Community Resources below

For Students, the following interim measures may be implemented to the extent they are deemed reasonable, feasible, and necessary based on the circumstances:

- Request a change, when possible, to his/her campus housing assignment or the campus housing assignment of respondent
- Request a change, when possible, to his/her class schedule or the class schedule of respondent
- Request a restriction be placed on entrance into certain campus areas or buildings
- Request escort services while on campus
- Request a no contact order with respondent(s)
- Request Academic Support
- Request counseling services through College Health Services

To request an interim measure, students may contact the Dean of Students, the Associate Dean of Students, or their designee.

For Employees, the following interim measures may be implemented to the extent they are deemed reasonable, feasible, and necessary based on the circumstances:

- Request a change, when possible, to his/her office location or the office location of the respondent
- Request a change, when possible, to employee’s supervisor
- Request a no contact order with respondent(s)
- Request escort services while on campus
- Request a leave of absence from the College for the complainant or respondent

To request an interim measure, faculty and/or staff may contact the Title IX Coordinator.

Procedures

Due to the extremely private nature of sexual assault and/or sexual violence incidents, the College will not normally pursue charges of sexual assault and/or sexual violence unless the person who believes s/he has been sexually assaulted/violated is involved in the process.

However, the College reserves the right, in its sole discretion, to pursue an incident of sexual assault to its conclusion in cases where not pursuing the incident would constitute a danger to the College community.

Actions by the police or the criminal courts do not in any way prejudice the right of a person to bring a charge using the College’s disciplinary procedures described below.

If a report is made to the Office of Campus Safety & Security, the Title IX Coordinator will be notified that a report of sexual assault and/or sexual violence has been made. This notification will usually include the names of the persons involved in the alleged sexual assault and/or sexual violence and the nature of the allegations.

All complaints of sexual assault and/or sexual violence will be investigated.

E. COMPLAINT RESOLUTION PROCEDURES

The procedures outlined in this policy are designed to resolve a situation fairly, prevent further Title IX violations, and mitigate harm to, first and foremost, the complainant, and also to the spirit of the College community.

Individuals who are aware of or who have experienced an incident of gender-based harassment, gender-based discrimination, sexual harassment, sexual violence, relationship violence or stalking should promptly report the occurrence to the Title IX Coordinator, Dean of Students, the Dean of the College or the Director of Human Resources. Each of these individuals will listen to the facts and review, with the reporter, the options for further appropriate action under the circumstances.

Any individual who receives a report of misconduct or a violation of this policy should immediately report the misconduct and/or violation to the Title IX Coordinator, Dean of Students, the Dean of the College or the Director of Human Resources. *The College requires the following individuals to report any instances or allegations of potential violations of this policy: department chairs, directors, faculty, supervisors and administrators at all levels. Failure to carry out this responsibility may be grounds for disciplinary action.*

The confidentiality of all individuals involved, including the complainant, respondent and any witnesses, will be protected to the extent possible. Only relevant information will be disclosed to those people with a need for information regarding the investigation and/or resolution of the complaint. Dissemination of information relating to these cases is limited so as to insure, as fully as possible, the privacy of the individuals involved. Additionally if the complainant wishes to remain anonymous, or not pursue a formal complaint, the complainant should be advised that the College's response may be limited. However, because of the College's obligation to maintain a safe environment for all members of the College community, the College may have an obligation to pursue an investigation without the complainant's cooperation. In such cases, the College will take preventative measures to preserve confidentiality to the extent permissible by applicable law.

The College will not retaliate against an individual for his/her participation in the investigation or hearing of a harassment complaint. The College does, however, reserve the right to use information obtained from any source in the course of an investigation or hearing as the basis for further investigation and, potentially, disciplinary proceedings.

Related Alcohol and Drug Violations: The health and safety of every student at the College is of utmost importance. The College 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 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.

Because the College strongly encourages students to report gender-based misconduct, it has adopted the following policy: A student (including a bystander), acting in good faith, who discloses any incident of gender-based misconduct to a College employee will not be subject to disciplinary action for violations of alcohol and/or drug policies occurring at or near the time of the gender-based misconduct.

Support services are available on and off campus for any individual who wishes assistance in dealing with harassment experiences. Please see the "Campus and Community Resources" section for further information.

The Complaint

A formal complaint should include the following: the respondent's name and position; the times, dates, places, and circumstances surrounding the allegation of harassment; the names of any witnesses to the incident(s), and any other information believed to be relevant.

