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Section 28.000 Compliance With Title IX, Equal Opportunity, Harassment and Nondiscrimination

St. Ambrose University is committed to providing a work and educational environment that is free from discrimination, harassment, and retaliation. The University complies with the requirements of Title IX of the 1972 Education Amendments, Section 504 of the Rehabilitation Act of 1973, as amended, Title VII, and all other applicable federal, state and local laws. The details of this Policy and how to report a violation of this Policy should be made are set forth in detail below.

The University has appointed a Title IX Coordinator, which is:

Kevin Carlson
Director of Compliance
518 W. Locust St.
Davenport, Iowa 52803
563-333-6070
carlsonkevin@sau.edu

The Deputy Coordinators under this Policy are:

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- Kevin Carlson, Director of Compliance, St. Ambrose University, 518 W. Locust St., Davenport, Iowa 52803, (563) 336-070 carlsonkevin@sau.edu

Concerns regarding the Director of Compliance should be directed to Audrey Blair, Director of Human Resources.

This Policy applies to conduct that takes place on campus, at University sponsored events, and off campus and online when the University determines that the off campus conduct affects a substantial University interest.

An employee seeking an accommodation for a disability is responsible for notifying their supervisor or the Human Resources Department. The supervisor, in coordination with the Human Resources Department, will consider requests for accommodations. Any information disclosed regarding an employee's disability will be kept in the strictest confidence and only shared with employees who have a need to know the information. A requested accommodation that would place an undue burden on the University cannot be made. Additional information regarding accommodations is available for staff members in the [Staff Handbook](#) and for faculty members in the [Faculty Handbook](#).

28.102 University Policy Prohibiting Discriminatory Harassment

Employees, applicants for employment, students or applicants for admission are entitled to a working and educational environment free of harassment. The University's harassment policy is not meant to inhibit or prohibit educational content or discussions side or outside of the classroom that includes germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy. This Policy applies to all employees, applicants for employment, students, applicants for admission, guests, agents, vendors, and other individuals while on the University campus or while participating in University sponsored activities on or off campus.

- A. Discriminatory and Bias-Related Harassment

B. Sexual Harassment

Conduct on the basis of sex that satisfies one or more of the following:

- Student Issues Report to Christopher Waugh, Dean of Students, St. Ambrose University, 518 W. Locust St., Davenport, Iowa 52803, (563)-6259-~~6259~~ waughchristophera@sau.edu
- University Faculty and Staff Issues Report to Audrey Blair, Director of Human Resources, St. Ambrose University, 518 W. Locust St., Davenport, Iowa 52803, (563)-6259-~~6259~~ blairaudrey@sau.edu

28.103 Policy Concerning Consensual Relations Between Faculty Members/Staff and Students

In order to foster an environment for learning and to avoid the potential for exploitation, employees of the University (including faculty, staff and administration) shall not have any dating, romantic, or sexual relationship (even if it is deemed to be consensual) with a student where the employee has direct supervision or control over the student which includes, but is not limited to, the following:

1. The student is enrolled in a course taught by the faculty member
2. The faculty member has another form of direct professional responsibility or supervision over the student
3. The faculty or staff member is in a position to evaluate or supervise the student in another capacity, examples of which include, but are not limited to, a study situation, independent study, or faculty advisor situation
4. The faculty or staff member is coaching the student.

Even in situations where a faculty or staff member does not have any of the relationships outlined above, dating, romantic or sexual relationships between students and faculty or staff are strongly discouraged by the University because of the difference in position and experience of the parties involved, and the potential for exploitation. In addition, faculty and staff members who engage in this type of conduct expose themselves to potential legal claims with serious potential repercussions in their future employment with the University. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this Policy.

Faculty and staff members are expected to conduct themselves in a professional manner at all times.

