

**St. Joseph's Seminary**  
**Sexual Misconduct Policy and Procedure**

## Section 1 – Overview

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St. Joseph’s Seminary (the “Seminary”) is committed to an academic, residential and work environment free from sexual misconduct and other forms of unlawful discrimination. Sexual Misconduct, which is defined in Section IV hereof, is prohibited by this Sexual Misconduct Policy and Adjudication Procedure (the “Policy”), as well as by federal and state law. If there is a finding that any form of sexual misconduct in violation of this Policy has occurred, the Seminary will take appropriate action, including, when appropriate, dismissal from the Seminary or termination of employment.

The Seminary seeks to foster a culture of prevention and awareness surrounding sexual misconduct. Any member of the Seminary community who has been a target of, has witnessed, or has information about possible sexual misconduct, including by providing counseling and support services for individual and groups who have been affected by sexual misconduct, holding individuals who violate this Policy accountable through student or employee disciplinary or adjudication processes, and providing education and training to the Seminary community. The Seminary will take appropriate action to eliminate sexual misconduct, prevent its recurrence, remedy its effects on the Seminary community, and, if necessary, discipline behavior that violates this Policy. **All Seminary Student’s are entitled to the Bill of Rights set forth in Appendix B of this Policy with respect to New York State Education Law Article 129-B, also known as “Enough is Enough” legislation.**

### A. Scope of Policy

Sexual misconduct is strictly prohibited not only under this Policy, but also under federal and state law. All members of the Seminary community, including students and employees, are protected under and are expected to comply with this Policy. When used in this Policy, “employee” refers to both faculty and staff members.

All students and employees of the Seminary are responsible for their actions and behavior, whether the conduct in question occurs on campus or in a different location. This Policy applies to both on-campus conduct and off-campus conduct that has a reasonable connection to the Seminary. Vendors, independent contractors, visitors, and others who conduct business with the Seminary or who are present on the campus are also expected to comply with this Policy. These parties, most of whom are notified of the Policy through contractual relationships with the Seminary, are held to the same standards.

When used in this Policy, a “Complainant” is the person who presents as the victim of conduct that is prohibited under this Policy. A “Respondent” is the person who has been accused of violating this Policy.

### B. Purpose of Policy

The Purpose of this Policy is to:

- Identify the administrators at the Seminary who are responsible for the implementation of this Policy, including the Coordinator, and the scope of his/her role;
- Define sexual harassment and other forms of sexual misconduct;
- Identify resources and support services for members of the Seminary community;
- Provide information as to where a Seminary community member can access resources or obtain support confidentially;

- Provide information on how a Seminary community member can make a report or complaint of sexual misconduct; and
- Provide information on how a report against a Seminary community member will be investigated and adjudicated.

Nothing in this Policy shall be construed to abridge the exercise of academic freedom of inquiry, or free speech or free expression, by any member of the Seminary community.

Nothing in this Policy shall affect the right of the Seminary to take such actions as it deems appropriate to further its educational mission or to protect the safety and security of the Seminary community.

## **Section II – Statement Regarding Privacy and Confidentiality**

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The Seminary is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. To the fullest extent practicable, consistent with a full and fair investigation, information related to a report of sexual misconduct will be shared only with those who “need to know” (i) to assist in the investigation and/or resolution of the complaint, or (ii) to allow the Seminary to comply with other requirements. Individuals who are involved in the review, investigation, or resolution of a complaint are trained to understand the importance of safeguarding private information.

Students or employees who wish to obtain confidential assistance without making a report to the Seminary may do so by contacting a confidential resource identified in the Community & Campus Resources section of this Policy. Confidential resources will not share any personally identifiable information with other Seminary employees without express permission unless doing so is necessary to address a serious and ongoing threat to the safety of the Seminary community.

When the Seminary receives a report of sexual misconduct, but the Complainant requests that his or her identity remain confidential or that the Seminary not pursue an investigation, the Seminary must balance this request with its responsibility to provide a safe and non-discriminatory environment for all members of the Seminary community. The Seminary will take all reasonable steps to investigate and respond to the report consistent with the Complainant’s request, but its ability to do so may be limited. If the Seminary determines that it cannot maintain a Complainant’s confidentiality, the Seminary will inform the Complainant as soon as practicable. Seminary employees who cannot guarantee confidentiality will maintain the Complainant’s privacy to the greatest extent possible. The information the Complainant provides to a non-confidential resource will be relayed only as necessary for the Coordinator and others as appropriate to investigate and/or seek a resolution. Regardless of how a Complainant chooses to report an incident, the Seminary will, when appropriate, assist the Complainant with appropriate accommodations. More information on accommodations can be found in Section VIII (B) below.

If the Seminary determines that a reported incident of sexual misconduct poses a threat to the Complainant or the Seminary community or involves potentially criminal conduct, the Seminary may not be able to maintain the requested level of confidentiality. Immediately threatening circumstances include, but are not limited to, reported incidents of sexual misconduct that involve the use of force or a weapon, threats of physical harm, or other circumstances that represent a potentially serious threat to Seminary students, employees, or visitors.

In such circumstances, the Seminary may also choose to report the incident to local law enforcement. However, the Seminary policy does not require a Complainant to speak to law enforcement or to pursue any legal action against a Respondent.

All adjudication proceedings under this Policy are to be conducted in compliance with the requirements of Title IX, FERPA, New York State law, and Seminary policy.

## Section III – Role of the Coordinator

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The Seminary is required to designate at least one employee to coordinate its efforts to comply with federal laws governing sexual misconduct. The Seminary’s compliance coordinator (the “Coordinator”) is:

Rev. William Elder

914-968-6200 ext. 8236

[William.Elder@archny.org](mailto:William.Elder@archny.org)

The Coordinator has designated the following official to act as deputy compliance coordinator (the “Deputy Coordinator”) and to receive reports of sexual misconduct:

Msgr. Michael Curran

914-968-6200 ext. 8243

[Msgr.Michael.Curran@archny.org](mailto:Msgr.Michael.Curran@archny.org)

Alternatively, students may make a report directly to the Coordinator.

