

Sexual Misconduct/Title IX Policy

SHSST prohibits discrimination or harassment based on race, color, religion, creed, sex, national origin, age, disability, marital status, veteran status or any other status protected by applicable law w “insofar as such practices do not conflict with doctrine or ecclesiastical polity” (ATS, Standards 2.4). As a Roman Catholic Seminary, we recognize that some classes are restricted to men preparing for ordination to the priesthood. At the same time, each individual has the right to work or study in a professional atmosphere that promotes equal employment and educational opportunities and is free from discriminatory practices, including, without limitations, harassment.

No student or employee of Sacred Heart Seminary and School of Theology will engage in discriminatory behavior toward a student or employee based on sex, including sexual harassment or sexual crimes. Violators will be subject to sanctions up to and including dismissal of a student or termination of an employee. Remedies may be provided to restore equal access to the Complainant. If the violation is a criminal offense, civil authorities will be contacted.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature, when: 1. submission to such conduct is made either explicitly or implicitly a term or condition of the individual’s work or academic relationship with the seminary; 2. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working or academic environment.

Examples of sexual harassment include unwelcome or unsolicited sexual advances; displaying sexually suggestive material; unwelcome sexual flirtations, advances or propositions, suggestive comments; verbal abuse of a sexual nature; sexually-oriented jokes; crude or vulgar language or gestures; graphic or verbal commentaries about an individual’s body; display or distribution of obscene materials; physical contact such as patting, pinching or brushing against someone’s body; or physical assault of a sexual nature. Harassment may occur online, as well as in-person.

One who assists or encourages sexual harassment may also become the Respondent in a Title IX complaint.

I. Applicability/Jurisdiction

A Title IX complaint can only involve current students or employees in the United States. “Student” includes anyone who has been accepted into a program, even though not yet enrolled. The requirement not to discriminate in the education program or activity extends to admission. If the Complainant leaves, the complaint process may be continued by the Title IX Coordinator. If the Respondent is no longer a student or employee, the Title IX complaint is terminated, since the recipient (SHSST) cannot enact sanctions. The Complainant may still have recourse to other civil rights complaints procedures or filing a criminal complaint.

Volunteers and contractors cannot be part of a Title IX complaint, although students and employees may have recourse to other complaint procedures when an offense involves a volunteer or someone from outside the institution, such as a contractor.

The violation must have occurred either on school property or at a location, event, or circumstance where SHSST exercises substantial control over both the Respondent and the context in which the sexual harassment occurs. Students and adjunct faculty at St. Francis de Sales Seminary (SFdSS) can file Title IX complaints of occurrences at SFdSS if the violation occurs as part of an SHSST-related event or activity, including, but not limited to, Theological Reflection, Integrating Seminar, and Case Study, human and spiritual formation, and liturgical practica. Off-campus violations that were not at a school event or program may be handled as other handbook violations or, if appropriate, crimes.

Since the Adveniat Regnum Tuum pathway occurs outside of the United States, its students are not covered by Title IX. They may, however, have recourse to other handbook complaint procedures.

II. Grievance procedures

If a student or employee believes that a Title IX violation as defined above has occurred either to him or herself or another student or employee, he or she can contact either a Responsible Employee or the Title IX Coordinator. A Responsible Employee who has actual knowledge must contact the Title IX Coordinator, who will initiate the Title IX Complaint Process.

Until a determination of responsibility is made, the Respondent is presumed not responsible.

The stages of a Title IX Complaint Process are listed in Appendix A:

If you believe in good faith that there has been a violation of this policy, you should report the perceived violation as soon as possible to the Title IX Coordinator or a Responsible Employee as defined below. The Title IX Coordinator will investigate all allegations promptly, objectively and, to the extent that federal regulations permit, confidentially.

The Title IX Complaint Process is intended to determine whether a student's or employee's civil rights were violated by either another student or an employee and to apply remedies and sanctions. The purpose of the Title IX Complaint Process is to determine whether the Respondent is responsible for a Title IX violation against the Complainant. The effect on the student's education or the employee's work environment must be demonstrable and serious.

III. Related policies

A. Other Handbook Violations

Title IX does not cover all behaviors that can be considered by an institution to be sexual misconduct. A student or an employee may be subject to other handbook or civil rights violations that are then covered by other complaint procedures. It does cover complaints of employees who are not students, who are also covered under Title VII or by other employee handbook violations. The Title IX Complaint Process is not a criminal investigation. Criminal complaints are handled by the civil authorities, although a student or employee can also file a Title IX civil rights complaint in the case of a sexual crime.

B. Permissible and impermissible interaction among employees and students

Title IX offenses are only a subset of the school's overall approach to sexual misconduct. The following policies govern potential romantic and sexual relationships among students, among employees, and between students and employees. The purpose of the policies is not to discourage normal human

relations, but to ensure that the community of learning and workplace are not affected by intentional or inadvertent offensive language or behavior.

Consistent with the Roman Catholic teaching on the sanctity of marriage, any romantic or sexual relationship between or among students or employees with a person who is married to a third party is prohibited.

1. Among students.

According to the Human and Spiritual Formation Handbook, because the MDiv student is preparing for ordination to the Catholic priesthood, all sexual and romantic relationships are prohibited.

Unmarried lay students need to be prudent concerning romantic relationships that exist or develop among them, taking to account the effect the relationships can have on the students' studies or the community of learning, even when a Title IX violation (harassment) does not occur.

2. Student-employee.

If there is a romantic relationship between a student and an employee that exists prior to or develops subsequent to the student's acceptance into a program or enrollment in course, the employee's supervisor must be informed. A faculty member and a student must not begin a romantic relationship that is not already present at the time of the student's acceptance into a program or enrollment in a course. If such a relationship exists at the time a student applies for admission, the admissions team needs to be informed.

3. Employee-employee.

There should be no romantic relationship between an employee and someone who has supervisory responsibilities towards the person or who has the ability to take action that directly affects the person's employment or work environment.

4. Compliments and Teasing.

Prudence and discretion should govern any complimentary language offered concerning a person's appearance, that it does not express or seem to express undue or unwanted attention.

The line between good-natured teasing and offensive language can be difficult to distinguish. All language concerning other persons should be respectful of his or her dignity as a human person made in the image and likeness of God and of the goodness of each sex and of sexual difference. Disparaging language about a person's appearance is not allowed. If through any word or action any person, whether the target of the language or a third party, indicates that language makes him or her uncomfortable or is offensive, the person must refrain from any further such remarks.

No person should be subject to retaliation, gossip, or disparaging remarks because they consider certain language to be offensive.

C. Employee responsibilities

It is the responsibility of all directors, officers and employees to comply with the policies of the organization and to report violations or suspected violations in accordance with the Whistleblower Policy in the Employee Handbook. All employees of SHSST must report potential violations of Title IX to either a Responsible Employee or the Title IX Coordinator. Failure to do so may be subject to disciplinary actions. Employees must also give testimony to the investigator and appear at

the formal hearing unless participation is self-incriminating. Employees are prohibited from printing, downloading, or sharing documents or information related to an ongoing Title IX Complaint Process. No employee shall knowingly make false statements or knowingly submit false information during the grievance process. A violation will result in disciplinary action, up to and including termination.

D. Confidentiality

The principle to be followed in all cases of serious complaints or accusations is that the employee or student against whom the complaint is lodged has the right to face those who accuse him if action is to be taken in his regard on the basis of the complaint or accusation. Hence, no faculty member or administrator is in a position to guarantee, prior to the hearing of a particular complaint or accusation, that he/she will both act on the complaint and preserve the anonymity of the accuser. Prior to the making of a formal complaint, the Title IX Coordinator, confidentiality of the Complainant shall be maintained. Once a formal complaint is made by a Complainant or the Title IX Coordinator, while confidentiality will continue to be maintained, the Respondent has the right to know the identity of his accuser.

SHSST will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures.

E. Advisor

The Complainant and the Respondent have a right to the presence of an advisor of their choice at any meeting or grievance proceeding. The advisor will cross-examine the evidence at the formal hearing. The advisor may, but is not required to be an attorney. If the Complainant or Respondent does not provide their own advisor, SHSST will provide one for them at no cost.

F. 1st Amendment

Although First Amendment rights are protected, the Complainant and Respondent should be aware that any statement they or any witness makes outside of the Title IX Complaint Process may be used as inculpatory evidence in the process. Further, no party or advisor may disseminate the official materials of the process, including the formal complaint, the preliminary and final investigative reports, and the initial and appellate decisions. An employee who testifies as a witness must keep the proceedings confidential in order to protect the rights and reputation of the parties. No employee or student may engage in retaliatory actions as explained below.

A. FERPA

The parties may be asked to sign a FERPA release form so that FERPA-protected information can be used in the investigation, distributed to the parties and their advisors, and presented at the formal hearing. Director information, including name, address, telephone listing, date and place of birth, participation in officially recognized activities, and dates of attendance, does not need a FERPA release form.

B. Retaliation

No individual may be subjected to retaliated for testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Retaliation includes intimidation, threats, coercions, discrimination, rumors being spread about the situation, name calling. If

an employee or student feels he/she has been retaliated against, the employee should file a complaint using the procedures set forth herein.

No director, officer or employee who in good faith reports a violation shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the organization prior to seeking resolution outside the organization.

Individuals who are found to have engaged in retaliation are subject to disciplinary action that may include, but is not limited to, any of the sanctions and corrective actions listed above, up to and including expulsion or dismissal from the School; or termination of employment, including revocation of continuous contract. Sanctions for retaliation may be applied regardless of whether there is a finding on the underlying sexual misconduct complaint.

C. [Amnesty policy for non-sexual offenses for all parties, including witnesses](#)

Students and employees who are witnesses may be granted amnesty for minor handbook offenses, such as alcohol violations, that come to light during their participation in the Title IX Complaint Process.

D. [Accommodations](#)

Upon request, reasonable accommodation and interpretive service will be provided at each stage for the parties and other participants in the Title IX Complaint Process.

Record management

A file with all documentation of each complaint and associated processes is kept in the office of the Title IX Coordinator for seven years (106.45(10)(i)). This file includes:

- any determination regarding responsibility
- any audio or audiovisual recording or transcript
- any disciplinary sanctions imposed on the Respondent
- any remedies provided to the Complainant designed to restore or preserve equal access to the recipient's education program or activity
- any appeal and the result therefrom
- any informal resolution and the result therefrom
- any records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment
- all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process

Record of any finding of responsibility and sanctions will be kept in a student's or employee's file indefinitely.

To comply with federal regulations, a log of all complaints, including Title IX, Title VII, and handbook violations, is kept in the offices of the Chief Executive Officer (president-rector), the Chief Academic Officer (vice-president for academic affairs), or the Chief Financial Officer.

The log maintained by said offices consists of the following elements:

- the date the complaint was first formally submitted to an appropriate officer;
- the nature of the complaint (e.g. dispute about a grade, allegation of sexual harassment, etc.);
- the steps taken by the institution to resolve the complaint;
- the institution's final decision regarding the complaint, including referral to outside agencies;

any other external actions initiated by the student or employee to resolve the complaint, if known to the institution (e.g. lawsuit, EEOC investigation, etc.); The contents of the log will be shared with accrediting agencies as requested. However, individual identities will be shielded. SHSST will provide an evaluation team from an accrediting agency with letters or documents from individual complaints only with the express permission of that Complainant.

Education and prevention

Training information and resources can be found on the SHSST web site at <https://www.shsst.edu/wp-content/uploads/2020/08/Title-IX-Training-materials.pdf>.

Interpretation and revision

This Title IX policy and procedures is to be interpreted according to the Title IX regulations promulgated by the Department of Education Office of Civil Rights on May 6, 2020. Any revision of the policy must be approved by the Sacred Heart Seminary and School of Theology Board of Directors and must be in conformity with the Title IX regulations in force at the time of revision.

State laws

SHSST is committed to conform to state laws regarding sexual harassment and crimes. In the event of an actual conflict between State or local law and the provisions of the Title IX regulations which address sexual harassment, the latter would have preemptive effect.