



SAINT MARY-OF-THE-WOODS
C O L L E G E

Annual Campus
Security and Fire Report

Publication Date: Friday, September 29, 2023

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Annual Campus Security and Fire Safety Report

The annual security and fire safety report is released by October 1 of each year.* The report follows state and federal crime awareness and campus security legislation, including the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at <https://www.smwc.edu/offices-resources/offices/public-safety/>

Overview

The Public Safety Department is responsible for establishing and maintaining a safe and secure environment for the Saint Mary-of-the-Woods (SMWC) community. The Public Safety Department is staffed 24 hours a day, seven days a week, 365 days a year. All public safety officers are uniformed, and while not armed, are in radio contact with other officers and the Student Affairs staff at all times. Should assistance be required, Public Safety is also in contact with the Vigo County Sheriff's Office and the Indiana State Police. All public safety officers are trained in basic first aid and CPR procedures. Public Safety can be reached on any campus phone by calling ext. 5253. If calling from an outside phone, please call 812-535-5253. In an emergency, Public Safety can be reached directly at 812-535-6400, or by calling ext. 6400 from any campus phone.

Student Affairs and the Public Safety Department are responsible for the preparation of the annual security report. Public Safety provides a compilation of all required crime statistics and fire statistics, including gathering data from the Indiana State Police and the Vigo County Sheriff's Office. The report is prepared in cooperation with the Public Safety Department, Student Affairs, and other administrators that have direct relationships with students such as Title IX Coordinators, athletic directors, coaches, and faculty advisors. Each entity provides updated information on their educational efforts and programs to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

Saint Mary-of-the-Woods College's annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus and property adjacent to campus and a fire safety report for the past year. The property adjacent to campus is all privately owned property; there is not any public-owned property easily accessible from campus. The Campus is located on 300 acres. The Campus is shared with the Sisters of Providence. The report also includes emergency procedures, institutional policies concerning campus security, such as the policies concerning alcohol and drug use, crime prevention, the reporting of crimes, discriminatory harassment, sexual harassment, domestic violence, dating violence, sexual assault, stalking and fire statistics for the residence halls.

Each year, an email notification is made to all enrolled students, faculty, and staff providing the web site to access this report. The Annual Security Report is available to the community, prospective students, and prospective employees via our web site. It may be reviewed online or a printable copy may be downloaded. If desired, individuals may request a printed copy of the report by contacting Student Affairs at (812) 535-5219 or email campuslife@smwc.edu.

Safety of and Access to Campus Facilities

The SWMC campus is made up of a variety of facilities: Le Fer Hall, and Les Bois, Jeanne Knoerle Sports and Recreation Center, Guerin Hall, Rooney Library, Hulman Hall, Conservatory of Music, and the Mari Hulman George School of Equine Studies. In the daytime there is open access to academic and administrative buildings.

Le Fer Hall, and Les Bois, are residence halls for Saint Mary-of-the-Woods College and are secured by a prox card system. The residence halls are locked 24 hours a day and 7 days a week. Only residential students have a prox card that will allow them into the residence halls portion of the building. The outer doors of the building are locked at 12:00 a.m. Monday – Thursday and 2:00 a.m. Saturday and Sunday. The outer doors of the buildings are unlocked every morning at 7:00 a.m. Le Fer Hall has front desk staff from 8 a.m. until midnight Monday through Sunday. During all breaks buildings are locked by 6 p.m. and can be accessed by contacting Public Safety should there be a legitimate reason to enter a building. Emergencies may necessitate changes or alterations to any posted schedules.

Student Organization Facilities

Saint Mary-of-the-Woods College does not have any student organization facilities, on or off-campus. If you believe a crime has been committed during a student event on campus, please follow the procedures outlined in *Reporting a Crime* within this report.

Off-Campus Housing

Saint Mary-of-the-Woods College does not have any off-campus housing. All campus housing is located on campus and served by SMWC Public Safety. If you believe that a crime has been committed in campus housing, please notify the Security at ext. 5253, or the Student Affairs Department at ext. 5219. When calling off campus, please call 812-535-5253 or 812-535-5219.

SMWC's Working Relationships with State and Local Law Enforcement Agencies

Saint Mary-of-the-Woods College Public Safety Personnel cooperate fully with local and state law enforcement agencies in cases that involve the campus.

Campus Security Authority

SMWC Public Safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Saint Mary-of-the-Woods College. SMWC Public Safety officers have the authority to issue parking tickets, which are billed to financial accounts of students, faculty, and staff. Public Safety officers do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on the campus. The SMWC Public Safety Office maintains a highly professional working relationship with the Vigo County Sheriff's Office. All crime victims and witnesses are strongly encouraged to immediately report the crime to Public Safety and the appropriate

law enforcement agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

Timely Warnings

If a situation arises, either on or off campus, that, in the judgment of the Provost/Executive Vice President for Academic Affairs and/or Vice President for Finance and Administration, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college email system to students, faculty, and staff.

Depending on the circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, Public Safety will send an emergency alert via the text-messaging service, Omnilert (a free service to all Saint Mary-of-the-Woods faculty, staff, and students). Again, depending on the circumstances of the crime and the immediate availability to electronic programs, the College may post the alert on the main page of the web site: <http://www.smwc.edu>.

Anyone with information warranting a timely warning should report the circumstances to Public Safety, by phone at 812-535-6400 or to the Associate Vice President for Student Affairs at 812-535-5219. To report in person, go to 019 Le Fer Hall (ground floor, north of center stairs) or 120 Le Fer Hall (first floor between the marble stairs and south elevator).