Other than incidents reported to Confidential Resources listed in the Confidential Campus Resources section below, the Coordinator must be advised of all incidents of sexual misconduct reported to the School.

Duties of the Coordinator and the Deputy Coordinators include the following:

- Being knowledgeable about and trained in the Seminary’s policies and procedures and relevant federal and state law;
- Coordinating the investigation and resolution of all reports of sexual misconduct under this Policy;
- Advising any individual, including a Complainant, a Respondent, or a third party, of the procedural options, both informal and formal, available at the Seminary and through local law enforcement.
- Advising any individual, including a Complainant, a Respondent, or a third party, about support services and other resources available both on-campus and off-campus;
- Providing assistance to any Seminary community member regarding how to respond appropriately to a report of sexual misconduct;
- Monitoring compliance with all procedural requirements and timeframe outlined in the adjudication process; and
- training, prevention, and education efforts and reviews of Seminary climate and culture.

## Section IV – Sexual Misconduct Defined

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Sections IV (A) and IV (B) below define “*sexual misconduct*” for purposes of this Policy.

**A. Sexual Harassment** - Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (1) and/or (2) below are present; and includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, when the conditions outlined in (1) and/or (2), below are present.

- (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any Seminary program and/or activities or is used as the basis for the Seminary’s decisions affecting the individual (often referred to as “quid pro quo” harassment); or
- (2) Such conduct creates a hostile environment. A “hostile environment” exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with limits, or deprives an individual from participating in or benefitting from the Seminary’s education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the Seminary will consider the totality of known circumstances, including, but not limited to:
  - The frequency, nature, and severity of the conduct;
  - Whether the conduct was physically threatening;
  - The effect of the conduct on the Complainant’s mental or emotional state;
  - Whether the conduct was directed at more than one person;
  - Whether the conduct arose in the context of other discriminatory conduct;
  - Whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or the Seminary’s programs or activities; and
  - Whether the conduct implicates concerns related to academic freedom of speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

**B. Other Forms of Sexual Misconduct** - In addition to the conduct set forth above as sexual harassment, the following conduct is also deemed to be sexual conduct and is prohibited under this policy:

**(1) Sexual Assault**

**a. Related to Attempted or Actual Penetration:** Having or attempting to have non-consensual vaginal or anal penetration, however slight, with a body part (*e.g.*, penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact. This includes sexual intercourse or attempted intercourse under circumstances including:

- Where the use or threat of intimidation, coercion, or force is involved;
- Where the other person is incapacitated and that incapacitation should be apparent to a sober, reasonable person in the same situation;

- Where the other person does not consent; or
- Where the other person is under the age of 17

**b. Related to All Other Forms of Sexual Contact:** Having or attempting to have any non-consensual, non-accidental touching of a sexual nature. This touching can include, but is not limited to, kissing, touching the intimate parts of another or causing the other person to touch the Respondent's intimate parts. This includes sexual contact under circumstances including:

- Where the use or threat of intimidation, coercion or force is involved;
- Where the other person is incapacitated and that incapacitation should be apparent to a sober, reasonable person in the same situation;
- Where the other person does not consent; or
- Where the other person is under the age of 17

(2) **Sexual Exploitation** - Sexual exploitation is taking sexual advantages of another person for the Respondent's own advantage or benefit, or for the benefit or advantage of anyone other than the Complainant. Examples of sexual exploitation include recording, photographing, or transmitting images of another person of a sexual nature web-cam, camera, Internet, etc., without the knowledge and consent of all persons; knowingly exposing HIV or another STD to an unknowing person or to a person who has not consented to the risk; causing or attempting to cause incapacitation for the purpose of making another person vulnerable to sexual assault; allowing third parties to observe private sexual acts; and voyeurism.

(3) **Intimate Partner Violence** - Intimate partner violence is also referred to as a dating violence, domestic violence, and relationship violence, and includes any act or threatened act of violence against an individual by a person who is or has been, involved in a sexual, dating, spousal, domestic, or other intimate relationship with that individual. It may involve one act or an ongoing pattern of behavior. Intimate partner violence can encompass a broad range of behavior, including but not limited to physical violence, sexual violence, emotional violence, and economic abuse. It can take the form of threats, assault, property damage, and violence to oneself, one's former or current sexual or romantic partner or to the family members or friends of the sexual or romantic partner.

(4) **Stalking** - Stalking is a course of conduct directed at a specific person that would cause a reasonable person to be in fear of bodily injury or to experience substantial emotional distress. Course of conduct means two or more acts, including but not limited to: acts made directly, indirectly, or through third parties, by any action, method, or device, including following, monitoring, observing, surveilling, threatening, or communicating to or about another person, or interfering with another person's property. Substantial emotional distress means significant mental suffering or anguish. Stalking includes cyber-stalking, a particular form of stalking using electronic media such as the Internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact.

(5) **Retaliation** - Retaliation is any adverse action taken against a person for making a good faith report under this Policy or participating in any proceeding under this Policy. Retaliation includes threatening, intimidating, harassing, coercing, or another conduct that would disadvantage a reasonable person from engaging in activity protected under this Policy. Retaliation does not include good faith actions lawfully pursued in response to a report filed under this Policy.

(6) **Aiding or Facilitating** - Knowingly and intentionally aiding or facilitating any act of sexual misconduct, before or after the fact, is also a violation of this Policy.

## Section V- Definitions of Consent, Coercion & Incapacitation

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**A. Affirmative Consent to Sexual Contact** - Sexual contact must be consensual at all times, and sexual contact is considered consensual only after affirmative consent has been given. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

In determining whether consent has been given, it is important to be aware of the following:

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

**B. Coercion** - Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, severe and/or pervasive emotional intimidation which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's ability to freely choose whether or not to engage in sexual activity. Coercion also includes administering a drug, intoxicant, or other substances that impairs the person's ability to give consent.