All complaints will be taken seriously and will be investigated and addressed expeditiously, usually within sixty (60) working days of receipt of the complaint by the Title IX Coordinator or her representative, the Dean of Students, the Dean of the College, or the Director of Human Resources as appropriate. Every reasonable effort will be made to preserve the confidentiality of all parties to the extent that the investigative process allows. Only relevant information will be disclosed to those people with a need for information regarding the investigation.

Investigation

Investigations of reports of sexual harassment or sexual misconduct/violence pursuant to Title IX shall incorporate the following standards and is a prompt, fair, and impartial process from the initial investigation to the final result:

1. The Title IX Coordinator and/or her designee conduct formal investigations of allegations of sexual harassment or sexual misconduct/ violence, and coordinate College response(s) to complaints of the same. The College reserves the right to use third parties to investigate claims of Title IX violations.
2. The individual(s) accused of conduct violating the College policy prohibiting sexual harassment or sexual misconduct/violence shall be informed of the substance of the allegations. If the individual(s) accused cannot be located, attempts at notification shall be documented,
3. The individual(s) conducting the investigation shall be familiar with the policy prohibiting harassment and discrimination and have training and/or experience in conducting investigations.
4. The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed and a review of relevant documents as appropriate.
5. Once the College determines that it is undertaking a formal investigation (as distinct from a preliminary inquiry in response to a complaint or information), it will inform a complainant and respondent that they may be accompanied to any complaint- related proceeding including but not limited to fact-finding investigations and meetings, formal or informal, by the advisor of their choice. The principal role of an advisor is to serve as a support to a complainant or respondent, and not as a representative or advocate in interactions with College officials. Advisors may communicate with the student in a quiet and non-disruptive manner but are not permitted to speak on behalf of the parties during any such proceeding.
6. Students are obligated to cooperate in an investigation and respond to questions and requests for information fully and truthfully. A student who declines to cooperate as required may be subject to disciplinary action, and the College may draw an adverse inference based on the refusal to cooperate.
7. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. All participants in an investigation, including advisors, shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation and will be advised to refrain from discussing the pending investigation.
8. At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate College officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative workplace or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the policy prohibiting sexual misconduct.
9. The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the written complaint was received. In the event that an investigation cannot be completed within 60 working days, the parties shall be notified in writing.
10. Upon conclusion of the investigation, the Title IX Coordinator (after consultation with the Deputy Title IX Coordinator for cases *involving student complaints against students*) may appoint a 3-member Conduct Review Panel or may determine an alternative procedure for addressing the complaint in circumstances he/she determines to be appropriate.

Hearing (Student complaints against students)

Both the respondent and complainant will be permitted a “read only” opportunity to review the available information which the other will be providing the Panel.

The investigator will present discovered fact and materials to the hearing panel, who may question the investigator, the complainant, and/or the respondent.

The complainant and respondent are both permitted to have an advisor of choice present at the hearing. An advisor may attend a hearing to provide advice and support to either the complainant or respondent, but is not permitted to speak on behalf of or advocate for the complainant or respondent, make statements to the hearing panel or question participants. If an advisor attends the hearing, the advisor is permitted to communicate with the complainant or respondent quietly and in a non-disruptive manner, but may not be directly involved in the proceeding. The Chair of the hearing panel has discretion to place limitations or

conditions on the advisor's presence or participation, and in extreme cases, where an advisor fails to adhere to this policy and disrupts a hearing, the advisor can be dismissed from the hearing.

Complainants and respondents are required to notify the Deputy Title IX Coordinator, who in turn will notify the Chair of the Conduct Review Panel, 24 hours in advance if the advisor will be present. A student should select an advisor whose schedule allows attendance at the scheduled date and time for any hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. Advisors are required to preserve the confidentiality of the proceedings.

Any cost associated with the participation of an advisor is the sole responsibility of the individual seeking the advisor's assistance.

The hearing panel will determine, based on a preponderance of the evidence, whether the respondent violated the Policy. The Chair of the Conduct Review Panel will then notify the Title IX Coordinator (and the Deputy Title IX Coordinator as appropriate) of the panel's decision and assigned disciplinary actions. Additionally, after a decision is made concerning resolution of the complaint and any disciplinary actions to be imposed, the Chair will notify simultaneously the complainant and the respondent in writing of the outcome.

Generally, a hearing outcome will result in a written document that includes a statement of the allegations and issues, a determination as to whether College policy has been violated, and any disciplinary actions, if appropriate, including but not limited to educational programs, counseling/coaching, mediation, remedies for the complainant, and a referral to other disciplinary procedures, as appropriate.

The complainant shall be informed of the findings and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as a recommendation that the accused not contact the complainant. The complainant may be notified generally that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the respondent. The respondent shall be informed of the findings and of actions taken or recommended to resolve the complaint and shall be notified generally of referrals for disciplinary action and recommended disciplinary action.