Emergency Procedures

Fire Safety

To Report a Fire

1. ***Pull the fire alarm*** located at the end of each hallway.
Note: Residents should acquaint themselves with the locations of these alarm boxes.
2. ***Call 911*** and tell them the exact location of the fire.
3. ***Call Security at ext. 6400***

Alarms will be sounded, and the building is to be evacuated totally. If weather conditions or time warrant, occupants will be sent to another building.

- If you are in a room close the window
- If there is smoke use a wet towel to breathe
- Leave the room and close the door
- Use stairwells, do not use the elevator
- If the fire is outside the door remain in the room near the window so that firemen can locate you

Each building has a fire panel that indicates the location of the alarm or detector that has been triggered. Public Safety will go to the indicated location to verify that there is indeed a fire and if a dangerous situation is present the fire department will be notified.

No one will be allowed to reenter the building until the fire department gives the all clear sign to Public Safety.

Tornado Safety

Public Safety and emergency responders will notify occupants if a tornado warning has been received from the National Weather service.

- Occupants will be directed by Public Safety, resident assistants, or staff members to the lowest and centermost floor of a building.
- Keep persons away from windows and do not let anyone exit the building until the danger has passed and the all clear has been given by Public Safety.

Injury of Person

If an ambulance is needed dial 911 and identify yourself and your specific location on campus.

- Call Public Safety (ext. 6400) and inform them that you have called an ambulance so that they can assist in directing the response team.
- If it is a student that has suffered an injury the Associate Vice President for Student Affairs and/or resident assistant on call should be informed.
- If it is a staff or faculty member the Associate Vice President of Diversity, Equity, and Inclusion Human Resources should be notified.

Earthquake

If an earthquake should occur, individuals should follow these instructions:

- Stay calm and assess your situation; if you are inside, stay inside; if you are outside, stay outside.
- If indoors, take cover under a heavy desk, table, in a supported doorway, or along an inside wall. Do not exit the room, hall, or building until after the shaking has stopped.
- If outside, stay away from buildings and utility wires.
- Do not use candles or open flames.
- If in a moving vehicle, stop as quickly as possible and stay in the vehicle until the shaking stops.

After the shaking has subsided, persons should exit the building/vehicle and seek medical care if necessary. Please be aware that additional tremors are likely.

Armed Intruder

Call 911

- Notify Public Safety (ext. 6400) immediately of the specific location of the armed individual.
- Do not approach the person and keep yourself and others away from the area until you receive instructions from Public Safety or law enforcement officials.

Officials of the College in consultation with Public Safety and local law enforcement will determine the need to lock down a facility or evacuate the building.

- If a building is locked down and secured, Public Safety and designated College personnel will give directives to those in the building in question.
- An email marked urgent and a campus-wide voicemail will be sent informing the community of the necessary steps to take to prevent interaction with the intruder and/or law enforcement.
- A text message alert may be sent via the e2Campus system as well.

Students, faculty, and staff are reminded of the run, hide, fight training provided during orientation. <https://www.fbi.gov/video-repository/run-hide-fight-092120.mp4/view>

Bomb Threat

If a bomb threat has been received the fire alarm in the targeted building(s) will be activated:

- Occupants will be directed to evacuate the building.
- Law enforcement will be contacted.
- Occupants may be directed to another building for shelter until the threat has been neutralized.

Sexual Assault

If you are the victim of a sexual assault, protect yourself using whatever means necessary.

- Upon escaping Call 911.
- Contact Public Safety or a Campus Life Staff include resident assistants and give as much information as possible about the attacker.
- Public Safety will call local law enforcement and will seek medical treatment for anyone injured.
- Notify Security and the Title IX Coordinator BJ Riley (812)535-5267, BJ.Riley@smwc.edu; Kourtney Barrett (812)535-6300, Kortney.Barrett@smwc.edu if you witness or receive information that a sexual assault has occurred.

Missing Person

Notify Public Safety and the Associate Vice President for Student Affairs if a student has been missing from campus for 24 hours and no one has been able to make contact with the person.

Death of Student or Employee

- If a death occurs on campus, notify Public Safety immediately.
- If notification of a death is received from an external source the following persons are to be contacted: Associate Vice President for Student Affairs, Provost/Executive Vice President for Academic Affairs, and the President.

Death or Severe Illness of Relative of Student

If you receive information from a family member you are to notify the Associate Vice President for Student Affairs or the Provost/Executive Vice President for Academic Affairs. Often the family member wants a staff person to inform the student of the news or at least wants someone to be with the student when they receive the news. The Campus Life staff including the RA and the Assistant Hall Director (on-call staff) will follow-up for support.

Reporting a Crime

To report a crime, contact SMWC Public Safety Department by calling 812-535-5253 (non-emergency) or 812-535-6400 (emergencies). When using a campus phone, use the last four digits of either phone number to reach Security. For medical emergencies or in the case of a fire, dial 9-1-1 before contacting Public Safety. **Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings, or around the residence hall should be reported to Security.** In addition you may report a crime to the following areas:

- | | | |
|---|-----------------|--------------|
| • Associate Vice President for Student Affairs | 120 Le Fer Hall | 812-535-5219 |
| • Provost/Executive Vice President for Academic Affairs | 206 Guerin Hall | 812-535-5285 |
| • Director of Residential Life and Student Conduct | 028 Le Fer Hall | 812-535-1198 |

Saint Mary-of-the-Woods College encourages anyone with knowledge of a crime on or off campus to report it. To maximize safety on campus and to aid in prompt investigations, please report to the SMWC Public Safety Department any incident that may qualify as homicide (murder, non-negligent and negligent manslaughter); sex offenses (forcible, non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; arson; and any hate crime for inclusion in the Annual Campus Security Report. Reporting does not mean you must take legal action. It may, however, help public safety officers to stop further incidents as well as keep the community informed about criminal activity.