**C. Incapacitation** - A person is incapacitated and unable to give affirmative consent if he or she lacks the ability to knowingly choose to participate in sexual activity. An individual may be incapacitated if he or she lacks consciousness or is asleep, is voluntarily restrained, or otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

Some indicators of incapacitation may include, but are not limited to, slurred speech, emotional volatility, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate.

It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The question is whether a sober reasonable person in the position of the Respondent should have known that the individual was incapacitated. Because incapacitation may be difficult to discern, individuals are strongly encouraged to err on the side of caution; *i.e.*, when in doubt, assume that the person is incapacitated and therefore unable to give affirmative consent.



## Section VI- Community & Campus Resources

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The Seminary is committed to treating all individuals with dignity, care, and respect. Both a Complainant and a Respondent will have equal access to support and counseling service through the Seminary. All parties are strongly encouraged to utilize available resources for assistance.

**A. Emergency Resources** - An individual who has been the victim of a crime, such as sexual assault, is encouraged to get to a safe place and contact the local police department or call 911 immediately. Even if the individual does not wish to report the criminal conduct to the Seminary or to local law enforcement, he or she should still consider going to a hospital, both for his or her own health and well-being and so that evidence can be collected and preserved. Any evidence collected may be critically important in any future investigation, adjudication or prosecution. Medical providers can also facilitate and/or provide the following:

- Emergency or follow-up medical services: The Medical examination has two goals: first, to treat the full extent of any injury or physical trauma and to consider the possibilities of sexually transmitted disease or pregnancy; and the second, to collect and preserve evidence as part of a ‘rape kit’ or sexual assault examination for potential use in a criminal prosecution (provided only by a trained professional in a hospital). A victim should not shower, bathe, douche, brush his or her teeth, drink, or change clothing before having a medical examination, because the evidence may be destroyed.
- HIV and STD testing,
- Pregnancy testing,
- Health care concerns related to the incident may be discussed with the hospital emergency staff, a personal physician, or, in the case of the Seminary students, with the Seminary Staff who can also provide referrals to off-campus providers.

Medical providers off-campus include:

St. Joseph’s Medical Center  
127 South Broadway  
Yonkers, New York 10701  
(914) 378-7000

New York-Presbyterian Lawrence Hospital  
55 Palmer Avenue  
Bronxville, New York 10708  
(914) 787-7000

Regardless of whether possible criminal conduct is reported to the proper authorities, the Seminary will generally still conduct an investigation and take appropriate steps to assist the victim.

**B. Confidential Community Resources** - Counseling and support services may be obtained through the Safe Horizon Sexual Assault 24-hour hotline (800) 621-HOPE (4673) or at [www.safehorizon.org](http://www.safehorizon.org). Safe Horizon’s Counseling Center is licensed by the state of New York and specializes in treating traumatized victims of crime and abuse.

## Section VII- Making a Report under this Policy

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### A. Reporting Guidelines for Students

Students are encouraged to report information about any type of possible sexual misconduct involving a student or employee. Making good faith report of possible sexual misconduct will not affect the reporting party's grades, academic standing, and work assignments, or employment. Reports should be made to the Coordinator or Deputy Coordinator (as set forth in Section III).

At the time a report or complaint of sexual misconduct is made, a Complainant does not have to decide whether or not to pursue resolution of the complaint through any particular Seminary adjudication procedure. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. Although the Seminary may need to take action as a result of a particular complaint, the Seminary will endeavor to respect an individual's concerns in making these important decisions and provide support to assist each individual in making that determination. Because sexual misconduct frequently involves behaviors or interactions that are not witnessed by third parties, complaints cannot always be substantiated by additional evidence. Lack of corroborating evidence should not discourage individuals from reporting the incident.

1. **Individuals Who Are Required to Report:** Under this Policy, any employee or student entrusted with the welfare of another employee or student who receives a report of sexual misconduct must share the report with one of the individuals specifically charged with investigating and responding to allegations of sexual misconduct. Individuals designated as "responsible employees" are also required to report. A "responsible employee" includes any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual misconduct by students to the Coordinator or other appropriate Seminary designee; or whom a student could reasonably believe has this authority or duty. While the Seminary recognizes that a student or employee may choose to report sexual misconduct to any trusted employee of the Seminary, the most effective approach is to report to the Coordinator or Deputy Coordinators, who are specially trained to assist victims of sexual misconduct.

Anyone receiving complaint or report under this Policy should not, under any circumstances, attempt to resolve the complaint without first reporting it to the Coordinator or a Deputy Coordinator. Such failure to report may subject the individual to disciplinary sanctions.

2. **Time Frame for Reporting:** All reports or complaints of sexual misconduct should be made as soon as possible after alleged conduct occurs. Although there is no time limit for reporting, prompt reporting will enable the Seminary to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. If the Respondent is no longer a student, the Seminary will seek to provide support to the Complainant and take all available measures to end the harassment, prevent its recurrence, and address its effects.
3. **Emergency Reporting:** The Seminary encourages all individuals to seek assistance from a medical providers and/or local law enforcement immediately after an incident of sexual assault or violence. This is the most effective means of ensuring preservation of evidence and beginning a timely investigative and remedial response. The Seminary will assist any community member in getting to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about the Seminary's resources and complaint processes. Assistance is available 24 hours a day year-round by calling Seminary security and/or the local police department.