No person shall make an allegation that he or she knows to be untrue or knowingly provide false information during the course of an investigation. Making a false complaint or giving false information is a violation of this Policy and may be a basis for discipline, including expulsion or termination. Evidence of false complaints or false information shall be referred to the Dean of Students if a student is involved, the Dean of the College if a faculty member is involved, or to the Director of Human Resources if a staff member is involved.

The outcome of a proceeding, and evidence and information gathered in the course of an investigation and hearing, may be used in, and serve as a basis for, other related proceedings, such as subsequent complaints, investigations, grievances, and/or disciplinary actions.

Copies of the outcome and sanctions will be provided to those College administrators, academic leaders, and supervisors who are directly responsible for implementing measures to correct any sexual harassment or sexual misconduct/violence. General information and aggregate data may be provided at regular intervals to enact preventions and create a campus culture aimed at preventing conditions for sexual harassment and sexual misconduct/violence.

Regardless of the method of resolution or the outcome, complainant is at all times free to pursue a complaint with the Equal Employment Opportunity Commission, the New Hampshire Commission for Human Rights, the United States Department of Education (Office for Civil Rights), the United States Department of Labor (Office of Federal Contract Compliance Programs), or by consulting an attorney at her or his own expense.

Sanctioning

If the respondent is found to have violated the Policy, action will be taken to eliminate the sexual harassment or sexual misconduct. Disciplinary sanctions and/or corrective actions may include, but are not limited to any of the following: a warning, a reprimand, required attendance at an educational workshop, counseling or evaluation; no contact order; restitution, transfer, suspension, job termination, or dismissal of the respondent or anyone knowingly making a false complaint or providing false information.

In situations where the respondent is found to have violated the Policy by committing stalking, the recommended sanctions include no contact order, suspension, transfer, or in some extreme situations and at the discretion of the College, discharge or dismissal from the College.

In situations where the respondent is found to have violated the Policy by committing sexual assault, rape, domestic violence, or dating violence, the recommended sanction will be suspension or dismissal from the College.

The College reserves the right to modify sanctions depending on the facts and circumstances of the particular incident.

Additional sanctions, up to and including termination/dismissal, may be imposed in the event that the respondent fails to comply with the initial disciplinary sanctions imposed.

Appeals

The complainant and the respondent shall be informed simultaneously in writing of the completion of a disciplinary proceeding (whether before the Conduct Review Panel or otherwise). The complainant and the respondent will also be informed of the procedure and timing for appeal of the outcome.

Either party has the right to appeal a decision and/or sanction in a disciplinary case. The complainant or respondent will have five (5) working days after the receipt of the outcome to file an appeal. Appeals must be based on one of the following conditions:

- (1) alleged procedural errors substantially affecting the decision;
- (2) the introduction of newly discovered evidence that was not reasonably available prior to the decision and of a nature that would likely have had a direct and significant impact upon the decision; or
- (3) the sanction is disproportionate to the severity of the violation. Disclosure of the sanctions will be made in accord with the context noted above (directly related to) and the FERPA guidelines.

The appeal must be in writing, signed by originating complainant or respondent and submitted as outlined in the handbook appropriate to the individuals (i.e., faculty, the Faculty Handbook; staff, the Staff Handbook; and students, the Student Handbook).

Retaliation

Retaliation of any kind is prohibited. Anyone who reports an actual or suspected incident of harassment, discrimination or violence based on sex, or who participates in an investigation, will not be subjected to retaliation. If a Complainant or witness believes s/he has been subjected to retaliation s/he should contact the Title IX Coordinator; the Dean of Students, the Dean of the College or the Director of Human Resources. Anyone found to be in violation of this retaliation provision will be subject to disciplinary action.

TITLE IX COORDINATOR

The Saint Anselm College Title IX Coordinator is responsible for coordinating the efforts of the College to comply with Title IX. The Title IX Coordinator for the College is:

Patricia Shuster, Vice President for Human Resources & Administration

Saint Anselm College; Box 1699; 100 Saint Anselm Drive; Manchester, NH 03102

(First floor of Alumni Hall)

Email: titleXcoor@anselm.edu

Phone: (603) 641-7150

Fax: (603) 222-4015

Students, faculty, and staff may contact the Title IX Coordinator's Office to inquire about their rights under the College's policies, request counseling, or to seek information about filing a complaint.

