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Title IX: Prohibiting Gender-Based Discrimination

Saint Mary's College of California

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Title IX – Related Policies

Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education Office For Civil Rights provides guidelines to ensure that schools take effective steps to respond to sexual harassment and sexual violence in accordance with the requirements of Title IX. These individuals will support and provide information regarding options, grievance procedures, interim remedies, and ongoing emotional support. These individuals will assist in eliminating the misconduct, preventing its occurrence, and addressing the effects:

Saint Mary's College Title IX Coordinator

Laurie Panian, Associate Vice President and Chief Human Resources Officer/Title IX Coordinator
lmp10@stmarys-ca.edu
925-631-4212

Saint Mary's College Title IX Deputy (involving staff/faculty/third party vendor)

925-631-4212

Saint Mary's College Title IX Deputy (involving students)

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Consensual Sexual or Romantic Relationship Policy

Overview

This policy highlights the risks in sexual or romantic relationships in the Saint Mary's College of California workplace or academic setting between individuals in inherently unequal positions; prohibits certain relationships between teachers and students; and requires recusal (from supervision and evaluation) and notification in other relationships.

1. In General

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. In the college context, such relationships include (but are not limited to) teacher and student, supervisor and employee, faculty at different ranks including adjunct faculty, mentor and trainee, adviser and advisee, teaching assistant and student, coach and athlete, and individuals who supervise the day-to-day student living environment and their students.

Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Further, these relationships are often less consensual than the individual whose position confers power or authority believes. In addition, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a sexual

or romantic involvement, this past consent does not remove grounds for a charge of inappropriate behavior based upon subsequent unwelcome conduct.

Such relationships may also have unintended, adverse effects on the climate of an academic program or work unit, thereby impairing the learning or working environment for others – both during such a relationship and after any break-up. Relationships in which one party is in a position to evaluate the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or simply creates a perception of these problems. Additionally, even when a relationship ends, there may be bias (even if unintentional) for or against the former partner, or there could be an ongoing impression of such bias; in other words, the effects of a romantic or sexual relationship can extend beyond the relationship itself.

Since these relationships can occur in multiple contexts on campus, this policy addresses certain contexts specifically below. However, the policy covers all sexual and romantic relationships involving individuals in unequal positions, even if not addressed explicitly in what follows.

2. With Students

In the Lasallian tradition, the teacher-student relationship is a sacred one; it lies at the heart of the College's educational mission and its integrity must be maintained. The teacher's influence and authority can extend far beyond the classroom and into the future, affecting the academic progress and careers of our students.

Accordingly, the College expects teachers to maintain interactions with students free from influences that may interfere with the learning and personal development experiences to which students are entitled. In this context, teachers include those who are entrusted by Saint Mary's to teach, supervise, mentor and coach students, including faculty of all ranks, adjunct faculty and academic advisors. The specific policies on teachers outlined below do not apply to Saint Mary's students (undergraduates, degree completion programs, and graduate/professional) who may at times take on the role of teachers or teaching assistants, policies for whom are addressed in a separate section below.

As a general proposition, the College believes that a sexual or romantic relationship between a teacher and a student – even where consensual and whether or not the student is subject to supervision or evaluation by the teacher – is inconsistent with the proper role of the teacher.

Consequently, the College has established the following parameters regarding sexual or romantic relationships with Saint Mary's students:

First, because of the inherent vulnerability of traditional undergraduates [1] in such relationships, sexual or romantic relationships between teachers and traditional undergraduate students are prohibited regardless of current or future academic or supervisory responsibilities for that student.

Second, whenever a teacher has had, or in the future might reasonably be expected to have, academic responsibility over any student in a graduate or professional studies or certificate program, such relationships are prohibited.

No teacher shall exercise academic responsibility over any student with whom they have previously had a sexual or romantic relationship. "Academic responsibility" includes (but is not limited to) teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, and recommending for admissions, employment, fellowships or awards.