To make a report in person, go to the Public Safety office or the Campus Life office. The Security office is located on the ground floor of Le Fer Hall, room 019 across from the Campus Life office, located in room 023. To make a report by phone, call 812-535-5253 and describe the situation to the officer. In emergency situations, including fires and medical emergencies, call 911. If another person is available, ask them to call Security at 6400 to alert them to the 911 emergency and to give them as many details about the emergency as possible.

Saint Mary-of-the-Woods students requiring non-emergency medical care may contact the Health Clinic at 812-535-5200 (ext. 5200 on campus) to speak with the nurse practitioner and to receive referrals and information to clinics that see patients without appointments. Students seeking counseling services may contact the Student Counseling Center office at 812-535-5102 (ext. 5102 on campus). Campus students have 24/7 access to telehealth services through TimelyCare Telehealth for Pomeroy.

Confidential Reporting Procedures

If you are the victim of a crime and do not want to pursue action with the College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, Public Safety can file a report on the details of the incident on your behalf. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime regarding a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

SMWC Security Response to a Crime Report

When you report a crime to the SMWC Public Safety, an officer will meet with you, listen to what happened, and, if necessary, make a preliminary report. They may also ask that you speak with a member of the Campus Life staff or the Vigo County Sheriff's Office. They will advise you if there is anything further that you need to do. If a person wishes to proceed through the criminal justice system, filing a report with the local law enforcement agency will start the process of investigation to potential criminal charges and arrest.

You are encouraged to report any criminal activity even if you don't want to take legal action to help the college maintain accurate statistical records. Campus Life is responsible for preparing the College's Annual Campus Security Report and for obtaining the compiled crime statistics that are included in this report from Public Safety. The information you report may require the College to issue a Crime Alert if

it is determined by the Provost/Executive Vice President for Academic Affairs that the circumstances warrant such action.

Reporting Off-Campus Crimes and Other Emergencies

Victims or witnesses to criminal activity occurring off campus should contact the agency that has jurisdiction:

- Vigo County Sheriff's Office at 812-232-3801
- Indiana State Police at 812-299-1151
- Illinois State Police at 217-265-0050

SMWC Public Safety officers can assist in notifying law enforcement agencies.

Daily Crime Logs/Summary of Criminal Incidents

The SMWC Public Safety Department compiles statistical information from the contents of the daily security report which contains summaries of each day's events. In addition to the daily security report, individual reports are made for any campus incident. Incident reports include location, type, date, time, officer's name, and disposition of the complaint. To view a report, please contact the director of Public Safety at 812-535-5253.

Crime Alerts

If a serious or unique crime has occurred and the circumstances warrant it (as in the case of a violent crime against a person or a major property crime), an email will be sent to the SMWC community by the Associate Vice President for Student Affairs or by Public Safety. The alert may also be issued using our emergency text-messaging service, e2Campus, through the siren system, or by a combination of email, text-messaging, or siren alerts.

Emergency Responders

Each campus building has one or more emergency responders. The emergency responders are responsible for notifying others in their building of the emergency. The responder list will be activated by Public Safety or a member of the College cabinet. Cabinet members include the President, Provost/Executive Vice President for Academic Affairs, Vice President for Finance and Administration, Vice President for Enrollment Management and Information Technology and Vice President for Advancement and Strategic Initiatives. This is in addition to the media alerts as outlined in the preceding paragraph.

Omnilert

Omnilert is a text-messaging alert system that is used to send critical alerts to the Campus Community when a serious crime is in progress or has been committed. This is a free subscription service for members of the College Community. All students, faculty, and staff are added on a semester basis to the system and must opt out to be removed from the notifications.

Emergency Sirens

Saint Mary-of-the-Woods College has installed a siren system that will sound to alert the Campus about criminal or weather-related alerts. Alerts will be activated by public safety personnel.

Additional Sources of Statistical Information/Voluntary, Confidential Reporting

In accordance with Department of Education federal regulations, SMWC has developed, and periodically reviews, procedures to include in campus crime statistics, reports of required crimes made to the following Campus authorities: Office of Campus Life, and the SMWC Public Safety Department.

Confidential reporting to Pastoral and/or Professional Counselors

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092(f), clarification was given to those considered to be campus security authorities. Under the law, campus pastoral and professional counselors, when acting as such, are not considered to be a campus security authority, and are not required to report crimes for inclusion in the annual disclosure of campus crime statistics. As a matter of policy, however, Saint Mary-of-the-Woods College encourages its counselors, when they deem it appropriate, to inform the persons they are counseling of procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. All verified and unverified confidential reports of sexual offenses that meet the reporting criteria as determined by SMWC administrators and SWMC/Sisters of Providence Security are included in the SMWC campus crime statistics. Crimes reported to counselors at the Student Counseling Center are not included unless the victim chooses to report to one of the other campus security authorities.

Obtaining Information about Registered Sex Offenders

The registry is maintained by the Indiana Sheriff's Association. The site provides the public information about the identity, location, and appearance of sex and violent offenders who live, work, or study in Indiana. <http://www.icrimewatch.net/indiana.php>

Indiana Code 11-8-8-7 requires a convicted sex or violent offender to register with the local law enforcement authority of the county and must notify those officials of their enrollment or employment at

institutions of higher education within the state. The County Sheriff is the local law enforcement authority (Marion County it is the Indianapolis Metropolitan Police Department).

Annual Fire Safety Report

Under the Higher Education Opportunity Act of 2008 (HEOA), Section 488(g), HEA 485(i), an FSA-eligible school that maintains on-campus housing facilities is required to publish an annual fire safety report. Saint Mary-of-the-Woods College maintains three student residence halls: Le Fer Hall, and Le Bois Hall.