4. **Amnesty:** The health and safety of every student at the Seminary is of utmost importance. The Seminary recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual misconduct may have occurred may be hesitant to report such incidents due to fear of potential consequences as a result of their own conduct. The Seminary strongly encourages students to report possible sexual misconduct to Seminary officials. A Complainant, bystander, or other individual who in good faith reports any incident of sexual misconduct to the Seminary officials or law enforcement will not be subject to any action.
5. **False or Bad Faith Allegations:** An individual found to have knowingly made a false complaint or report, or to have knowingly and willingly given false information during an investigation, will be subject to disciplinary action, up to and including dismissal from the Seminary. Inconclusive findings based on a report of sexual misconduct or a finding that there has been no violation of the Policy, without more, will not result in a determination that allegations were made falsely or in bad faith.
6. **Anonymous Reporting:** The Seminary community members also have the option of making an anonymous report concerning an act of sexual misconduct. An individual may report the incident without disclosed his or her name, identifying the Respondent, or requesting any action. However, depending on the level of information available about the incident or the individuals involved, anonymous reporting may reduce the Seminary's ability to respond or pursue appropriate action. The Seminary's response may be limited if information contained in the report cannot be verified by independent facts. Moreover, the Seminary may not be able to take disciplinary action against an individual based solely on an anonymous report. A form which can be used for anonymous reporting can be found at Appendix A.

The Coordinator will review the anonymous report and determine any appropriate steps, including individual or community remedies as appropriate and/or inclusion of the incident in the daily log and annual security report as required pursuant to the Clery Act.

7. **Public Awareness and Advocacy Events:** If an individual discloses information about a potential violation of this Policy during public awareness or advocacy events, such as a candlelight vigil or protest, that disclosure will not constitute a report or complaint for purposes of this Policy, and the Seminary will not have an obligation to investigate. The Seminary may, however, consider the information in developing its education and prevention efforts.

## **B. Reporting Guidelines for Employees**

Employees are encouraged to report information about any type of possible sexual misconduct involving a student or employee. Making good faith report of possible sexual misconduct will not affect the reporting party's work assignments or employment.

Reports can be made in accordance with the policies and procedures set forth in the Seminary Faculty Handbook.

## **C. Coordination with Law Enforcement**

The Seminary will support Complainants who elect to pursue criminal action for possible incidents of sexual harassment, sexual assault, and intimate partner violence that may also be criminal in nature. The Seminary will assist a Complainant in making a criminal report and, to the extent permitted by law, will cooperate with law enforcement agencies during their investigation and any subsequent prosecution.

A complainant may make a report under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, is determinative of whether a violation of this Policy has occurred. Reporting and adjudication under this Policy are independent of civil and criminal processes and may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Initiating a report on-campus does not preclude, limit, or require a student's or employee's access to the state and federal justice systems.

Notifying the local police department may result in the Complainant, and in some cases the Respondent, being interviewed by a police officer and by the district attorney's office, and a determination will be made as to whether a criminal investigation will occur and if the case will be referred for prosecution. A case not referred for criminal prosecution will generally still receive an investigation and a response from the Seminary. The Seminary's investigation may be temporarily suspended as criminal investigators gather evidence. In such a case, the Seminary will resume its investigation as soon as practicable and will take interim measures as necessary to protect the Complainant and the Seminary community.

If a Complainant wishes to file a report with the local police department, an appropriate Seminary staff member will be available to provide assistance and support. If a Complainant chooses not to file, a police member will be available to provide assistance and support. The Seminary may file a police report if the incident is sufficiently serious or could pose a threat to the safety or security of the Complainant or the Seminary community, or if the Complainant is a minor. However, the Seminary policy does not require a Complainant to speak to law enforcement or to pursue a legal action against a Respondent.

## **Section VIII- Interim Remedial and Protective Measures**

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After a report of sexual misconduct is received, both Complainant and Respondent may obtain reasonable and available interim remedial and/or protective measures pending the completion of the adjudication process. Upon request, a Complainant or Respondent will be afforded a reasonable and prompt review of any interim remedy that directly affects him or her and be allowed to submit evidence in support of his or her request. All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by an interim measure. The Seminary will take immediate action to enforce a previously implemented measure.

Interim measures, which are available to both Complainant and Respondent, include, but are not limited to, the following:

### **A. Contact and Communication Restrictions**

A Complainant or Respondent may request contact and communication restrictions to prevent potentially harmful interactions between the parties. In some instances, the Seminary may implement these measures without a request. For example, the Seminary might implement a no-contact directive, prohibiting the parties from having contact with one another, either directly or through third parties, in person or otherwise. Under such a directive, if a Respondent and Complainant should observe each other in a public place, the Respondent is responsible for leaving the area immediately without directly contacting the Complainant. Once such a directive is instituted, any continued intentional conduct by a Respondent with the Complainant will be considered a violation of this Policy and may result in sanctions or other disciplinary action against the Respondent. Both a Respondent and the Complainant may request a review, reasonable under the circumstances, of the need for and terms of a no-contact order and shall be allowed to submit evidence in support of his or her request for modification or termination of said order.

### **B. Academic or Living Arrangements**

A Complainant or Respondent may request, or the Seminary may impose, reasonable and available changes in academic or living arrangements after a report of sexual misconduct. The Seminary will review the need for and terms of any such requested change, including reviewing any appropriate evidence submitted by the Complainant or the Respondent in support of the request. Such changes may include:

- Accommodations in class schedule, including the ability to withdraw from a course without penalty
- Limiting an individual's access to certain Seminary facilities or activities pending resolution of the complaint; and/or
- Reassignment of housing, if practicable

## Section IX – Adjudication Procedure for Students

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- A. **Overview** - The adjudication process provides a number of options for those who believe they have been the victim of sexual misconduct. The option selected will depend on a number of factors, including the nature of the alleged misconduct, the information available, the degree of confidentiality sought, and the relief sought by the Complainant. A Complainant may request an informal or formal resolution process. An informal resolution focuses on stopping the harassing behavior without a formal investigation. It is remedies-based and does not include sanctions. A Complainant's decision to pursue informal resolution may be made before, during, or after a full factual investigation by the School. A formal resolution involves an investigation and may result in sanctions if a violation of this Policy is found to have occurred. Regardless of whether a Complainant wishes to pursue an informal or formal resolution, or ultimately chooses not to seek a resolution at all, the Coordinator will undertake an appropriate inquiry and take such action as is reasonably practicable to support and protect the Complainant and, if necessary, the St. Joseph's Seminary community.
- B. **Informal Resolution** - Informal resolution is a viable option when the Complainant desires to resolve the situation cooperatively or in cases when a formal investigation is not desired. Informal resolution is a remedies-based approach designed to eliminate the conduct giving rise to the complaint without taking disciplinary action against a Respondent. Informal resolution will not be appropriate for all types of allegations, including those involving sexual assault or violence.