Third, because certain staff (including and not limited to deans and other senior administrators, coaches, supervisors of student employees, and Resident Directors, as well as others who mentor, advise or have authority over students) also have broad influence on or authority over students and their experience at Saint Mary's, sexual or romantic relationships between such staff members and traditional undergraduate students are prohibited. Similarly, relationships between staff members and any students in a graduate or professional studies program over whom the staff member has had or is likely in the future to have such influence or authority are prohibited.

Preexisting sexual or romantic relationships between faculty/staff and students are not prohibited by this policy. However, in the case of such a preexisting sexual or romantic relationship, the employee must both recuse themselves from any supervisory or academic responsibility over the student, and notify their supervisor, department chair or dean about the situation so that adequate alternative supervisory or evaluative arrangements can be put in place. This obligation to recuse and notify exists for past as well as for current relationships.

Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

3. Between Students (Student Teachers, Teaching Assistants (TA), Resident Advisors (RA), and Graders)

Many existing policies govern student responsibilities towards each other (e.g. [see Student Handbook](#) or RA/TA agreements). This policy applies when undergraduate or graduate/professional students or post-doctoral scholars are serving in the teaching role as teachers, TAs, graders, RAs or research supervisors. The policy does not prohibit students from having consensual sexual or romantic relationships with fellow students. However, if such a relationship exists between a student teacher and a student in a setting for which the student teacher is serving in this capacity, they shall not exercise any evaluative or grading functions for that student.

The student teacher must notify their supervisor so that alternative evaluative or oversight arrangements can be put in place. [2]

Failure to notify a supervisor of past and current relationships and to recuse in the case of a current relationship in this situation will be subject to discipline under the Student Handbook codes of conduct.

There are certain circumstances in the context of student teachers where recusal can be complicated (e.g. SI/T leader). For these circumstances, the faculty or staff supervisor, upon notification from their student teacher, would be responsible to ensure impartiality in the evaluative or supervisory roles played by student teachers toward a student in their course with whom they have a current sexual or romantic relationship.

4. In Other Contexts

Consensual sexual or romantic relationships between adult employees (including faculty) are not in general prohibited by this policy. However, relationships between employees in which one has direct or indirect authority over the other are always potentially problematic. This includes not only relationships between supervisors and their staff but also between faculty of different ranks/adjuncts, between faculty of different ranks/adjuncts and academic/non-academic staff, and so forth. This concern exists even where the employees are in a pre-existing relationship, marriage or domestic partnership.

Where such a relationship develops, the person in the position of greater authority or power must recuse themselves from any direct supervisory or evaluative function over the other person in the relationship and must, in any situation of direct or indirect authority, notify their supervisor, department chair, dean or human resources manager, so that person can ensure adequate alternative supervisory or evaluative arrangements are put in place. [3]

The obligation to recuse and notify exists for past as well as for current relationships.

Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

The College has the authority to take reasonable steps necessary or appropriate to carry out this policy, including transferring either or both employees to minimize disruption of the work group.

5. Additional Matters

If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose. Where the relationship among the individuals is that of marriage or domestic partnership, this policy will not prohibit the relationship, however all other conditions and procedures addressed in this policy will apply. Questions may be addressed to your supervisor or cognizant dean or to the Title IX Coordinator or the Associate Vice President for Human Resources. In those situations where it is programmatically infeasible to provide alternative supervision, academic responsibility and/or evaluation, the cognizant dean, director or supervisor must approve all (as applicable) academic responsibility, evaluative and compensation actions.

Employees who engage in sexual or romantic relationships with a student or other employee contrary to the guidance, prohibitions and requirements provided in the policy are subject to disciplinary action up to and including dismissal, depending on the nature of and context for the violation. They will also be held accountable for adverse consequences that result from those relationships.

The procedures for investigating alleged violations of the Consensual Sexual or Romantic Relationships policy and the sanctions for violations of this policy are the same procedures and sanctions for violations of the Title IX Policy and other nondiscrimination College policies.