Campus and Community Resources

College Health Services (for Students) (603) 641-7000 after business hours
Cushing Ctr. (ground floor) & later in AY16-17, trailer behind Cshop
641-7028

Campus Safety & Security (603)641- 7000 after business hours
(603) 641-7260

Employee Assistance & Work/Life Program 1-800-647-9151
Anthem Employee Assistance Program

Domestic and Sexual Violence Advocacy, Support groups and Emergency

YWCA Hot Line: (603)668-2299
72 Concord Street (24 hour crisis line)
Manchester, NH 03101 Office: (603) 625-5787

Bridges: Domestic & Sexual Violence Support 603-883-3044 (24 hour hotline)

Pastoral Counseling Services (603)627-2701
2013 Elm St., Manchester

Elliot Hospital (603)669-5300
One Elliot Way, Manchester NH 03103

Catholic Medical Center Emergency (603)668-3545
100 McGregor Street, Manchester, NH, 03102

Mental Health of Greater Manchester (603)668-4111
401 Cypress Street, Manchester, NH 03103

The Samaritans Crisis: (603)622-3836

Other Locations throughout southern NH

Bridges Domestic & Sexual Violence Support (office) 603-672-9833
16 Elm St., Milford, NH

Rape & Domestic Violence Crisis Center 603-225-7376
Concord, NH

NH Statewide Sexual Assault (24hr hotline) 1-800-277-5570

Legal Assistance

NH Legal Assistance 668-2900 or 1-800-562-3174
Legal Referral Service 1-800-639-5290

INTERPERSONAL RELATIONSHIPS

Faculty/Staff and Student Relationships

The relationship between a faculty or staff member and a student at the College is one which exists primarily to encourage and advance the intellectual development of the student. The relationship is meant to be formative and always to promote the academic and personal development of the individual student. Introducing romantic or sexual elements into that relationship is

fraught with the potential for exploitation and can potentially damage or undermine that development. Furthermore, the respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make suspect a claim of voluntary consent by the student. Therefore, romantic relationships between faculty or staff and students are ill-advised and strongly discouraged. This policy, and its reporting obligations, applies whether or not a student has a formal academic or institutional relationship with a faculty member (such as a student in a faculty member's class.)

In the event that a romantic relationship does develop, the person in the position of authority is immediately required to:

1. Discontinue exercising any authority over the student.
2. Report the relevant facts to his or her own supervisor (if a faculty member, the Dean of the College *or* if a staff member, his or her supervisor or the Director of Human Resources).
3. Confer with his or her own supervisor with respect to any necessary transfer of authority to another.

The Dean of Students will also be informed of the relationship by the Dean of the College or the Director of Human Resources.

Prompt action is mandatory in fulfilling these requirements. Otherwise the person in authority is in violation of the College's harassment policy and may be disciplined in accordance with it.

Faculty and staff should be aware that they possess or may be perceived to possess authority over students. Thus if a charge of sexual harassment is subsequently made by the student in a romantic relationship, it will be extremely difficult to prove mutual consent.

The foregoing does not apply in the same manner to individuals whose consensual relationship antedates their enrolling or being employed at the College. If a prior relationship exists between a faculty or staff member and a student, this relationship must be disclosed to the Dean of the College in the case of faculty and to the Director of Human Resources in the case of staff members, and alternative means of professional responsibility must be implemented. It should be noted that the circumstances of the relationship may change, and conduct previously welcome may become unwelcome. Even when both parties have consented at the outset, this past consent does not remove the grounds for a charge based on subsequent unwelcome conduct.

Supervisor and Employee Relationships

The power differential inherent in a relationship between an individual who either directly or indirectly supervises an employee compromises the employee's ability to decide freely. Professionalism is threatened by a romantic or sexual relationship where one party has professional responsibility over the other. Moreover, relations in which one party is in a position to review the work - or influence the career - of the other may provide grounds for complaints from third parties when that relationship gives or is perceived to give undue access or advantage and/or restrict opportunities. Professionalism within the College demands that those with authority not abuse - nor seem to abuse - the power with which they have been entrusted. Therefore, romantic or sexual relationships between these parties are prohibited.

Isolated Behaviors

Isolated behavior which does not rise to the level of harassment but which, if repeated, could rise to such a level, demonstrates insensitivity that may warrant remedial or corrective action. Academics or administrators who become aware of such behaviors in their areas should counsel those who have engaged in the behavior. Such counsel should include a clear statement that the behavior is not acceptable and should cease, information about the potential consequences if such a behavior persists, and a recommendation - as appropriate - to undertake an educational program designed to help individuals understand the harm caused by such behavior. After such counsel, if a person continues to engage in the identified, inappropriate behavior, said individual may be deemed to have engaged in harassment and may be disciplined in accordance with this policy.