The means for seeking an informal resolution will vary from case to case, including, but not limited to, the following: (1) the direct approach, (2) third party mediation, or (3) indirect action taken by the Coordinator or Deputy Coordinator. In the informal process, after a report of sexual misconduct is received, the Coordinator, Deputy Coordinator, or an appropriate designee will conduct an appropriate level of inquiry to facilitate the resolution process. The informal process generally should not exceed thirty (30) working days.

1. **Direct Approach:** After a discussion with the Coordinator or other designated School official, a Complainant who feels comfortable approaching a Respondent may choose to communicate with that Respondent personally. This approach might include a face to face discussion, telephone conversation, email correspondence, or other written communication with a Respondent, letting him or her know exactly what behavior is offensive or unwelcome and asking him or her to stop. In some cases, this approach may resolve the situation; in others, it may be ineffective or place the Complainant in an uncomfortable position. Under no circumstances should a Complainant feel pressured to address a Respondent directly or otherwise handle the matter alone, and a decision not to confront an alleged offender will not be viewed negatively.

At a Complainant's request, the direct approach may also be undertaken by the Coordinator or a Deputy Coordinator, who may intervene on the Complainant's behalf and approach a Respondent personally to discuss his or her behavior.

2. **Third Party Mediation:** This option involves having the Coordinator or a Deputy Coordinator mediate between a Complainant and a Respondent, bringing the Complainant and Respondent together informally to attempt to resolve the issue. This type of approach may result in solutions such as negotiating an agreement between the parties, separating the parties, referring the parties to counseling programs, and/or conducting targeted training or educational programs. If third party mediation is used, the Coordinator or other designated School official will conduct a follow-up review after a reasonable period of time to assure that the resolution has been implemented effectively.

**3. Indirect Action Taken by the Coordinator:** Alternatively, the Complainant may choose an indirect approach. This option has the advantage of maintaining the anonymity of the Complainant and Respondent. One example of indirect action is to have the Coordinator address a faculty and staff meeting covering St. Joseph's Seminary's policy against sexual misconduct and/or reminding students, faculty, and staff of their responsibility to foster an environment free of sexual misconduct and other forms of unlawful discrimination.

C. **Formal Resolution and Adjudication Procedure** - The formal resolution process is available whenever informal resolution is inappropriate or unsuccessful and whenever either party withdraws his or her prior agreement to participate in informal resolution. Formal resolution includes a full investigation and, if a Respondent is found responsible, may result in the imposition of sanctions, ranging from a verbal warning up to and including dismissal from the School.

The formal resolution process will be overseen by the Coordinator and, in most instances, will be completed within sixty (60) days of receipt of the complaint. However, all time frames expressed in this Policy are guidelines rather than rigid requirements. In any particular case, circumstances may require extending these timeframes. Considerations may include the complexity or scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening School break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to reasonable time frames.

1. **Initiation of Complaint** - The formal resolution process is initiated by a complaint or report of sexual misconduct to one of the individuals designated in the Reporting Guidelines. A complaint or report can be made by any member of the St. Joseph's Seminary community.

Once a report or complaint of sexual misconduct has been received, the Coordinator or appropriate Deputy Coordinator will schedule a meeting with the Complainant to provide him or her with a general overview of the formal resolution process and to identify forms of support and interim remedies available to the Complainant. The Complainant will be informed of the range of possible outcomes of the report, including disciplinary actions that might be taken against the Respondent if it is determined that there has been a violation of this Policy. If criminal activity may be involved, the Complainant will also be advised of his or her right to file a criminal complaint.

If a Complainant chooses to proceed, he or she will be asked to file a written complaint on the School's Complainant Reporting Form for Sexual Misconduct, Including Sexual Harassment, Sexual Assault or Other Unlawful Discrimination, which can be found in Appendix 1A in both the Seminarian and MA Student Handbooks (see Appendix H). A written complaint, however, is not required to initiate the resolution process. The Coordinator or Deputy Coordinator will be able to answer any questions regarding the writing of the report.

The Complainant should provide as much of the following information as he or she is able to provide:

- the name of the person accused of sexual misconduct;
- when and where the incident(s) occurred;
- a description of the alleged behavior;

- what effect the alleged behavior had on the Complainant;
- who witnessed the alleged behavior, if applicable; and
- if any medical treatment was received.

After the complaint has been received, the Coordinator will notify a Respondent of the allegations against him or her and provide him or her with a general overview of the formal resolution process. At any time after receiving the complaint, the Respondent may elect to acknowledge his or her stated violation(s) of this Policy and take responsibility for the alleged sexual misconduct, or the Complainant may elect to withdraw the complaint and discontinue the adjudication process. If the Respondent accepts responsibility for the stated violation(s) of this Policy, the case may not be investigated, at the School's discretion, but instead may proceed directly to a Hearing Panel for a determination of sanctions.

All parties involved in an adjudication procedure are asked to keep information regarding the process, or learned through it, confidential.

## 2. **Investigation**

One or more individuals trained in the investigation of sexual misconduct and designated by the School (the "Investigator") will then conduct a prompt, thorough, fair, and impartial investigation. The Investigator may be an external party or a St. Joseph's Seminary employee, at the discretion of the School.