This Policy applies to all students (undergraduate, graduate and professional, degree-completion, and certificate), faculty of different ranks, salaried adjunct and per-course adjunct faculty, staff and others who participate in Saint Mary's College of California programs and activities.

[1] Traditional undergraduate students include all undergraduates except those in degree completion programs like BALOS and LEAP.

[2] It is not the responsibility of the supervisor to search out such sexual and romantic relationships between student teachers and their students but it is the responsibility of the supervisor to ensure that appropriate steps are taken when such relationships are made known to them.

[3] Because of the varied ways in which faculty evaluate the work of other faculty, e.g. UEPC review of new course proposals, recusal may be infeasible in all situations. However, recusal is always required in situations of direct supervision (e.g. chair to faculty member in the department), and notification is required in all circumstances.

Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation

Saint Mary's College of California is committed to creating and maintaining a community in which all persons who participate in Saint Mary's programs and activities can work and learn together in an atmosphere free of all forms of discrimination, exploitation, intimidation, or harassment, including sexual, based on a legally protected characteristic or status. Every member of the Saint Mary's community should be aware that Saint Mary's will not tolerate harassment or discrimination on the basis of race, color, religion, national origin, ancestry, age, gender, sexual orientation, marital status, medical condition, or physical or mental disability, gender stereotyping, taking a protected leave (e.g. family medical or pregnancy leave) or on any other basis protected by applicable laws. Such behavior is prohibited both by law and by Saint Mary's policy. It is Saint Mary's intention to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior which violates this policy, which may include suspension, termination, expulsion, and/or other sanction appropriate to the circumstances and violation. All members of the Saint Mary's community, including faculty, students, and staff are responsible for maintaining an environment that is free of sexual harassment (including sexual violence) and other forms of discrimination, harassment and retaliation as described in this Policy.

Sex and/or gender-based discrimination is further defined as harassment that is unwelcome conduct based on a student's actual or perceived sex, including harassing conduct based on a student's gender expression, gender identity, transgender status, gender transition, or nonconformity with sex stereotypes.

This type of harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or gender-based characteristics, but not involving conduct of a sexual nature (e.g., the repeated sabotaging of female students' laboratory experiments by male students in the class), may be a form of sex discrimination prohibited by law. While sex and/or gender-based discrimination may be distinguished from sexual harassment, acts of sex and/or gender-based discrimination may contribute to the creation of a hostile work or academic environment. Thus, a determination of whether a hostile environment due to sexual harassment exists may take into account acts of sex/gender-based discrimination.

NOTE: Nothing in Saint Mary's policy prohibiting sexual harassment should be construed to prevent employees from rigorously challenging fundamental beliefs held by students and society. However, employees may not interject into the academic setting sexual material that is unrelated to any legitimate educational objective or allow the educational setting to be so sexually charged that Saint Mary's students are prevented from effectively participating in the academic environment.

I. DEFINITIONS - VIOLATIONS OF COLLEGE POLICY

(for specific behavioral examples of each violation, please refer to the section under, "Warning Signs of Unhealthy Relationships and Abusive Behavior")

Intimate partner violence (IPV)

Referred to as dating or domestic violence, committed against a person by a spouse or former spouse, a cohabitant or former cohabitant with whom a romantic relationship has occurred, a person with whom they have a child, or a person with whom they have a previous or current dating, romantic, intimate, or sexual relationship. The existence of such a relationship shall be based on the reporting party'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.

IPV is an action by a person towards the other that may include physical, sexual, psychological, and/or emotional harm to that person. It can also include verbal abuse, damage to their possessions or threats to harm them or their loved ones, which causes a reasonable person to be afraid. There is often a dynamic of power and control within the relationship.

Please see examples of IPV in this handbook.