Residence Hall Fire Safety and Sprinkler System

Le Fer Hall, and Le Bois, are equipped with a sprinkler system for fire suppression, smoke detectors, an alarm system, and emergency hall lighting. Alarm pulls and fire extinguishers are wall-mounted throughout the halls. Safety instructions are posted in key areas for quick reminders as to what to do in the case of a fire or other emergency.

Mandatory Supervised Fire Drills

In collaboration with the Campus Life Office, SMWC Public Safety preforms supervised fire drills. These fire drills are held twice a semester at different times of the day and under various weather conditions, to simulate a real fire, drills are not pre-announced.

Evacuation Procedures

In the case of a fire or other emergency requiring evaluation, the following steps are taken:

1. Emergency alarms are activated
2. 911 is called
3. Call to SMWC Security to confirm alarm activation
4. Depending on the time of the day and day of the week, the Resident Assistant staff, Residential Community Advisors, or Emergency Responders will check the floors of the residence hall to ensure that everyone has evacuated the floor/hall.
 - a. Students are directed to:
 - i. If you are in a room close the window
 - ii. If there is smoke use a wet towel to breathe
 - iii. Leave the room and close the door
 - iv. Use stairwells, do not use the elevator
 - v. If the fire is outside the door remain in the room near the window so that firemen can locate you

No one will be allowed to reenter the building until the fire department gives the all clear sign to Security.

Note: Emergency Responders will check the floors during the workday; after hours and on weekends Resident Assistants and Residential Community Advisors will be responsible for checking the floors.

Fire and Safety Policies

The following regulations must be observed by all residents for purposes of personal safety, fire inspections, insurance, and conservation of electrical energy:

1. Smoking is not allowed in any building on campus.
2. Every resident should use common sense when using electrical appliances. Appliances should not be left on in an unattended room. Electrical appliances that use heat (hair dryers, curling irons, etc.) need more power; therefore, they are more dangerous. The use of more than one of these heating appliances at once could result in a power failure to you and to your neighbors.
3. Power strips should be used in place of extension cords and plug adapters whenever possible.
4. Student installed air conditioners, halogen lights, hot plates, toasters, toaster ovens, microwaves and space heaters are NOT allowed in student rooms.
5. Refrigerators larger than 3.5 cubic feet are prohibited.
6. All appliances should be unplugged when the residence halls close.
7. The use of Christmas lights is discouraged. Lights can be used to decorate artificial trees in student rooms; however, students need to take the following precautions: unplug the lights when no one is in the room, keep cloth and other material away from the lights and do not use tape to hang the lights on walls and doors. In public areas (when students are present), electrical decorations may be used with the approval of the Associate Vice President for Student Affairs.
8. Candles and incense are not allowed due to fire hazard.

Firearms

Firearms/weapons are prohibited in all College buildings and on the College grounds.

Annual Crime Statistics – Data from January 1, 2020, through December 31, 2022

During the past three years, reported incidents for the following crimes are:

<u>Offense</u>	<u>Year</u>	<u>On-Campus Property</u>	<u>On-Campus Student Housing Facility</u>	<u>Non-Campus Facility</u>	<u>Public Property</u>
Murder	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Sex Offense, Forcible	2020	0	1	0	0
	2021	0	0	0	0
	2022	0	0	2	0
Sex Offense, Non-Forcible	2020	0	0	0	0
	2021	2	1	0	0
	2022	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Dating Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Stalking	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Robbery	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	1	0	0
Burglary	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

Arson	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arrests: Illegal Weapons Possession	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Disciplinary Actions/Judicial Referrals: Drug Abuse Violations	2020	0	0	0	0
	2021	0	0	0	1
	2022	0	0	0	0
Disciplinary Actions/Judicial Referrals: Liquor Law Violations	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

To date, we have not had any crimes committed that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity. In compliance with the Federal Student Right to Know and Campus Security Act, Saint Mary-of-the-Woods College provides information annually to all students and employees regarding rape prevention/sexual assault, drug and alcohol policies, drug and alcohol abuse prevention/treatment programs, and rates of instances of crime reported on campus.

Note: In prior years, statistics were reported for academic years rather than calendar years. This report is based on calendar years to comply with the Federal Student Right to Know and Campus Security Act.

Annual Fire Statistics - Data from January 1, 2020, through December 31, 2022

Type of Fire/Related Injuries/Damage	2020	2021	2022
Unintentional Fire	0	0	0
Intentional Fire	0	0	0
Undetermined Fire	0	0	0
Deaths Related to Fire	0	0	0
Fire-related Injuries	0	0	0
Property Damage Value	0	0	0

Submission of SMWC Crime and Fire Statistics to Federal Agencies

In September 2000, Saint Mary-of-the-Woods College began submitting crime statistics online to the Department of Education. In September 2010, fire statistics were added to the submission. This data is available to the public at <http://ope.ed.gov/security>.

Educational Programming – Crime Prevention Programs

Saint Mary-of-the-Woods College affords an environment that strives to minimize alcohol and drug use and to provide programming regarding crime prevention, dating violence and sexual harassment, both socially and in the workplace. In addition, the College has a desire to intervene effectively or respond to the individual with a potential drug or alcohol problem. Consistent with the College mission, the College seeks to respond compassionately and with integrity through the following guidelines:

- conduct student presentations
- work with college media
- invite guest speakers to address alcohol and drug issues
- invite guest speakers to address different social issues
- inform and educate the campus and community.

Some of the programs offered annually to students, faculty and staff are listed below. Other programs regarding alcohol, drug use, sexual harassment, and smoking cessation will be offered upon request.

Alcohol Awareness

Campus Life sponsors and coordinates programs aimed at curbing alcohol use and raising awareness of the dangers associated with drinking. Throughout the year Campus Life in conjunction with the Resident Assistant staff offers alcohol prevention programming including alternatives to drinking alcohol. Additionally, alcohol free events are hosted on campus each weekend.

Fire Prevention

The resident assistants are trained in how to properly evacuate Le Fer Hall, and Le Bois in the event of a fire. At the beginning of each semester, the resident assistants educate their residents on fire safety in a floor meeting. Students also volunteer to assist the resident assistants in the evacuation of their communities. Fire drills are conducted twice a semester in Le Fer Hall, and Le Bois.

Sexual Harassment/Sexual Violence

A workshop entitled Safety and Security was attended by all new student during New Student Orientation. This session outlined the Saint Mary-of-the-Woods College sexual assault policy and

covered all the information in the tri-fold brochure (see above) and engaged students in open dialogue about consent, sexual assault, and sexual harassment. The presentation is provided jointly by Campus Life and Public Safety covering the following topics, alcohol awareness, active shooter (run, hide, fight), general safety, emergency procedures, consent, and sexual violence prevention.

All students are required to annually complete an online workshop. *Think About It* is an ongoing online substance and sexual abuse training program that prepares students to confront and prevent serious campus problems. The college partners with an external organization to provide this training.

All faculty and staff are required to annually complete an online workshop regarding Sexual Harassment/Sexual Violence. This workshop covers situations that may occur between supervisors and direct reports, employee and employee, and faculty and students.

Saint Mary-of-the-Woods College Policies

Alcohol and Drug Policy

Saint Mary-of-the-Woods College is committed to providing a safe environment for students, employees, and visitors. Furthermore, the College is committed to assuring its continued representation as a quality institution. To achieve these goals, Saint Mary-of-the-Woods College must take a firm and positive stand against drug and alcohol abuse. This policy is intended to ensure a drug free environment for our students, employees, and visitors.

Policy Requirement

- The use, possession, sale, or transfer of an illegal drug by any student on college property is strictly prohibited.
- Possession, distribution, or consumption of alcoholic beverages while on the property of Saint Mary-of-the-Woods College is not permitted except at official events catered by Food Service personnel and those served must be 21 years of age or older.
- No alcohol containers, whether empty or full, are to be used for decoration in resident rooms.

Treatment

- Students may be required to consult with the Student College Counselor to find a program that will help deal with any drug or alcohol and other drug problems.
- Students may be required to attend regular counseling sessions with the College Counselor and/or enroll in a substance abuse program.

Disciplinary Action

- A report will be written and submitted to the Campus Life office for any student found in possession of illegal drugs or alcohol.
 - Following the report submission, the Director of Residential Life and Student Conduct will following procedures outlined in the [Code of Student Rights and Responsibilities](#).
 - The Director of Residential Life and Student Conduct will meet with the student regarding the incident(s).
 - Students found responsible may be issued sanctions. Sanctions may include one or more of the following sanctions:
 - Online educational program on alcohol awareness
 - Community Service
 - Monetary Fine
 - Counseling
 - Meeting with the Associate Vice President for Student Affairs
- If the incident is deemed to be severe, the Associate Vice President for Student Affairs may choose to consult with the Provost/Executive Vice President for Academic Affairs to review options. The options may include:

- Required Counseling
- Required Alcohol or Drug Program
- Suspension
- Dismissal

Revised August 2021

Harassment Free Environment

The following policies address three different aspects of inappropriate conduct or behavior: Discriminatory Harassment, Sexual Harassment/Sexual Assault and Consensual Sexual or Romantic Relationships in the Workplace and Educational Setting. Collectively, the policies apply to all students, faculty, staff, and others who participate in Saint Mary-of-the-Woods College's programs and activities.

General Policy Statement for Sexual and Discriminatory Harassment

It is the policy of Saint Mary-of-the-Woods College to provide an educational and workplace environment free from Sexual and Discriminatory Harassment. It is our goal to promote respectful behavior and interactions across our campus. No type of Sexual or Discriminatory Harassment will be tolerated and all incidents of intolerant or discriminatory behavior will be addressed. Individuals who violate this policy are subject to discipline up to and including termination of employment, dismissal from the College and/ or other appropriate sanction or action.

The College encourages a workplace and learning environment free of discrimination, harassment and/or inappropriate treatment of any student, employee or guest because of any person's race, sex, color, creed, religion, age, national origin, sexual orientation, veteran status, gender identity, gender expression, disability or any category protected under federal, state or local law. This policy applies to all students, faculty and staff of the College, as well as to persons employed by contractors or vendors who provide routine daily services to the college.

This policy encompasses all college activities including all academic, educational, extracurricular, athletic and other programs of the College. These activities may take place in a college facility, during college-sponsored trips or at a class, training program or event sponsored by the College at another location.

The College is committed to reviewing any and all sexual and discriminatory harassment charges and to handle such matters in a professional and timely manner. The College is obligated to communicate this policy to all members of the community and to provide educational programming and resources to ensure awareness and compliance with this policy.

General Information

Responsibility of the Community

It is the responsibility of each employee of the College to report any suspected violation of this policy.

Every suspected violation of Sexual Harassment including sexual assault or misconduct, must be reported directly to the **Title IX Coordinator, BJ Riley (812-535-5267)**. The “responsible employee” is required to convey all pertinent information to the coordinator.

All other suspected violations of Discriminatory Harassment involving campus students should be reported to the **Associate Vice President for Student Affairs, 812-535-5219**, violations involving all other students should be reported to the **Provost/Executive Vice President for Academic Affairs, 812-535-5285** and incidents involving employee-employee violations should be reported directly to the **Associate Vice President for Diversity, Equity, and Inclusion and Human Resources, 812-535-5284**.

Any student, campus visitor or person participating in a College activity, whether on or off campus, who has experienced or witnessed discrimination and/or harassment is required to report the incident(s) promptly. Prompt reporting of complaints is vital to the College's ability to resolve the matter.

Confidentiality

The College will make a reasonable effort to conduct all investigations and proceedings related to Sexual or Discriminatory Harassment allegations in a manner that will protect the confidentiality and privacy interests of all parties. Examples of situations where confidentiality cannot be maintained include circumstances where the College is required by law to disclose information, when disclosure is warranted by the College in order to protect the rights of others or in order to conduct a complete and thorough investigation. In addition to these efforts by the College, all parties to the alleged complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.

Retaliation

Retaliation and/or reprisals against an individual who in good faith reports or provides information about behavior that may violate this policy will not be tolerated and may result in disciplinary action, up to and including termination of employment or dismissal from the institution.

Required Training and Educational Programming

All employees of the College, including student employees, are required to complete the online course from Workplace Answers once every two years. New employees will complete the online course during the first two weeks of employment. The College is required to identify and train a Title IX Coordinator and designate other qualified individuals as resources for all members of the community. Students must be offered educational programs and/or resources that promote personal safety, procedures for filing harassment complaints and specific information regarding sexual violence.

Discriminatory Harassment

Discriminatory Harassment is any unwelcome interpersonal conduct or comments, written, spoken or transmitted electronically, which would threaten a reasonable person, for reasons including but not limited to their race, color, sex, creed, religion, national origin, age, disability, gender identity, gender expression, disability, veteran status or sexual orientation. Similarly, any behavior that creates an offensive, demeaning, intimidating or hostile environment for a reasonable person constitutes harassment.

A “hostile work environment” is defined as any setting in which another’s (others’) behavior is sufficiently severe or pervasive that creates a work environment that is abusive. The level of “sufficient discomfort” must meet the legal test for “reasonableness” behavior that would cause any “reasonable” similarly employed person to be adversely impaired in performing assigned duties and responsibilities.

A “hostile educational environment” is defined as any educational setting in which another’s (others’) behavior causes or interferes with or limits a student’s ability to participate in or benefit from the educational program.

Reports or complaints of Discriminatory Harassment should be filed with Associate Vice President for Diversity, Equity, and Inclusion and Human Resources as soon as possible after the alleged offense has occurred and should be brought within 120 days of the incident of the discrimination.

Complaint Procedures for Discriminatory Harassment

Reporting

Inquiries and complaints about discriminatory harassment involving employees may be brought to the **Associate Vice President for Diversity, Equity, and Inclusion and Human Resources, 812-535-5284**, Guerin Hall, Room 110. Complaints involving employee-campus student will be addressed by the **Associate Vice President for Diversity, Equity, and Inclusion and Human Resources** and the **Associate Vice President for Student Affairs, 812-535-5219, LeFer Hall, Room 120**, or the **Provost/Executive Vice President for Academic Affairs, 812-535-5285**. Complaints involving employee-WOL/Graduate student will be addressed by the **Provost/Executive Vice President for Academic Affairs, 812-535-5285, Guerin Hall Room 206**. The management of all complaints of harassment and the implementation of these procedures is the responsibility of the **Associate Vice President for Diversity, Equity, and Inclusion and Human Resources**. In the instance that a Vice President is the subject of a discriminatory harassment charge the President will be requested to designate another individual to fulfill responsibilities normally filled by an appropriate Vice President.

Privacy

To protect both the Complainant and the Respondent, every effort will be made to protect the privacy interests of the persons involved in a manner consistent with the need for a thorough review of a report or complaint.

If the Complainant requests that his or her name or other identifiable information not be shared with the Respondent, or requests that the College take no formal action in response to a report, the **Associate Vice President for Diversity, Equity, and Inclusion and Human Resources** in consultation with the

appropriate Vice President(s) shall evaluate such request and notify the individual of the College's response to the request. The College will honor the Complainant's request to the extent possible based on a careful balancing of such requests with any legal reporting requirements, the risk of harm to any individual and the College's duty to maintain a safe and non-discriminatory environment for all.

If the College honors the request for confidentiality, the College's ability to meaningfully investigate the incident and pursue disciplinary action against a Respondent may be limited. Complainants are advised, however, that the College may be obligated to move forward with a College - Initiated Investigation and potential disciplinary action if there is an individual or public safety concern and sufficient independent information exists to establish that the Discriminatory Harassment Policy has been violated.

Interim Measures

Upon receipt of a complaint, the College will take interim measures to address concerns regarding safety and well-being. If necessary, the College will assist the Complainant in making reasonable efforts to avoid contact with the Respondent(s). Interim measures may include no contact directives, changes in class or work schedules, changes in College-owned living arrangements, interim suspension, College-imposed leave or any other measures that the College deems appropriate. Interim measures are available under both Informal and Formal Resolution Processes, although the ability to impose certain protective measures against a Respondent may require that the report be resolved through the Formal Resolution Process.

Time Frame

The College encourages prompt reporting. Persons who have experienced or witnessed discriminatory harassment are encouraged to report the incident involving employees to the **Associate Vice President for Diversity, Equity, and Inclusion and Human Resources** or incidents involving students, to the Associate Vice President for Student Affairs or the Provost/Executive Vice President for Academic Affairs as outlined above. Complaints must be filed within 120 days of the incident of discriminatory harassment or, where the discrimination or harassment is of an ongoing nature, within 120 days from the most recent incident. To file an Informal or Formal Complaint, a Complainant must complete a Complaint Information Form online, in person, or via electronic mail. The 120-day deadline to file a complaint does not apply to College-Initiated Investigations.

The resolution of the informal or formal complaint must be reached within thirty (30) days with the initial steps of the processes beginning within five (5) days of the filing of a complaint.

Expectations Regarding Participation by the Parties

All employees and students have an obligation to cooperate in the conduct of these Procedures. Failure to do so may result in disciplinary action. In the event that a Complainant chooses not to participate in an interview or declines to provide information requested by the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources, the appropriate Vice President(s) and the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources may dismiss the Complaint. The Associate Vice President for Diversity, Equity, and Inclusion and Human Resources and the appropriate Vice President shall provide written notice of such dismissal to the Complainant(s) and the Respondent(s). In the event that a Respondent chooses not to participate in an interview or declines to provide information

requested by the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources or the Vice President, it may be determined that such information or interview, if provided or conducted, would be adverse to the Respondent. Where the Complaint or the circumstances involve potential criminal conduct, however, a party may choose to remain silent during the process, and such silence will not be held as an admission or considered to be adverse to the party.

Informal Resolution Process

The Informal Resolution Process is designed to empower the parties to an Informal Complaint to reach a mutually satisfactory agreement. For employee related incidents, the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources in consultation with the appropriate Vice President may take steps to resolve the Informal Complaint. For incidents involving students the Associate Vice President for Student Affairs will confer with the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources. Possible resolutions by agreement of the parties may include, but are not limited to, the following: an apology to the Complainant, assisting the Respondent to better understand the effects of his or her conduct and ways in which this behavior could be changed, participation in educational programs about equal opportunity or harassment, verbal or written reprimands, or other interventions or actions aimed at ending the discrimination or harassment, preventing its recurrence and addressing its effects.

Mediation may not be used, even with the agreement of the parties, in Complaints involving Sexual Violence or Relationship Violence. Similarly, a Complainant will not be required to resolve the matter directly with the Respondent.

The Informal Resolution Process will be concluded by one of the following:

1. A decision to stop further action on the Informal Complaint
2. A resolution of the Informal Complaint by agreement of the parties
3. Initiation of the Formal Resolution Process.

Formal Resolution Process

A Formal Complaint may be filed as the first course of action or following an Informal Complaint if there is no mutually acceptable resolution during the Informal Resolution Process. The College may also initiate an Investigation in the absence of a Formal Complaint by a Complainant.

To file a Formal Complaint, a Complainant must complete a written statement in person, or via electronic mail. The Complaint must be dated by the Complainant and describe the alleged incident(s) with the relevant date(s), name(s) of the Respondent(s) and name(s) of witness(es). For incidents involving employees, The Associate Vice President for Diversity, Equity, and Inclusion and Human Resources can provide assistance in completing the Complaint Information Form.

Formal Complaints or College-Initiated Investigations in which a student or recognized student organization is named as a Respondent will be adjudicated by the Provost/Executive Vice President for Academic Affairs upon the recommendation of the Associate Vice President for Student Affairs.

Formal Complaints or College-Initiated Investigations against employees, including faculty and staff, will be adjudicated by the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources and the appropriate Vice President.

Investigations of Formal Complaints

As soon as practicable, the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources /Associate Vice President for Student Affairs/ Provost/Executive Vice President for Academic Affairs will interview the Complainant. Following the completion of his or her interview with the Complainant, the appropriate Vice President will be notified in writing as to whether or not the allegations set forth in the Complaint, if substantiated, would constitute a violation of College policy.

In the event that this notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a violation of College policy, or if the appropriate Vice President determines that the matter should be investigated, the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources will conduct a thorough fact-finding investigation and will meet separately with both the Complainant and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. **Associate Vice President for Diversity, Equity, and Inclusion and Human Resources** may consider all relevant information, including evidence of pattern or prior misconduct by the Respondent, credibility of the parties and witnesses, and in very limited circumstances, the prior history of the Complainant with the Respondent. Both parties will be provided the opportunity to provide information and names of witnesses to the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources.

Determination

Within five (5) days following the conclusion of the investigation, the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources will prepare and deliver a report to the appropriate Vice President. The report will include a finding based upon a preponderance of the evidence that 1) the allegations cannot be substantiated, 2) some or all of the allegations are substantiated or 3) the Formal Complaint was knowingly false or malicious. No violation of College policy will be presumed unless a preponderance of the evidence standard supports the finding of a violation. This preponderance of the evidence standard requires that the facts and information supporting each finding are more convincing than the facts and information offered in opposition to such finding. The report will include the basis upon which the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources reached his or her conclusions. The report will also include the determination of whether a violation of any College policy has occurred and a recommendation of the sanctions to be imposed, if any.

Sanctions and Remedial Measures

Sanctions will be decided by the Associate Vice President for Diversity, Equity, and Inclusion and Human Resources and the appropriate Vice President. Sanctions will be decided on a case-by-case basis and will be in accordance with College policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, denial of a pay increase, demotion, probation or termination. Sanctions for students are listed in Regulations Governing Student Conduct and may include without limitation verbal or written warnings, restrictions, probation, probated suspension, suspension or dismissal.

Remedial measures for students, faculty and staff will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on campus, ensuring that the Complainant and Respondent do not share classes or extracurricular activities, reassignment in the residence hall, tutoring or other academic support, arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty, job reassignment, targeted training for a group of students, faculty or staff and other remedies that can be tailored to the needs of the parties.

The appropriate Vice President will communicate in writing the final sanctions and/or remedial measures for the complainant/respondent employee(s) and/or complainant/respondent student.

Policy Statement

Sexual Harassment/Sexual Assault/Sexual Violence

SAINT MARY OF THE WOODS COLLEGE

POLICIES AND PROCEDURES FOR TITLE IX SEXUAL HARASSMENT CLAIMS

Effective August 14, 2020

WHEREAS, the United States Government has issued new directives for higher education procedures addressing sexual harassment,

WHEREAS, these procedures may be subject to immediate and constant improvement and amendment to implement a fair process for all participants, and

WHEREAS, Saint Mary of the Woods College (SMWC) wishes to provide a fair process to resolve or adjudicate such allegations:

THEREFORE, SMWC hereby adopts the following policies and procedures, effective August 14, 2020:

I

DEFINITIONS AND APPLICATION

Participants:

Participants must be separate individuals appointed and subject to removal and replacement by the SMWC President at any time, and include:

“Complainant”:

An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Respondent”:

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Advisor”:

If during the grievance process a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school’s choice who may be, but is not required to be, an attorney.

“Title IX Coordinator(s)”:

The employee(s) designated by SMWC to coordinate its efforts to comply with Title IX responsibilities.

“Investigator”:

An individual who compiles evidence regarding the allegations.

“Decision Maker”:

An individual who presides over the grievance process if a formal complaint is filed, and issues a written decision. The decision maker may also provide objective and unbiased advice to staff during the course of a Title IX complaint.

“Sexual harassment”:

Sexual harassment is defined broadly to include any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect. This includes any instance of quid pro quo harassment by a school’s employee, any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access, and any instance of sexual assault (as defined in the [Clery Act](#)), dating violence, domestic violence, or stalking as defined in the [Violence Against Women Act \(VAWA\)](#).

“Supportive measures”:

These are individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome, and which are designed to ensure equal educational access, protect safety, or deter sexual harassment.

Application:

These procedures apply when sexual harassment against any person occurs in SMWC's education program or activity.

An education program or activity includes locations, events, or circumstances over which SMWC exercises substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by SMWC.

Application includes programs or activities that occur on-campus or off-campus.

These procedures may supplement previous SMWC policies and procedures, but to the extent the procedures herein contradict previous policies and procedures, these procedures control due to the recently promulgated directive from the United States Department of Education.

II

REPORTING AND RESPONSE

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

SMWC will respond to all complaints promptly and in a manner that is not deliberately indifferent when viewed in the totality of the circumstances.

The Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

SMWC will provide supportive measures (see definitions) to the complainant.

SMWC will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

III

COMPLAINTS

(Informal Resolution and Formal Complaint)

SMWC may, in its discretion, choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. Any person who facilitates an informal resolution must be well trained.

A “formal complaint” is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. This written document must state the complainant was participating in or attempting to participate in the education program or activity of SMWC.

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.

The written complaint must include the complainant’s physical or digital signature, which may be inferred from an email address or otherwise, or which otherwise indicates that the complainant is the person filing the formal complaint. The complaint must also include the complainant’s telephone number and physical address, if available, in order for the Title IX Coordinator to respond.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process, and must comply with requirements for Title IX personnel to be free from conflicts and bias.

IV

INVESTIGATION

SMWC will investigate sexual harassment allegations in any formal complaint, which is filed by a complainant, or signed by a Title IX Coordinator.

Written notice to both parties (complainants and respondents) of the allegations upon receipt of a formal complaint shall be made by the Title IX Coordinator.

A complainant’s wishes with respect to whether the school investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

If the allegations in a formal complaint do not meet the definition of sexual harassment in the Final Rule, or did not occur in the school’s education program or activity against a person in the United States, SMWC is required by law to dismiss such allegations for purposes of Title IX, but SMWC may still address the allegations in any manner SMWC deems appropriate under SMWC’s code of conduct and/or policies. This decision will be made by the Title IX Coordinator, Decision Maker, or SMWC President.

During the investigation and grievance process:

- The burden of gathering evidence and burden of proof remains on SMWC, not on the parties.
- SMWC will provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- SMWC will not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no “gag orders”).
- Parties will have the same opportunity to select an advisor of the party’s choice who may be, but need not be, an attorney.
- SMWC will send to the parties written notice of any investigative interviews, meetings, or hearings.
- SMWC will send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- SMWC will send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- SMWC may, in its discretion, consolidate formal complaints where the allegations arise out of the same facts.
- Parties’ medical, psychological, and similar treatment records may not be accessed by SMWC unless SMWC receives written consent to do so.

Dismissal

SMWC may, in its discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

SMWC will give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.

V

GRIEVANCE PROCESS

The grievance process shall be an objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person’s status as a complainant, respondent, or witness.

All SMWC personnel participating in the grievance process, including the Title IX Coordinator, investigators, decision-maker, and/or people who facilitate any informal resolution process, will be free from conflicts of interest or bias for or against complainants or respondents.

Following American jurisprudence, there will be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The standard of proof required to support a finding of sexual harassment must be clear and convincing evidence.

The grievance process will operate in a reasonably prompt time frame towards, including appeals and informal resolutions, with allowance for short-term, good cause delays or extensions of the time frames.

Should the respondent be found to have violated this standard of proof, remedies and penalties shall include, but are not limited to: dismissal from SMWC, a written reprimand placed in the respondent's file, an oral reprimand, or other penalties imposed by the Decision Maker, all subject to appeal by the respondent to the SMWC President.

Hearings:

SMWC's grievance process will provide for a live hearing.

Informal and general rules of protocol and evidence may be followed, but only to provide a framework of procedure. At the live hearing, the decision-maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.

If a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.

SMWC will create an audio or audiovisual recording, or transcript, of any live hearing.

Furthermore, there shall be rape shield protections for complainants, deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

Decision

The Decision Maker will issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. – The written determination will be sent simultaneously to the parties along with information about how to file an appeal.

VI

APPEALS

SMWC offers both parties an appeal from a determination regarding responsibility, and from a SMWC's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or evidence that Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the President of SMWC, solely in writing, and within 30 days of the Decision Maker's decision. A party opposing an appeal shall be provided a copy of the other party's written appeal, and be permitted to file an opposing written document within 15 days. The President may make any finding, and in any manner, deemed to be appropriate under the circumstances. Parties shall not otherwise contact the President on appeal issues.

VII

AMENDMENT OF PROCEDURES

Amendments to these procedures may be made upon approval of SMWC President.