- (a) Notice of Investigation:** The Coordinator will notify a Complainant and a Respondent, in writing, of the commencement of an investigation. Such notice will (1) identify the Complainant and the Respondent; (2) specify the date, time (if known), location, and nature of the alleged Policy violation; (3) identify potential Policy violation(s); (4) identify the Investigator; (5) explain the prohibition against retaliation; (6) instruct the parties to preserve any potentially relevant evidence in any format; (7) inform the parties how to challenge participation by the Investigator on the basis of bias or a conflict of interest; and (8) provide a copy of this Policy.
- (b) Presumption of Non-Responsibility and Participation by the Parties:** The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Investigator concludes that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the Respondent violated the Policy. The School may continue an investigation without the participation of any party.
- (c) Overview of Investigation:** During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will notify and seek to meet separately with the Complainant, the Respondent, and third-party witnesses, and will gather other relevant and available evidence and information, including, without limitation, electronic or other records of communications between the parties or witnesses (via voicemail, text message, email, and/or social media sites), photographs (including those stored on computers and smart phones), and medical records (subject to the consent of the applicable party).
- (d) Advisors:** Throughout the investigation and resolution process, each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney,



who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a report under this Policy. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

- (e) **Prior or Subsequent Conduct:** Prior or subsequent conduct of a Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of conduct prohibited by this Policy by a Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to a determination of responsibility. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation. The Investigator will determine the relevance of this information, and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.
- (f) **Prior Sexual History:** The sexual history of a Complainant or Respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of any of the parties is generally not relevant to the determination of a Policy violation and will be considered only in limited circumstances. For example, if the existence of affirmative consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether affirmative consent was sought and given during the incident in question. However, even in the context of a relationship, affirmative consent to one sexual act does not, by itself, constitute affirmative consent to another sexual act, and affirmative consent on one occasion does not, by itself, constitute affirmative consent on a subsequent occasion. The Investigator will determine the relevance of this information, and both parties will be informed if evidence of prior sexual history is deemed relevant. Any party has the right to exclude his or her own prior sexual history with persons other than another party, as well as his or her own mental health diagnosis or treatment, from consideration in the procedures under this Policy for the purposes of determining responsibility.
- (g) **Relevance:** The Investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence.
- (h) **Site Visit(s):** The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means.
- (i) **Expert Consultation(s):** The Investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.
- (j) **Coordination with Law Enforcement:** The Investigator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a School investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the School in its investigation. At the request of law enforcement, the Investigator may delay the School investigation temporarily while an external law enforcement agency is gathering

evidence. The Investigator will promptly resume the School investigation following such a delay.

- (k) Draft Investigation Report:** At the conclusion of the investigation, the Investigator will prepare a Draft Investigation Report summarizing the information gathered and outlining the contested and uncontested information. The Draft Investigation Report will not include any findings. The parties will have an opportunity to review the Draft Investigation Report; meet with the Investigator; submit additional comments and information to the Investigator; identify any additional witnesses or evidence for the Investigator to pursue; and submit any further questions that they believe should be directed by the Investigator to the other party or to any witness. The Investigator will designate a reasonable time for this review and response by the parties, not to exceed five (5) calendar days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator during the designated review and response period will not be considered in the determination of responsibility for a violation of the Policy, and will not be considered by the Hearing Panel.
- (l) Final Investigation Report:** Unless there are significant additional investigative steps requested by the parties or identified by the Investigator, within five (5) calendar days after receipt and consideration of any additional comments, questions, and/or information submitted by the parties during the designated review and response period, the Investigator will prepare a Final Investigation Report, which will include a recommendation as to whether there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility for a violation of the Policy. The Investigator will deliver the Final Investigation Report to the Coordinator. The Coordinator will notify both parties, simultaneously, that the Final Investigation Report is complete and available for review.
- (m) Recommended Finding(s) of Responsibility:** When the Investigator determines that there is sufficient evidence, by a preponderance of the evidence, to support a finding of responsibility on one or more of the allegations, a Respondent may accept or contest such recommended finding(s) by so notifying the Coordinator, in writing. If the Respondent accepts the recommended finding(s) of responsibility, the Coordinator will refer the case for a hearing before the Hearing Panel solely on the issue of sanction. If a Respondent contests one or more of the recommended finding(s), the Respondent may submit to the Coordinator a written statement explaining why the Respondent contests such finding(s). The Coordinator will ensure that the Complainant has an opportunity to review and respond in writing to any such statement. The Coordinator will provide the Final Investigation Report, together with any statements by the parties, to the Hearing Panel for further proceedings.
- (n) Recommended Finding(s) of No Responsibility:** When the Investigator determines that there is sufficient evidence, by a preponderance of the evidence, to support a finding of no responsibility on one or more of the allegations, the Complainant may accept or contest the recommended finding(s) by so notifying the Coordinator, in writing. If the Complainant accepts the recommended finding(s) of no responsibility, the investigation will be closed. If the Complainant contests one or more of the recommended finding(s), the Complainant may submit to the Coordinator a written statement explaining why the Complainant contests such finding(s). The Coordinator will ensure that the Respondent has an opportunity to review and respond in writing to any such statement. The Coordinator will provide the Final Investigation Report, together with any statements by the parties, to the Hearing Panel for further proceedings.

(o) **Impact and Mitigation Statements:** Where there is a finding of responsibility on one or more of the allegations, the parties may submit a statement to the Coordinator for consideration by the Hearing Panel in determining an appropriate sanction. The Complainant may submit a written statement describing the impact of the conduct that violated this Policy on the Complainant and expressing a preference about the sanction(s) to be imposed. A Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanction(s) imposed. The Coordinator will ensure that each of the parties has an opportunity to review any statement submitted by the other party. The Coordinator will provide any statement(s) with the Final Investigation Report and the parties' other written submissions to the Hearing Panel.

**3. Acceptance of Responsibility**

A Respondent may, at any time, elect to resolve the formal resolution process by accepting responsibility for the charges, in which case the Coordinator will refer the matter to the Hearing Panel to determine the appropriate sanction(s).