Non-Consensual Sexual Contact

Non-consensual sexual contact is defined as:

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent

Sexual touching includes, but is not limited to, any physical contact with the breasts, genitals, buttocks, mouth or other bodily orifice of another individual; (a) by another with any of these body parts or (b) making another touch you or themselves *with* or *on* any of these body parts without consent. The non-consensual contact may also include any other physical contact completed for the specific purpose of sexual arousal or gratification.

Sexual Assault

Sexual Assault is defined as:

- any sexual penetration (anal, oral, or vaginal)
- however slight
- with any object
- by a person upon another person
- that is without consent

Sexual penetration includes, but is not limited to, vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Sexual Misconduct

Sexual Misconduct encompasses any unwelcome behavior of a sexual nature and can include the following:

(a) Non-consensual viewing, recording, dissemination

The privacy and dignity of all persons in the university community must be guarded. The following conduct is prohibited:

- Observing or recording by any means the nudity or sexual activity of another without that person's consent;
- Allowing another to observe or record the nudity or sexual activity of another without the person's consent;
- Sharing images or recordings of the nudity or sexual activity of another without that person's consent.

(b) Sexual Exploitation

Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual policy offenses.

(c) Sexual Harassment

Sexual harassment is a form of sex and/or gender-based discrimination which may include physical, verbal, nonverbal and/or visual communication or written communication. Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. Such conduct has the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or abusive *working or learning* environment.

Sexual harassment is determined by the totality of the circumstances, including, but not limited to, the following:

- The frequency of the offensive conduct;
- Its seriousness;
- Whether it is physically threatening or humiliating;
- The location of the conduct and the context in which it occurred;
- The degree to which the conduct affected the education or employment environment; and
- The relationship between the parties.

Some sexual harassment behaviors may also be stalking and/or sexual assault. Some conduct that may appear to be consensual may also be unacceptable and deemed harassment.

Please see examples for each of these separate violations in this handbook.

Stalking

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. This includes cyber-stalking which is a course of conduct in which a Respondent uses electronic media, such as the internet, social networks, blogs, cell phones, or text messages to cause reasonable fear or emotional distress.

For the purposes of this definition: Course of conduct means a pattern of behavior composed of two or more acts over any period of time including, but not limited to, acts which the stalker 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.

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Please see examples for Stalking in this handbook.

II. WARNING SIGNS OF UNHEALTHY RELATIONSHIPS and ABUSIVE BEHAVIOR

Someone may be in an emotionally abusive relationship if their partner:

- Calls them names, insults them or continually criticizes them.
- Does not trust them and acts jealous or possessive.
- Tries to isolate them from family or friends.
- Monitors where they go, who they call and who they spend time with.
- Monitors and/or controls their social media accounts (what they post, who they are friends with/connected to, etc.)
- Checks their partner's cell phone for text messages and/or calls.
- Threatens to commit suicide if the other partner wants to dissolve the relationship.
- Does not want them to work.
- Controls finances or refuses to share money.
- Punishes them by withholding affection.
- Expects them to ask permission to spend time with friends, spend money, wear certain clothes or makeup, etc.
- Threatens to hurt them, their friends, family or pets.
- Humiliates them in any way.

Someone may be in a physically abusive relationship if their partner has ever:

- Damaged property when angry (thrown objects, punched walls, kicked doors, etc.).
- Pushed, slapped, bitten, kicked or choked them.
- Abandoned them in a dangerous or unfamiliar place.
- Scared them by driving recklessly.
- Used a weapon to threaten or hurt them.
- Forced them to leave their home.
- Trapped them in their home or kept them from leaving.
- Prevented them from calling police or seeking medical attention.
- Used physical force in sexual situations.

Someone may be in a sexually abusive relationship if their partner:

- Views women as objects and believes in rigid gender roles.
- Accuses them of cheating or is often jealous of their outside relationships.
- Wants them to dress in a sexual way.
- Insults them in sexual ways or calls them sexual names.

- Has ever forced or manipulated them into to having sex or performing sexual acts.
- Held them down during sex.
- Demanded sex when they were sick, tired or after physically harming them.
- Hurt them with weapons or objects during sex.
- Involved other people in sexual activities with them.
- Ignored their feelings regarding sex.

Someone may be a victim of stalking through:

- Non-consensual communication through various forms including, but not limited to, in-person communication, telephone calls, voice messages, written letters, and gifts, or through text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, that are undesired and/or place another person in fear or cause emotional distress.
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim.
- Surveillance and other types of observation, whether by physical proximity or electronic means.
- Trespassing
- Vandalism
- Non-consensual touching
- Direct physical and/or verbal threats against a victim or a victim's loved ones.
- Gathering of information about a victim from family, friends, co-workers, and/or classmates.
- Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to the victim.
- Defamation or slander against the victim.

Examples of Sexual Exploitation include, but are not limited to:

- Invasion of sexual privacy.
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex).
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person.
- Intentionally or recklessly exposing one's genitals.
- Invasion of sexual privacy.
- Inducing another to expose their genitals.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Examples of Sexual Harassment include, but are not limited to:

- Direct propositions of a sexual nature.
- Sexual innuendos and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching.
- Direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc.
- Conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomfoting, humiliating or both, and that includes one or more of the following:

- comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screensaver, which are sexually explicit);
- unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature;
- remarks of a sexual nature about a person's clothing or body;
- insulting sounds or gestures, whistles, or catcalls;
- invading someone's personal space or blocking their path;
- unwelcome and inappropriate letters, telephone calls, electronic mail, or other communications;
- displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screensavers);
- a consensual romantic or sexual relationship which:
 - causes adverse treatment of third parties; or
 - creates a hostile or intimidating working or learning environment for third parties

III. CONSENT

Consent is defined as unambiguous and willing participation or cooperation in act or attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. If you have sexual activity with someone you know to be- or should know to be – mentally or physically incapacitated (for example, by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, where, why or how of their sexual interaction. Expression of nonconsenting does not have to be verbal; it can be communicated with gestures or body language. Silence, in and of itself, cannot be interpreted as consent. A prior sexual history between the complainant and respondent does not constitute consent.

Consent is not freely given if:

- It is obtained through the use of force, through the fear of or the threat of force, intimidation, coercion, or by kidnap; or
- A reasonable person in the position of the alleged respondent at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:
 - The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
 - The individual is unconscious, asleep, or suffering from shock; or
 - The individual is under the age of eighteen and therefore legally unable to give consent; or
 - The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.
 - The individual has acted or spoken in a manner which expresses they refuse to give consent.

The foregoing description is what it means to have obtained affirmative consent.

IV. SANCTIONS

Sanctions are designed to hold students accountable for their actions and to protect the safety of the College community. If a finding of responsibility is made, the Disciplinary Hearing Board (DHB) has determined consent was not present. Therefore, the DHB may determine sanction(s) based on the gravity of a respondent's actions, intent, and past campus allegations and/or conduct record, even if those allegations did not result in a finding. In the event an "Agreed Resolution" is reached these sanctions are determined by the Dean of Students or designee - *see Article IV*.

Additionally, the following will be considered:

- A. The presence of force (direct or implied)
- B. The presence of threat (direct or implied)
- C. The fear of threat/force
- D. The state of incapacitation
- E. The presence of coercion and/or intimidation
- F. The presence of a pattern and/or practice of behavior

Sanctions for each policy violation will be determined pursuant to the following guidelines:

- **Intimate Partner Violence** (any of the following or a combination of: expulsion, college suspension, probation, loss of privileges, restricted access, educational program or project, no contact directive, or other College sanctions)
- **Non-Consensual Sexual Contact** (expulsion or college suspension; in addition to any of the following: loss of privileges, restricted access, educational program or project, no contact directive, or other College sanctions)
- **Sexual Assault** (expulsion or college suspension; in addition to any of the following: loss of privileges, restricted access, educational program or project, no contact directive, or other College sanctions)
- **Sexual Misconduct** (any of the following or a combination of: expulsion, college suspension, probation, loss of privileges, restricted access, educational program or project, no contact directive, or other College sanctions)
- **Stalking** (any of the following or a combination of: expulsion, college suspension, probation, loss of privileges, restricted access, educational program or project, no contact directive, or other College sanctions)

For the Disciplinary Hearing Board Process, please see Article IV: Code of Conduct Procedures in the Student Code of Conduct Section

Reporting Procedures and Resources for Addressing Complaints of Discrimination, Harassment, Intimate Partner Violence, Non-Consensual Sexual Contact, Sexual Assault, Sexual Misconduct, Stalking, and Retaliation

Saint Mary's has internal procedures in place to investigate and address complaints of discrimination, harassment (including sexual) and retaliation as described in this Policy. These procedures are intended to assure fairness and to maintain confidentiality in the process of responding to complaints. Complaints of discrimination and harassment, based on the protected characteristics listed above, including sexual harassment, that involve conduct of staff, faculty or visitors to the College (e.g. contractors, vendors, volunteers or non-student guests) should be reported promptly to the Human Resources Officer (Title IX Deputy) at 925-631-4212 or to any

manager or supervisor. Reports involving conduct of students or student visitors should be brought promptly to the Dean of Students (Title IX Deputy) at 925-631-4238 in addition to or instead of the Associate Vice President and Chief Human Resources Officer (Title IX Coordinator) at 925-631-4212. The report can also be made to the Department of Public Safety at 925-631-4282.

All members of the College community are encouraged to report if they observe or encounter conduct that may be subject to the College's Policy Prohibiting Discrimination, Harassment and Retaliation. All members must cooperate fully with the Title IX Coordinator and Title IX Deputies in the fulfillment of their responsibilities.

Reports shall be brought as soon as possible after the alleged conduct occurs. Prompt reporting will enable the College to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action regardless of a police report being filed. The College shall respond to reports of discrimination, harassment, intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking, brought after one year to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred. The Code of Student Conduct, within the year that the reported alleged incident took place, may be applied. All complaints must be made prior to the actual physical receipt by the respondent of the terminal degree from the College. Once reported, the Title IX Coordinator and/or their designees will provide prompt and equitable resolution.

Individuals are strongly encouraged to report all conduct they believe to constitute intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking to the police; however, it is the individual's decision whether or not to file a police report. If the individual wishes, the College will provide assistance in contacting the police and accompanying them to the hospital and/or police station. Individuals involved in the report of conduct will have access to support and referral services on-campus regardless of whether or not a report of the conduct is made to the police. Individuals are strongly encouraged to have both a medical exam to ensure their well-being **AND** a forensic medical exam in order to gather forensic evidence. Forensic medical exams are available at Contra Costa County Regional Medical Center in Martinez.

In addition, individuals who believe they have experienced discrimination, harassment, including intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking, based on the protected characteristics listed above and/or retaliation are also free to contact the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing and/or US Department of Education's Office of Civil Rights to pursue external legal remedies.

For information about employee sanctions and non-discrimination seminars, please review the Staff Handbook or contact Human Resources.

Retaliation and/or Violation of Interim Protections

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of any alleged discrimination, harassment (including intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, or stalking) or of any other violations of College policies, including but not limited to the Student Code of Conduct, are prohibited. This prohibition includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint under this policy, or

those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of the Student Code or other College policy.

Retaliation is a violation of College policy and may also be a violation of the law. Interim protections mean steps the College takes to reasonably protect employees and students during an investigation and/or student discipline process. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All incidents that is believed to constitute retaliation should be reported immediately to Evette Castillo Clark, Ed.D., Dean of Students (Title IX Deputy), ecc4@stmarys-ca.edu at 925-631-4238 when the individual alleged to have engaged in retaliation is a student or student visitor or to the Human Resources Officer, (Title IX Deputy) at 925-631-4212 when the individual alleged to have engaged in retaliation is an employee (faculty and staff) or visitor to the College (e.g., contractors, vendors, or non-student guests). The report can also be made to the Department of Public Safety at 925-631-4282.

College and Community Resources

The following resources are available to students and other members of the Saint Mary's community for information and support concerning intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, or stalking:

Campus Assault Resources and Empowerment (CARE) Line • 925-878-9207

The College's CARE Line is available to support students who have been affected by sexual assault, stalking, dating violence, or domestic violence. Students may access the line 24-hours a day, seven days a week during the academic year by calling or texting **925-878-9207**. Students can utilize the line anonymously in order to gather resources, learn their options for accessing medical and emotional care and to receive critical, time sensitive information about how to report their case on and off campus. Members of the CARE Line are trained to assist students by providing information and discussing available resources and options (medical, legal, emotional, and academic), by making referrals and providing access to appropriate College and community services as needed. Members of the CARE LINE do not act as counselors.

Students who believe they have experienced a violation of the Consensual Sexual or Romantic Relationship Policy; Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct; and/or Retaliation, may choose to contact the CARE Line for assistance.

When an individual contacts the CARE Line, no college disciplinary action will take place unless the individual chooses to give her or his name and the details surrounding the incident. Any reports that include a victim's name or alleged perpetrator's name will be considered formal reports and will initiate college action. In order to ensure that students have as many options as possible when utilizing the line, students who are unsure if they would like to move forward with an on-campus Disciplinary Hearing Board case are encouraged not to reveal their names.

Confidential Resources at Saint Mary's College

If a student is seeking more personal, confidential support from the College rather than the anonymous support that the CARE line offers, they may contact the **Director of Sexual Assault Prevention** (925-631-4193), a certified sexual assault counselor as defined by California Evidence

Code Section 1035 et. Seq, and who can therefore offer confidentiality to the student. This will give the student time to seek out support and learn their options regarding reporting both on and off campus, without initiating a college disciplinary response. The confidentiality offered through this resource applies only to the student’s communications with the sexual assault counselor and does not preclude the College from fulfilling its obligations to investigate incidents of assault based on information obtained from other sources. It will be important for the student to understand that if the College obtains information through other sources (e.g., roommates, witnesses, parents, RAs, friends or others), the College is obligated to act on that information, which may lead to the initiation of a disciplinary hearing or other administrative action.

Additionally, the counselors at **Counseling and Psychological Services** (925-631-4364) can offer students, as clients, confidentiality and the information and options available to them. Finally, under the protection of the priest-penitent privilege, one of the **Saint Mary’s priests** would be able to offer students confidentiality and as well as to provide information and resources available here at Saint Mary’s.

Campus Resources

Campus Assault Resources and Empowerment Line CARE Line	925-878-9207
Center for Women and Gender Equity Information, advocacy and resource referral (Augustine Hall, Ground Floor)	925-631-4171
Counseling and Psychological Services Confidential Counseling services, support and information (Augustine Hall, Ground Floor)	925-631-4364
Dean of Students (Title IX Deputy) Information about the discipline process & list of advisors (Ferroggiaro Hall 200)	925-631-4238
Director of Community Life Information about the discipline process & list of advisors (Ferroggiaro Hall 200)	925-631-4238
Director of Sexual Assault Prevention Advocacy, confidential support, information, and resource referral (Augustine Hall, Ground Floor)	925-631-4193
Emergency/Public Safety	9-1-1 OR 925-631-4282
General Information/Administration Health and Wellness Center Medical and information resource (Augustine Hall, Ground Floor)	925-631-4052 925-631-4254
Title IX Coordinator	925-631-4235

Community Resources

Contra Costa County Crisis & Suicide Intervention 24 hour Hotline	1-800-833-2900
Community Violence Solutions (Contra Costa Rape Crisis 24-Hour Hotline)	1-800-670-7273

National Sexual Assault Hotline
Www.RAINN.org

1-800-656-HOPE (4673)

STAND! Against Domestic Violence
24-hour crisis counseling and emergency resource

1-888-215-5555

Moraga Police Department (*24-hour number*)

925-284-5010

In addition to the above resources, the College will provide written notification to students and employees about resources for: counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to survivors, on campus and within the community.

Sexual Violence Educational and Prevention Activities

The Saint Mary's College community is committed to providing broad-based educational programs to help prevent intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking and to create a consciousness and an awareness about gender issues from an interdisciplinary, multicultural perspective. The programs and campaigns seek to be culturally relevant, sustainable and responsive to the needs of the community. Programs are assessed for value. They consider risks and protective factors on the individual, institutional, community, and societal levels.

Some of the educational and prevention efforts provided by the College include:

1. Sexual assault awareness efforts led by the Women's Resource Center and Director of Sexual Assault Prevention are carried out throughout the academic year. These efforts address risks, statistics, safety, consent, coercion, and on and off campus resources through educational programs, classroom and residence hall presentations, bulletin board displays, and brochures and posters that are made available throughout the campus.
2. The Women's Resource Center and Director of Sexual Assault Prevention provides ongoing programming to raise awareness about sexual assault, gender violence and systematic oppression through programs such as: Gray Zones, V-Day: Until the Violence Ends, Denim Day, The Clothesline Project, and Take Back the Night.
3. Programs addressing sexual assault, gender violence, and gender socialization are offered as a regular component of Weekend of Welcome and the First Year Experience.
4. Bystander Intervention programming led by the campus-wide Green Dot committee to provide students with realistic ways they can interrupt behavior they believe may lead to all forms of sexual violence.

Risk Reduction Tips

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior and how to avoid potential attacks:

If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

1. If you have limits, make them known before things go too far.
2. Tell a sexual aggressor "NO" clearly and loudly.

3. Try to extricate yourself from the physical presence of a sexual aggressor.
4. Grab someone nearby and ask for help.
5. Realize that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Watch out for your friends and ask that they watch out for you. Make a plan for how you're all going to get home safely and never leave anyone behind. .

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

1. DON'T MAKE ASSUMPTIONS. About consent. About someone's sexual availability. About whether they are attracted to you. About how far you can go. About whether they are physically and mentally able to consent to you.
2. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
3. Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading them. Perhaps they haven't figured out how far they want to go with you yet. You need to respect the timeline with which they are comfortable.
4. Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
5. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
6. Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
7. On this campus, and pursuant to state law, silence and passivity cannot be interpreted by you as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Bystander Intervention

A bystander is someone other than the victim who is present when an act of intimate partner violence (dating violence, domestic violence), non-consensual sexual contact, sexual assault, sexual misconduct, and stalking is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Using directing, delegating, or distracting actions, active bystanders can help reduce/eliminate risk.

Examples of active bystander intervention include actions that include:

- not leaving an overly intoxicated person in a bar/party alone;
- walking a classmate to their class;
- calling Public Safety when a potentially violent situation is unfolding;
- not leaving an unconscious person alone (alerting an RA, Public Safety, etc.)
- intervening when someone is belittled, degraded, or emotionally abused (e.g. walking victim away from abuser, contacting others for help, like the Counseling Center, RA, Dean)

Campus Sex Crimes Prevention Act (Sex Offender Registration Information)

In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff's Office maintains a Megan's Law database of sex crime offenders, information may be

obtained in person from the Sheriff's office located at 500 Court Street, Martinez, CA, Monday-Friday, 9 a.m. to 4 p.m. or through the California Department of Justice website, which lists designated registered sex offenders in California at: <http://www.meganslaw.ca.gov>