28.104 Sexual Misconduct and Sexual Violence

The University will not tolerate any acts of sexual misconduct or sexual violence. The University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination of students, and termination of employment for employees, for violations of this policy. Specific violations include:

- a. Sexual Harassment (as defined in detail above, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking).
- b. Sexual Abuse

Under University policy, any sex act between persons is sexual abuse by either of the persons when the act is performed with the other person in any of the following circumstances:

- The act is done by force or against the will of the other if the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.
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The term "sex act" is any sexual contact between two or more persons by the following

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- The act is performed while the other person is under the influence of a controlled substance, which may include but is not limited to flunitrazepam, and all of the following are true:
 1. The controlled substance, which may include but is not limited to flunitrazepam, prevents the other person from consenting to the act.
 2. The person performing the act knows or reasonably should have known that the other person was under the influence of the controlled substance, which may include but is not limited to flunitrazepam.
- The act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless.

2. A person who commits an act ~~being~~ is guilty of a simple misdemeanor.

3. A person who commits an act ~~being~~ which causes serious bodily injury to another is guilty of a serious misdemeanor.

Domestic Abuse, which occurs between those in an intimate relationship to each other, and pursuant to Iowa law domestic abuse occurs when a person commits assault combined with the following circumstances:

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"Course of conduct" means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.

28.108 Rights of Students Involved in Incidents of Alleged Sexual Violence

a. Principles

The University follows these principles regarding individuals involved in allegations of sexual violence:

1. A student subject to sexual violence is encouraged to report it to the Deputy Coordinators listed in this Policy, or to the Title IX Coordinator.
2. Every report of sexual violence will be taken seriously and prompt action will be taken as appropriate.

c. Safety Options

Many victims do not know where to turn for help or what steps to take after sexual violence has occurred. Although choices about options to explore rest solely with the affected student, the University encourages students to take the following steps:

1. Get to a safe place as soon as possible.
2. Contact someone you trust such as Campus Security (911 from any campus phone or activate any of the blue cap emergency telephones located around campus), the Davenport Police Department (911 for emergency, non-emergency 563-26-7979), a friend, resident advisor, an ~~or~~ Student Services staff member, and/or the Quad Cities Rape/Sexual Assault Counseling and Advocacy Program (24 hours), 563-26-9191. Other ~~or~~ campus resources that may be of assistance are: the Counseling Center, Health Services, or a faculty or staff member. The important thing is to seek out someone you trust and who knows how to help you.
3. Victims of sexual violence are strongly encouraged to seek immediate medical attention, available 24 hours at Genesis West or Genesis East Hospitals (563-425-0000), or at another medical facility. Costs for providing and administering the "rape kit" are ~~covered~~ ~~covered~~ by the Iowa Department of Public Health.
4. If at all possible, do not change clothes, shower, bathe, douche, or urinate. Testing is still possible even after you have taken these steps; for preservation of evidence, it is best to seek medical treatment as soon as possible. Emergency room personnel are trained to check for injuries, as well as collect physical evidence. It is important to preserve evidence as it may be necessary for proof of criminal sexual assault should you decide to pursue charges through the Davenport Police Department. Please ~~be~~ ~~be~~ aware that hospital personnel are obligated to contact both the police and the Quad Cities Rape/Sexual Assault Counseling and Advocacy Program (R/SACAP). Hospital policy may also dictate that it contact the University with unidentifiable statistical ~~reporting~~ ~~reporting~~ information. Although not obligated to do so, victims of sexual violence are highly encouraged to take advantage of the R/SACAP's services to help understand options for ~~campus~~ ~~campus~~ proceedings and to receive counseling specific to your needs. There ~~is~~ ~~is~~ no charge for R/SACAP services, which are strictly confidential.
5. Remember: you are not alone. The following services can provide you with the assistance and support you need: Counseling Center 563-6423, Security Department 563-6104, Health Services 563-6377, Campus Ministry 563-6132, Quad Cities Rape/Sexual Assault Counseling and Advocacy Program (24 hours) 563-9191, Dean of Students, 563-6258.

d. If someone reports an incident of sexual violence to you

In addition to the reporting requirements set forth in this Policy, additional steps that should be taken if someone reports an incident of sexual violence to you are set forth in this paragraph. First, be supportive. Do not blame the victim or offer suggestions as to what you or he/she could have done to prevent the assault. Remember, the victim did not ask to be assaulted. Make certain he/she is in a safe place, or assist him or her in getting to a safe place. Listen and respond to what he/she says he/she needs, not what you think he/she needs. Support him/her in getting medical attention and calling for assistance.

If possible, offer to make phone calls for him/her. Offer to drive him/her to the hospital, police station, or rape crisis center.

If you are comfortable doing so, offer to stay with him/her at the hospital or police station.

e. Timely Notice Policy

In keeping with the requirements of the Jeanne Clery Act, the University will notify the campus community when it determines a violent or serious crime has occurred and it is reasonable to believe the crime is likely to pose a reoccurring risk to members of the campus community. The intent of these notices are to provide information that promotes safety, and allows individuals to protect themselves. When available and reasonable, the notices will contain a general location of the incident, type of incident and time of the incident. The notices will not include the name of any victims, or witnesses. The determination to issue a campus crime alert will be the responsibility of the Student Affairs division. This determination will generally be made by the members of the Security Department, Dean of Students

28.109 Confidentiality and Reporting of Offenses Under This Policy

28.111 Equity Grievance Panel (EGP)

Members of the EGP are announced in an annual distribution of this Policy to campus. The list of members and a description of the panel can also be found on [the Equity Grievance Panel website](#)

Members of the EGP are trained in all aspects of the grievance process, and can serve in any of the following roles:

- To serve in a mediation role in conflict resolution
- To act as advisors to those involved in grievances
- To serve on hearing panels for grievances
- To serve on appeal panels for grievances

EGP members also recommend proactive policies, and serve in an educative role for the community. The President, in consultation with the Title IX Coordinator/Deputy Coordinators identified in this Policy, appoints the panel, which reports to the Title IX Coordinator and the Deputy Coordinators identified in this Policy. EGP members must be in good standing with the University. EGP members receive annual training organized by the Title IX Coordinator and the Deputy Coordinators, including a review of University policies and procedures, so that they are able to provide accurate information to members of the community. All EGP members are required to attend this annual training.

The Equity Grievance Panel includes:

- A chair from Human Resources for grievances involving employee responding parties
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28.112 Filing a Grievance

Any student, student applicant, employee, applicant for employment, or member of the University community, guest or visitor who believes that this Policy has been violated should contact one of the following Deputy Coordinators:

- 1) Student Issues Report to Christopher Waugh, Dean of Students, St. Ambrose University, 518 W. Locust St., Davenport, Iowa 52803, (563) ~~6259~~.
- 2) University Faculty and Staff Issues Report to Audrey Blair, Director of Human Resources, St. Ambrose University, 518 W. Locust St., Davenport, Iowa 52803, (563) ~~3133~~-~~3133~~.
- 3) Athletics Issues Report to Kristina Kistler, Senior Woman Administrator / Director of Compliance (Athletics) St. Ambrose University, 518 W. Locust St., Davenport, Iowa 52803, (563) ~~336115~~.
- 4) ADA/504/Student Disability Issues Report to Ryan Saddler, Assoc. Vice President of Diversity, Equity, and Inclusion, St. Ambrose University, 518 W. Locust St., Davenport, Iowa 52803, (563) 333 6275.

Employees can also notify a supervisor, or students can notify an administrative advisor or faculty member, or any individual may contact the Security Department. These individuals will in turn notify the Title IX Coordinator or the Deputy Coordinators. It is also possible for employees or students to directly notify the Title IX Coordinator of a violation of this Policy. The University website also includes an [online reporting form](#) which may serve to initiate a grievance.

All employees receiving reports of a potential violation of this Policy are expected to promptly contact the Title IX Coordinator or one of the Deputy Coordinators within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy: specific information on any grievances received by any party will be reported to the Title IX Coordinator and the appropriate Deputy Coordinator, but, subject to the University's obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a grievance, consistent with conducting an effective investigation. In all cases, the University will give consideration to the party bringing a grievance with respect to how the grievance is pursued, but reserves the right, when deemed necessary by the University, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal grievance.

28.113 Grievance Intake

28.115 Interim Remedies

If, in the judgment of the Title IX Coordinator and the Deputy Coordinator, the safety ~~of~~ of any member(s) of the campus community may be jeopardized by the presence ~~on~~ of the accused individual or the ongoing activity of a student organization whose behavior is in question, the Title IX Coordinator and the Deputy Coordinator (or designee) may provide interim remedies intended to address the short-term effects of the alleged violation of this Policy, i.e., to redress harm to the alleged vi

28.116 Grievance Resolution

During or upon the completion of the investigation, the investigator(s) will meet with the Title IX Coordinator and the Deputy Coordinator. Based on that meeting, the Title IX Coordinator and the Deputy Coordinator will make a decision on whether there is reasonable cause to proceed with the grievance. If a Deputy Coordinator conducted the investigation, the decision as to whether there is reasonable cause to proceed with the grievance will be made solely by the Title IX Coordinator. If the Title IX Coordin

b. Resolution Without a Hearing

Resolution without a hearing can be pursued for any behavior that falls within this Policy at any time during the process. The Title IX Coordinator/Deputy Coordinators will provide written notification of a grievance to any member of the University community who is accused of an offense in violation of this Policy. The Title IX Coordinator and the appropriate Deputy Coordinator [together with the investigator(s)] will meet with the responding individual to explain the findings of the investigation. Once informed, the responding party may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If so, the Title IX/Deputy Coordinator will render a finding that the individual is in violation of University policy for the admitted conduct, and will normally proceed to convene a formal hearing on any remaining disputed violations. For admitted violations, the Chair of the EGP will recommend an appropriate sanction or responsibility and will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the victim and the community.

c. Formal Hearing

For any grievances that are not appropriate for conflict resolution and which are not resolved without a hearing, the Title IX/Deputy Coordinators will initiate a formal hearing.

28.117 Formal EGP Procedure

a. Hearing Panels

The Title IX/Deputy Coordinator will appoint a hearing panel Chair (either the EGP Chair or the Administrative Hearing Officer [usually the Dean of Students or designee], depending on whether the

b. Notification of Alleged Violation of this Policy

At least one week prior to the hearing, or as far in advance as is reasonably

The Chair, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross examination is not used between the parties. If alternative questioning mechanisms are desired (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Chair at least two business days prior to the hearing.

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the EGP. The twoonw7.6 3.4 (P

Hearings are recorded for purposes of review in the event of an appeal. EGP members, the parties and/or the persons who initiated the action, and appropriate administrative officers of the University, will be allowed to listen to the recording in a location determined by the Title IX Coordinator or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording.

d.

Student Sanctions

The following is an illustrative, not exhaustive, list of sanctions that may be imposed upon students or organizations that have been found to have violated this Policy:

Warning: A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure or directive will result in more severe sanctions/responsive actions.

Probation: A written reprimand for violation of this Policy and providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University policy, procedure or directive within a specified period of time. Terms of the probation will be specified and

g. Appeals

All requests for appeal considerations must be submitted in writing to the Title IX Coordinator/Deputy Coordinator within three business days of the delivery of the written finding of the EGP.

A threemember panel of the EGP designated by the Title IX Coordinator/Deputy Coordinator who was not involved in the grievance previously will consider all appeal requests. Any party may appeal, but appeals are limited to the following:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

The appeals panel of the EGP will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests appeal, the other party (parties) will be notified and joined in the appeal. The party requesting appeal must show that the grounds for an appeal

- Once an appeal is decided, the outcome is final: further appeals are not permitted.

h. Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the Title IX Coordinator/Deputy Coordinator. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the University and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator/Deputy Coordinator.

i. Records

In implementing this Policy, records of all grievances, resolutions, and hearings will be kept by the Title IX Coordinator/Deputy Coordinator consistent with applicable law and University policies.

j. Statement of the Rights of a Party Bringing a Grievance

- To be treated with respect by University officials (s)-6.6 (ffi)10

k. Statement of the Rights of the Responding Party

- To be treated with respect by University officials.
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