**4. Hearing Panel**

The School will appoint a standing pool of potential panelists who may be trained members of the St. Joseph's Seminary community or external parties. The Coordinator will select three members from this pool to serve on the Hearing Panel and name one of those three members as the Panel Chair. The Hearing Panel will review the Investigator's recommended finding(s) and, if applicable, determine any appropriate sanction(s). All persons serving on any Panel must be impartial and free from any conflict of interest.

(a) **Hearing Panel Determination:** If any of the parties contest the Investigator's recommended finding(s) of responsibility (or no responsibility) for an alleged violation of this Policy, the Hearing Panel will hold a Hearing to determine whether the Respondent is responsible for the alleged violation(s) of the Policy. The Hearing Panel will make this determination by majority vote based upon a preponderance of the evidence. Instead of finding the Respondent responsible or not responsible for the alleged violation, the Hearing Panel may remand the matter for further investigation. If the Hearing Panel finds the Respondent responsible, it will determine the appropriate sanction(s) for the violation(s) by majority vote.

(b) **Notice and Timing of Hearing:** The Coordinator will notify the parties in writing of the date, time, and location of the Hearing; the names of the Hearing Panel members; and how to challenge participation by any member of the Hearing Panel for conflict of interest. The Hearing will usually be scheduled within five (5) calendar days from the date of the Notice of Hearing, subject to extension for good cause. Good cause for extension may include the unavailability of the parties, the timing of School breaks or holidays, or other extenuating circumstances. Any extension, including the reason for the extension, will be shared with the parties in writing.

(c) **Postponement of Hearing:** Permission to postpone a Hearing may be granted provided that the request to do so is based on a compelling emergency and communicated to the Coordinator prior to the time of the Hearing.

(d) **Hearing Format:** The Hearing provides an opportunity for the parties to address the Hearing Panel in person about issues relevant to the standard of review to be applied by the Hearing Panel. The parties may address any information in the Final Investigation Report, supplemental statements submitted in response to the Final Investigation Report, and any impact and mitigation statements. Each party has the opportunity to be heard, to identify

witnesses for the Hearing Panel's consideration, and to respond to any questions of the Hearing Panel. The parties may not directly question each other or any witness, although they may proffer questions for the Hearing Panel, which may choose, in its discretion, to pose appropriate and relevant questions to the Investigator, the parties, and/or any witnesses. A typical hearing may include brief opening remarks by the Complainant and/or Respondent, with follow-up questions posed by the Hearing Panel; information presented by the Investigator or witnesses deemed relevant by the Hearing Panel, with follow-up questions by the Hearing Panel of the Investigator or witnesses; and brief concluding remarks by the Complainant and/or Respondent. The Panel Chair has the discretion, consistent with these general principles, to determine the specific Hearing format.

**(e) Participation in Hearing:**

- Parties: Both the Complainant and the Respondent have a right to be present at the Hearing. A party may request alternative methods for participating in the Hearing that do not require physical proximity to the other party, including participating through electronic means. This request should be submitted to the Coordinator at least two (2) calendar days prior to the Hearing. If, despite being notified of the date, time, and location of the Hearing, either party is not in attendance, the Hearing may proceed, and applicable sanctions will be imposed. Any party may choose not to participate, and the Hearing may proceed in their absence.
- Investigator and other Witnesses: The Hearing Panel may request the presence of the Investigator or any other witness it deems necessary to its determination. The parties may also request the presence of any witness they deem relevant to the determination by the Hearing Panel. The Hearing Panel has absolute discretion to determine which witnesses are relevant to its determination and may decline to hear from witnesses where it concludes that the information is not necessary for its review.
- Advisors: Both the Complainant and the Respondent have the right to be accompanied at the Hearing by an advisor of their choosing. The advisor may be anyone, including an attorney, who is not otherwise a party or witness. While the advisor may provide support and advice to a party at the Hearing, the advisor may not speak on behalf of the party or otherwise participate in, or in any manner disrupt, the Hearing. The School reserves the right to remove any individual whose actions are disruptive to the proceedings.

**5. Sanctions**

Any sanctions imposed will be determined by the Hearing Panel based on the relevant facts and circumstances. The Hearing Panel will impose sanctions that are fair and appropriate, consistent with the School's handling of similar cases, adequate to protect the safety of the St. Joseph's Seminary community, and reflective of the seriousness of the misconduct at issue.

Disciplinary and remedial sanctions may include, but are not limited to:

- A written warning placed in the Respondent's file;
- Reassignment of responsibilities, if practicable;
- Reassignment of housing or class scheduling, if practicable;
- Probation;
- Suspension from academic program; and/or

- Dismissal from the School. (If student is suspended or dismissed in connection with an act constituting a crime of violence under the federal Clery Act, a notation will be placed on the student's transcript in accordance with applicable law.)

Training and educational sanctions might include one or more of the following:

- Active counseling (clinical and/or psychiatric as determined by practitioner);
- Alcohol abuse course;
- Anger management course;
- Assault prevention;
- Community service;
- Substance abuse treatment;
- Sexual harassment sensitivity training; and/or
- Safe sex training

#### **6. Notice of Outcome**

The Coordinator will notify the Complainant and Respondent simultaneously in writing of the Hearing Panel's decision as promptly as possible after a determination has been reached. The Respondent will be fully informed of any sanctions. For reports involving sexual assault, dating violence, domestic violence, or stalking, the Complainant will also be fully informed of any sanctions. For all other reports under this Policy, the Complainant will be informed only of those sanctions that directly relate to the Complainant.

If appropriate, the Coordinator will also keep the Complainant apprised of any steps taken by St. Joseph's Seminary to prevent recurrence of the sexual misconduct and to correct its adverse effects on the Complainant and other members of the St. Joseph's Seminary community.

The School will request that disclosure of the decision and sanctions be limited to family, close friends, or advisors. Each party has the right to choose whether to disclose or discuss the outcome of the complaint more broadly; however, retaliation is prohibited by this Policy and will not be tolerated. Widespread disclosure, as well as any form of disclosure on social media, may potentially be viewed as retaliatory and could subject the disclosing party to separate sanctions under this Policy.

#### **7. The Appeal**

Complainants and Respondents are entitled to request an appeal of the decision of the Hearing Panel. A request for appeal should be addressed to the Coordinator by the requesting party no more than three (3) days after receipt of the notice of the outcome.

The Coordinator will notify the other party of the appeal and provide him or her the opportunity to review it; the other party will have two (2) days to submit a response.

The Coordinator will submit the appeal and the response to an Appeals Panel chaired by the Academic Dean and Dean of Seminarians. The Appeals Panel will be a three person panel, with panel members chosen from the pool by the Academic Dean and Dean of Seminarians, in consultation with the Coordinator. If the Academic Dean and Dean of Seminarians are unavailable or have a conflict of interest, the Appeals Panel will be chaired by the Associate Dean of Academic Affairs.

The sole grounds for an appeal are:

- Procedural error: Appealing party alleges that there was a deviation or change from the procedure outlined in the adjudication process that may have had a material impact on the outcome of the complaint.
- New evidence: Appealing party alleges that, subsequent to the Hearing Panel's determination, new evidence became available that could have had a material impact on the outcome of the complaint.
- Severity of penalty: Appealing party alleges that the sanctions imposed are either too severe or too lenient in light of the violation or are inconsistent with the type of sanctions imposed on others who were found to be responsible for substantially similar violations of the Policy.

The Appeals Panel will make a decision based on the merits of the appeal. The Appeals Panel decision will be made by majority vote. The decision on appeal will be final.

## **Section X – Adjudication Procedure for Employees**

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The adjudication process for those Employees who believe they have been the victim of sexual misconduct will be governed by the procedures set forth in the Seminary Administration and Faculty Handbook. The Coordinator will undertake an appropriate inquiry and take such action as is reasonably practicable to support and protect the Complainant and, if necessary, the St. Joseph's Seminary community.

## **Appendix A – Sexual Misconduct Report Form**

### **Important Information**

Any student or employee who is a victim of sexual assault or violence is encouraged to **immediately seek medical assistance** and to consider notifying law enforcement.

While the Seminary finds a written report to be helpful in an investigation, you are not required to file this form in order to initiate a complaint or receive assistance. You can also reach out the Seminary's Coordinator or Deputy Coordinator directly via phone, email, or in-person. For a complete list of the Coordinators' contact information, please see Section III of the Seminary's Sexual Misconduct Policy.

### **Purpose of Form**

This form allows any member of the Seminary community to report any alleged sexual misconduct violations, including sexual harassment, sexual assault, intimate partner violence, stalking, and retaliation.

### **After Submission**

Once submitted this form will be given directly and confidentially to the Seminary's Coordinator. Upon receipt of this form, the Coordinator will reach out to you as soon as possible to discuss all of your rights and options under the Policy and under Federal and State law.

### **Anonymous Reporting**

Any member of the Seminary community has the right to make an anonymous report. It is important to note that depending on the level of information available about the incident or the individuals involved, anonymous reporting may reduce the Seminary's ability to respond or pursue appropriate action. The Seminary's response may be limited if information contained in the report cannot be verified by independent facts. Moreover, the Seminary will generally not be able to take disciplinary action against an individual based solely on an anonymous report.

If you feel strongly about anonymity, the Coordinator can put the person "on notice" and attempt to stop behavior through an educational process permitted by the law and the Seminary's Sexual Misconduct Policy.

Whatever your decision, the Coordinator or any other Seminary official designated in the Policy are available to assist you and provide guidance and support.



**FORM**

**Reporting Party** (Optional if want to remain anonymous as described above)

Full Name \_\_\_\_\_

Phone Number \_\_\_\_\_

Email \_\_\_\_\_

Preferred Communication Method    \_\_\_\_\_ Phone            \_\_\_\_\_ Email

**Alleged Incident Information**

Full Name of Accused Party \_\_\_\_\_

Description of Accused Party \_\_\_\_\_

Full Names/Descriptions of Any Additional Accused Parties

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Description of Alleged Incident(s) – Please describe the incident(s) in as much detail as you are able. It is helpful to address the questions: who, what, when, where, and how. You may use the back of this form or attach additional pages, if necessary.

\_\_\_\_\_

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\_\_\_\_\_

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**Potential Witnesses**

Full Name of Witness \_\_\_\_\_

Witness Description \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Description of Witness' Knowledge

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**Additional Information**

Electronic Communications – If applicable, please describe any electronic communications that you have relating to this incident. You may attach copies of the communications to this form.

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Previously Reported – If you have previously reported this incident(s) to the Seminary or local law enforcement, please indicate to whom and when reported.

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**Appendix B – Student Bill of Rights in conjunction with NYS Education Law**  
**Article 129-B, also known as “Enough is Enough” legislation.**

The following student’s Bill of Rights lists the rights students can expect when reporting sexual offenses and relationship violence to St. Joseph’s Seminary (the “Seminary”). All students have the right to:

- Make a report to the Seminary
- Be protected by the Seminary from retaliation for reporting an incident
- Receive assistance and resources from the Seminary
- Make a report to local law enforcement, and/or the state police
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident
- Be protected from retaliation by the institution, any student, the accused, and/or the respondent, and/or their friends, family, and acquaintances, within the jurisdiction of the institution
- Access at least one level of appeal of a determination
- Be accompanied by an advisor of choice who can serve as support for a reporting individual, accused, or respondent throughout the conduct process, however is unable to actively participate in the process by asking or answering questions on the student’s behalf
- Have the institution’s judicial/student conduct process run concurrently with any criminal justice investigations and proceedings
- Be presumed to be not responsible until a determination is reached
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution