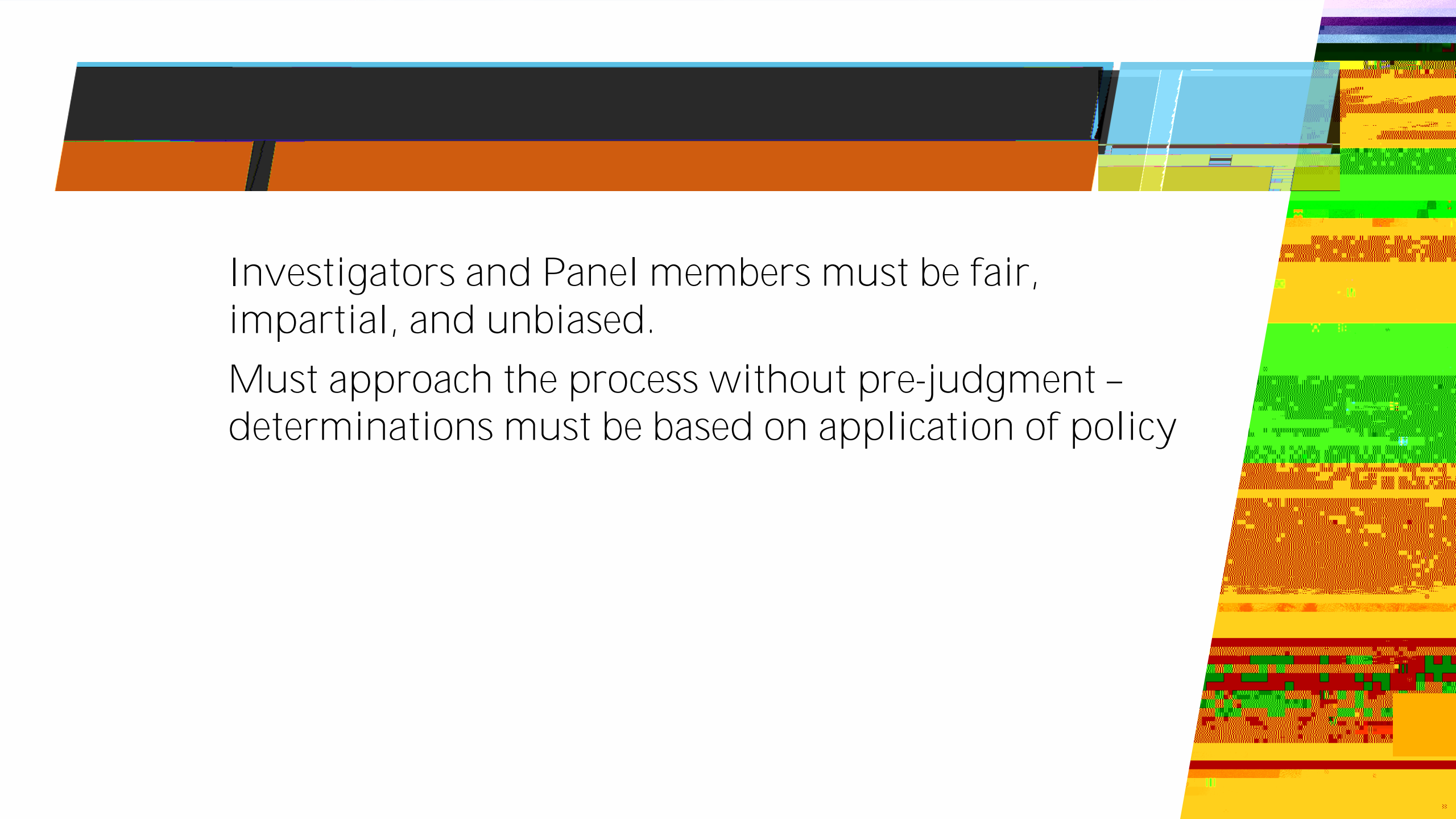


As a Catholic, Jesuit educational institution, Saint Louis University is committed to fostering a safe and supportive environment conducive to the academic pursuits, employment opportunities, and healthy personal development of all persons. It is committed to the preservation of personal dignity and the safety of its community members. The University understands the forms of Prohibited Conduct identified in this Policy as offenses that can affect individuals of any race, ethnicity, sex, age, ability, faith, sexual orientation, gender,



Investigators and Panel members must be fair,
impartial, and unbiased.

Must approach the process without pre-judgment –
determinations must be based on application of policy



Overview of New Regulations

Scope of Policy

Important Definitions

Process



On May 6, 2020, the Department of Education released the final regulations on Title IX

Overview of Regulations

Must respond in a way that is not deliberately indifferent when school has actual knowledge of sexual harassment

“Sexual harassment” is defined by the regulations

Must offer supportive measures

Requires a signed formal complaint to start the grievance process

Formal complaints must be dismissed if they do not meet the jurisdictional requirements

Overview of Regulations

Regulations include specific requirements for the grievance process used to address formal complaints

Decision maker must be separate from investigator (no single investigator model)

Must include a live hearing with the ability for parties' advisors to cross examine other parties/witnesses

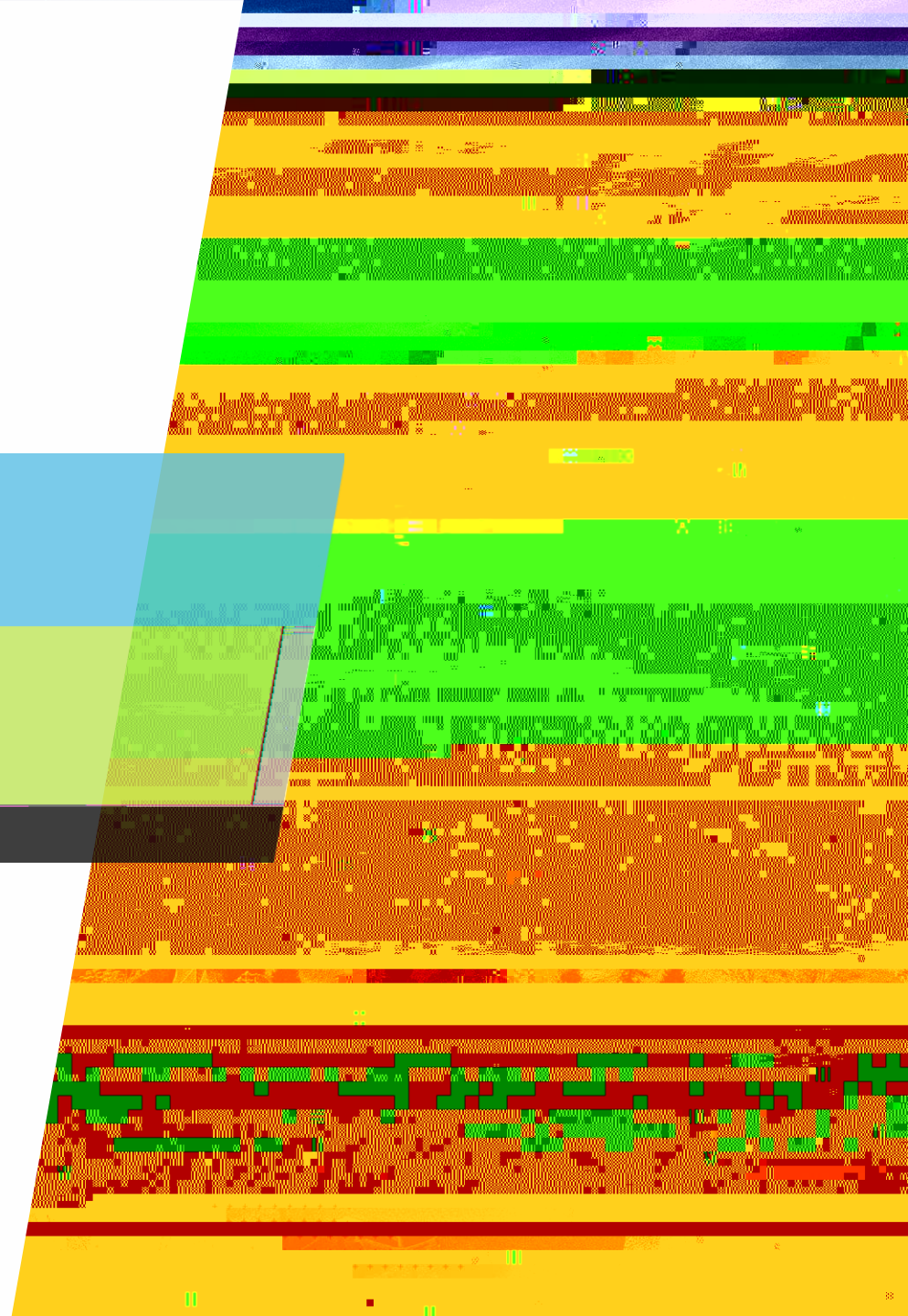
Status of Policy

Interim Title IX Sexual Harassment Policy was drafted over the summer

Interim Policy went into effect on August 14, 2020

Subject to comment by University community

Final Title IX Sexual Harassment Policy is forthcoming this Fall



Scope of the Interim Policy

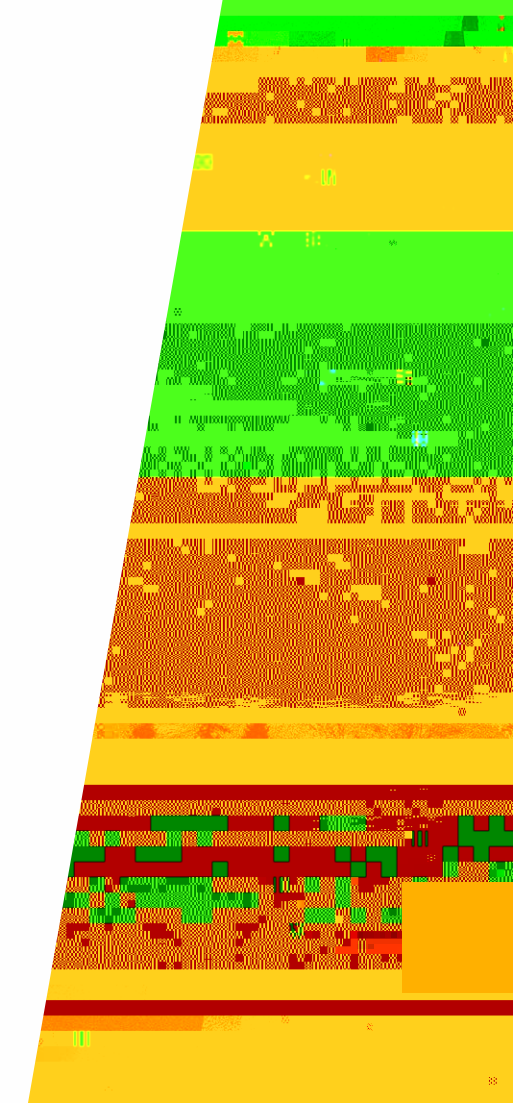
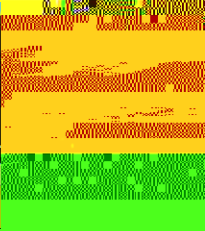
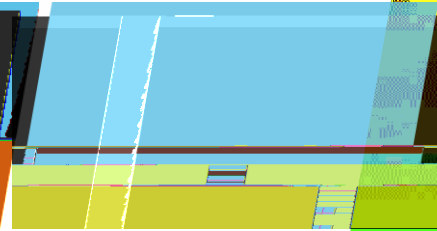
This policy applies to Prohibited Conduct that occurs:
On campus;
In the context of a university program or activity,
which includes locations, events, and
circumstances where the university has substantial
control over the Prohibited Conduct and the
person accused of having committed the
Prohibited Conduct.

Hypothetical #1

A freshman student athlete reports that after drinking in his residence hall, he then attended a party hosted by upper classmen who are teammates. He reports that he was given several drinks while at the party and has few memories after the first hour. He reports he woke up on the couch of the apartment and found that he was not wearing pants. He reports there were another individual on the couch, who also was not wearing pants. He reports that he called an Uber and returned to his residence hall and then called his RA later that day.

Scope of the Interim Policy

Conduct that occurs outside the United States, including on the campus of SLU-Madrid, is not covered by this policy. The Office of Student Life at SLU-Madrid is the reporting contact for all matters of Prohibited Conduct that fall under the SLU-Madrid Code of Conduct.





In order to initiate the grievance process, a Formal Complaint must be filed.

A Formal Complaint may be filed by the Complainant

Scope of the Grievance Process

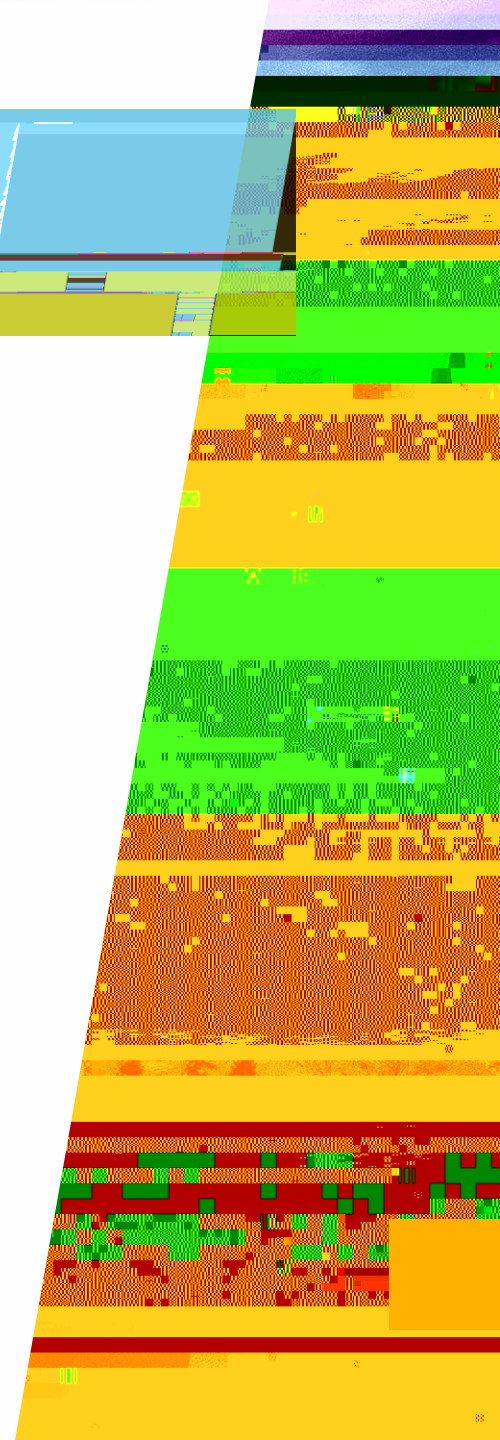
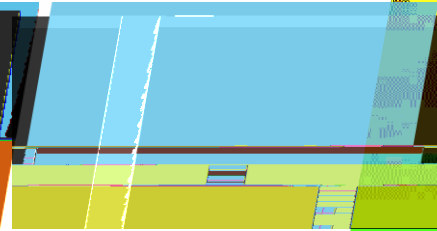
The Title IX Coordinator must dismiss a Formal Complaint if:

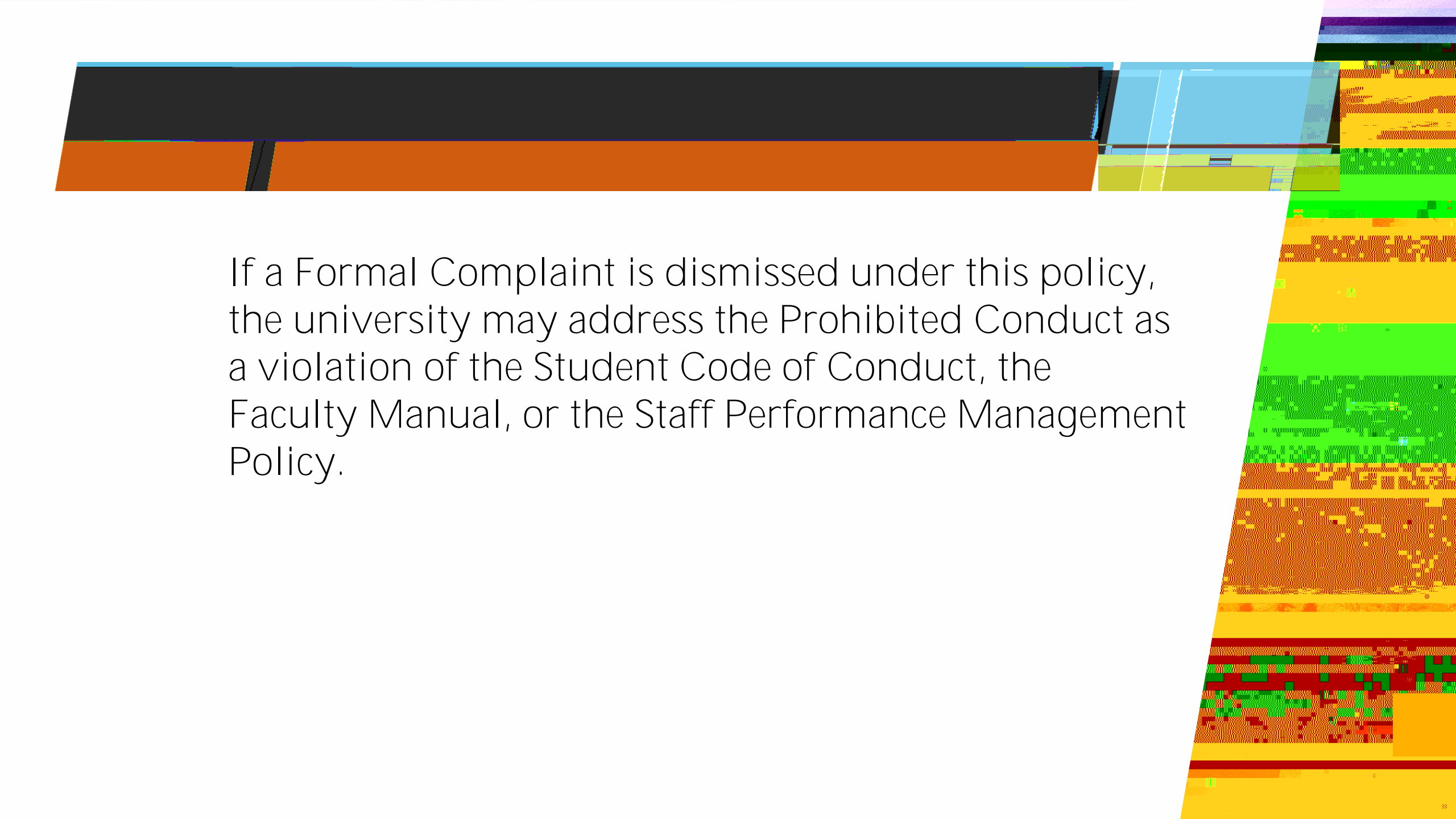
The Formal Complaint does not allege circumstances that meet the definition of "sexual harassment" if proven;

The conduct did not take place within an education program or activity;

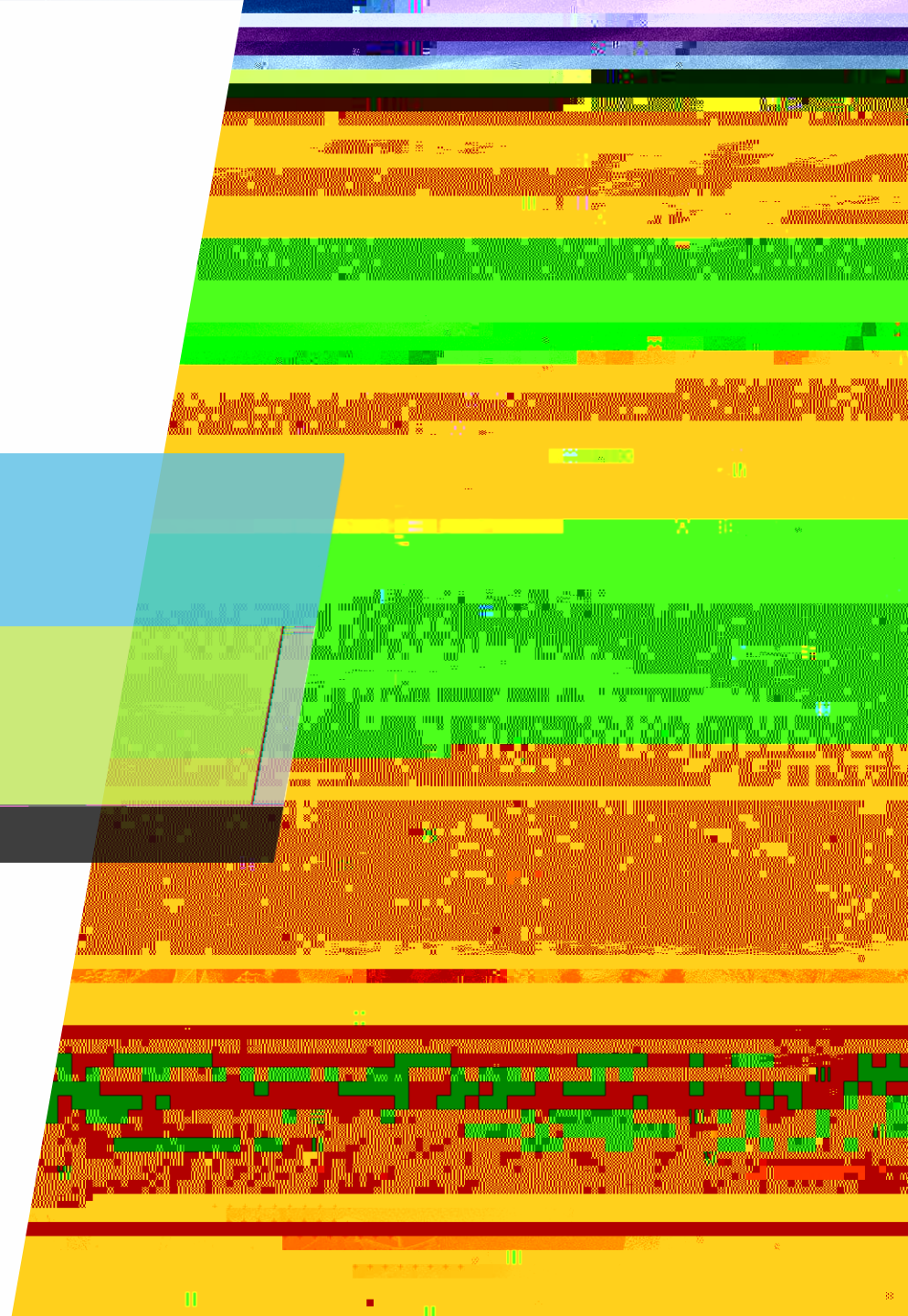
The conduct did not occur within the United States; or

The Formal Complaint is not signed by someone who meets the definition of a Complainant.





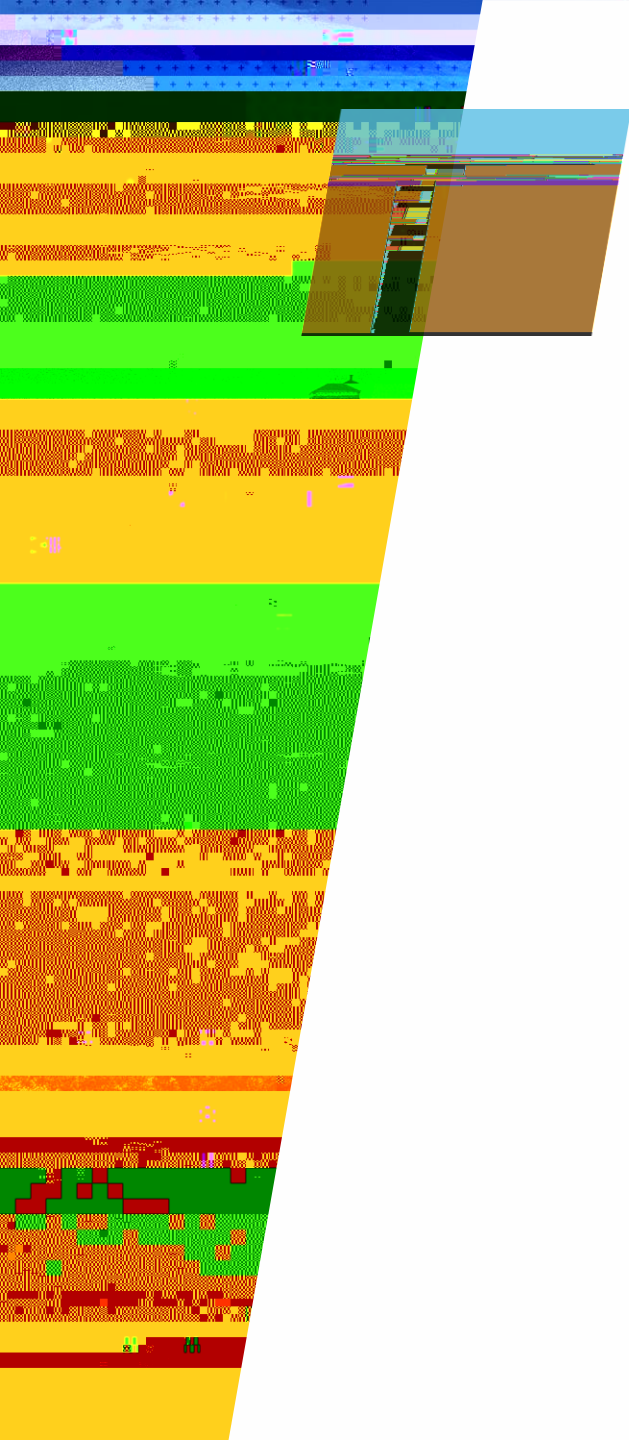
If a Formal Complaint is dismissed under this policy, the university may address the Prohibited Conduct as a violation of the Student Code of Conduct, the Faculty Manual, or the Staff Performance Management Policy.

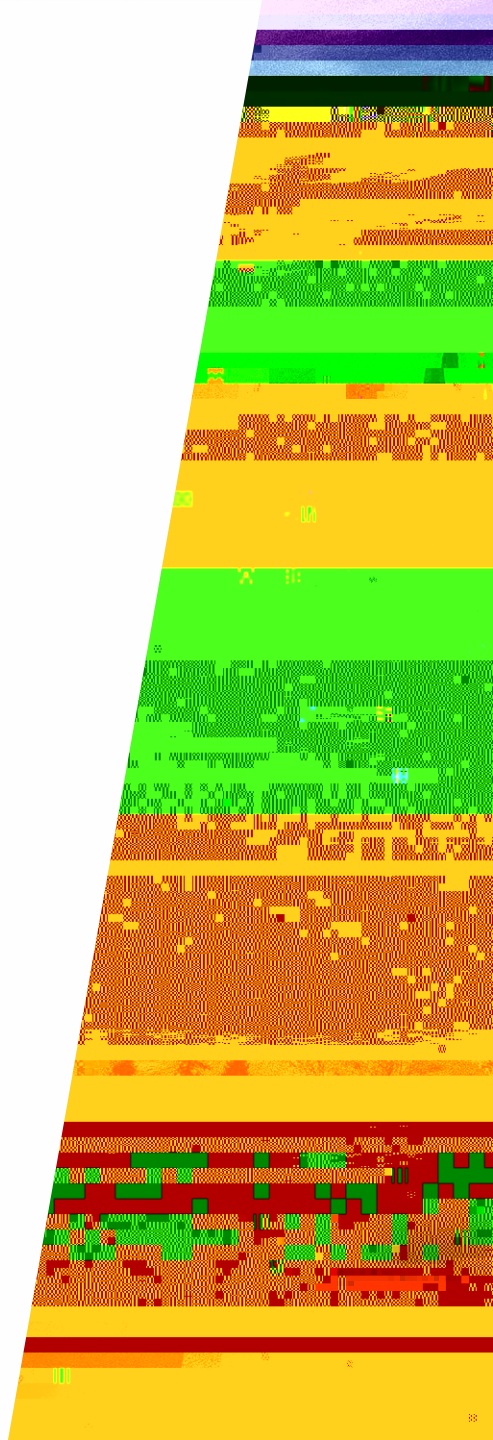


University provides an educational benefit or service in exchange for unwelcome sexual conduct.

A. Quid Pro Quo: sexual harassment occurs when an employee of Saint Louis University provides an educational benefit or service in exchange for unwelcome sexual conduct.

B. Hostile Environment: sexual harassment occurs when there is conduct on the basis of sex that is unwelcome, offensive, or abusive to the victim's education program or life.





Sexual Assault

Rape refers to penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of other person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.

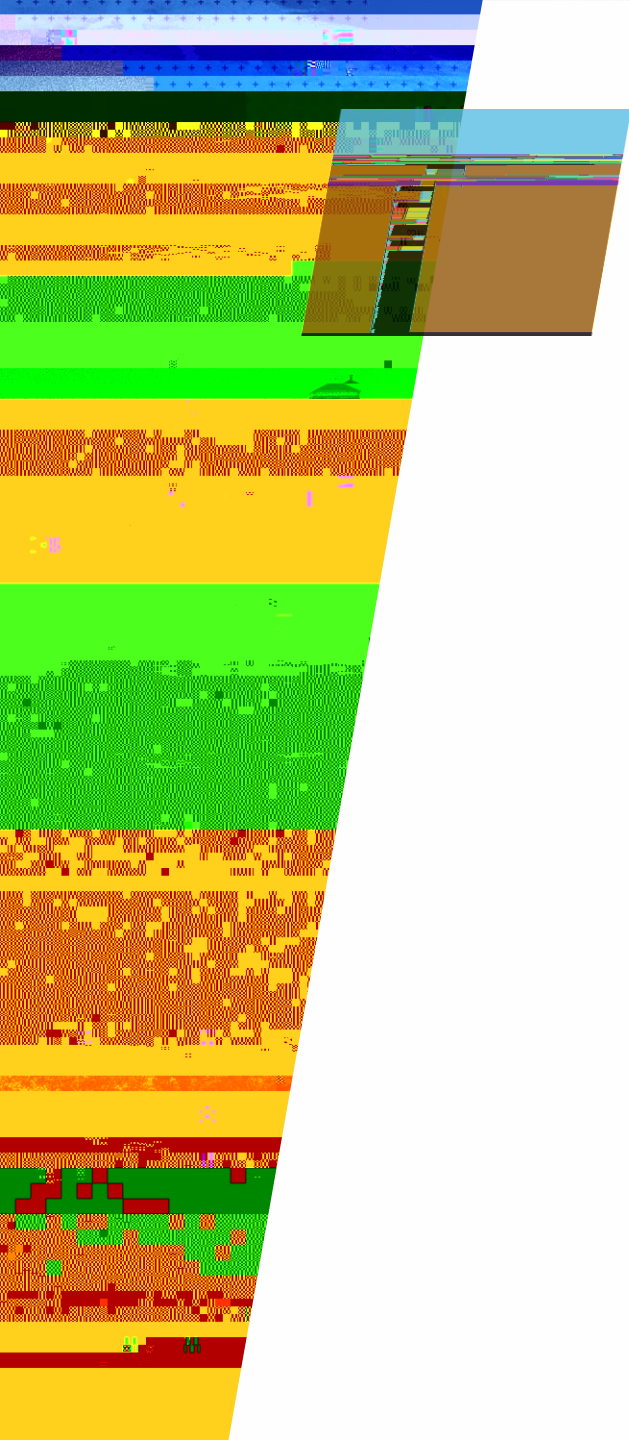
Sexual Assault

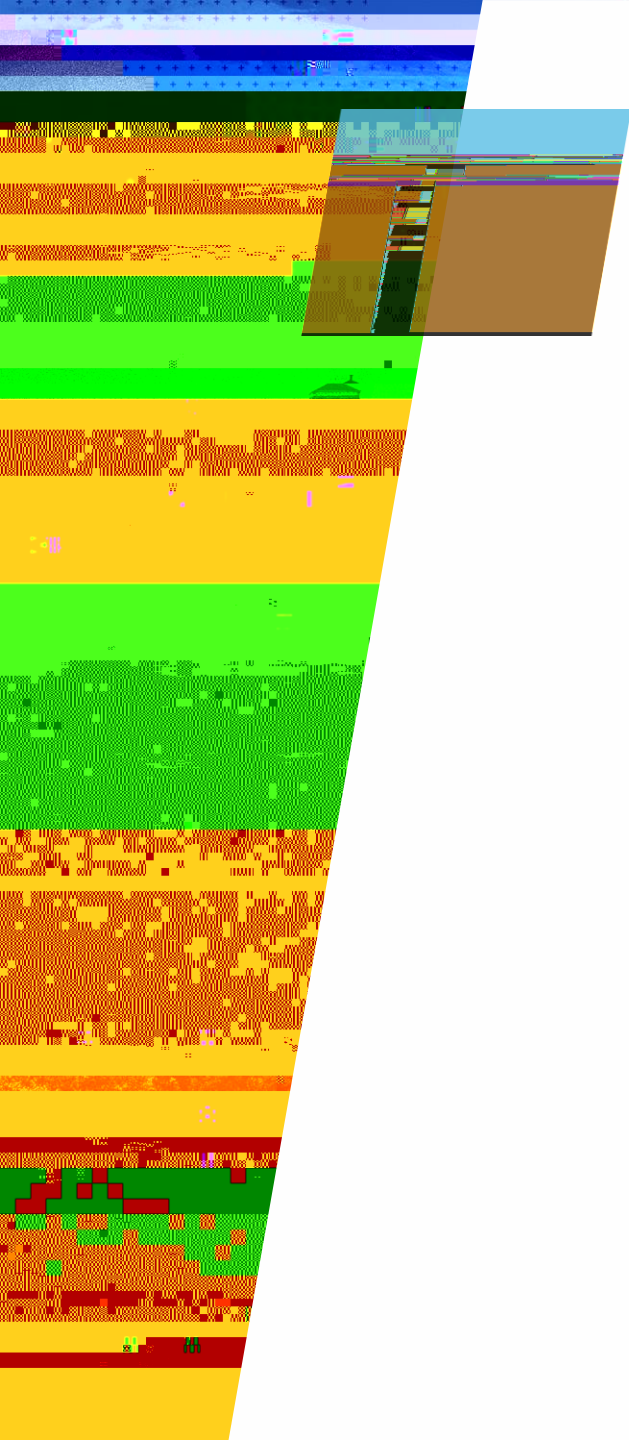
Fondling refers to the touching of the genitals (including vagina, penis or anus), the breasts, or the buttocks of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against that person's will where the Complainant is incapable of giving consent because of their youth or because of their temporary or permanent mental incapacity.

Sexual Assault

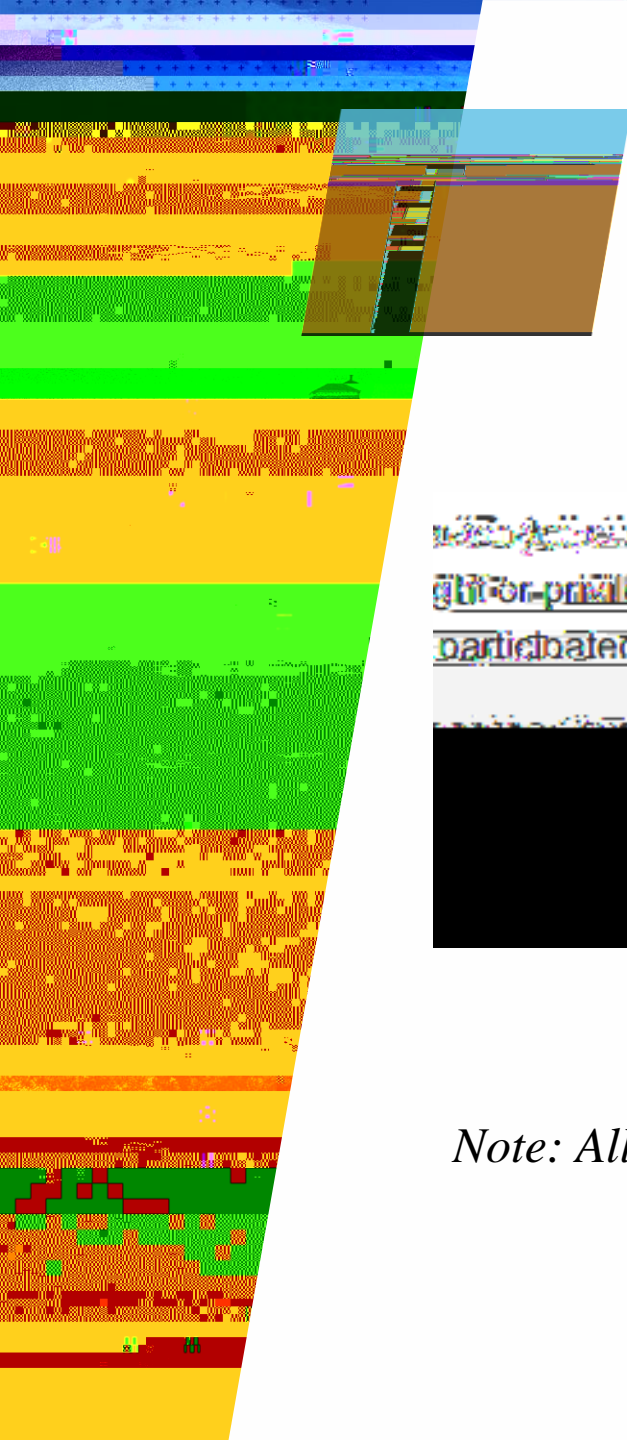
Incest refers to the non-forcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.

Statutory Rape refers to non-forcible sexual intercourse with a person who is under the statutory age of consent.



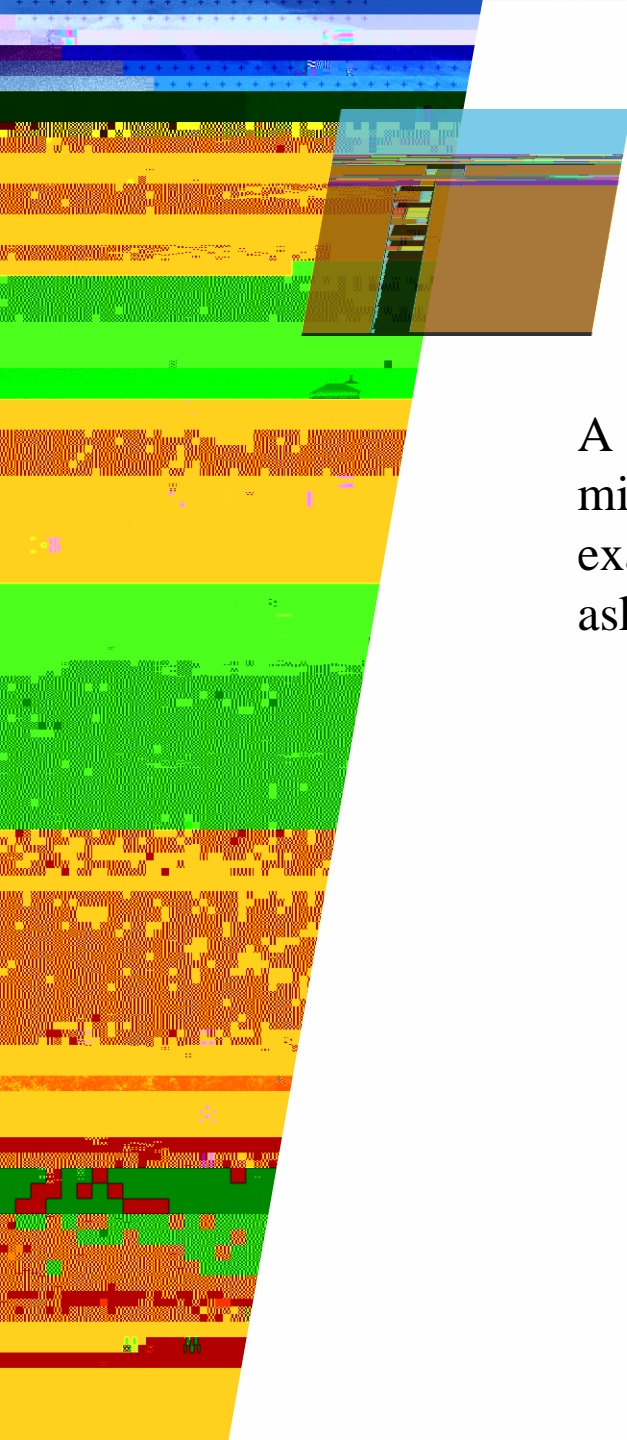


"Domestic Violence" includes a crime of violence—whether a felony or misdemeanor—under the Missouri Revised Statutes, that is committed by a person or partner of a person who is a spouse or former spouse of the victim.

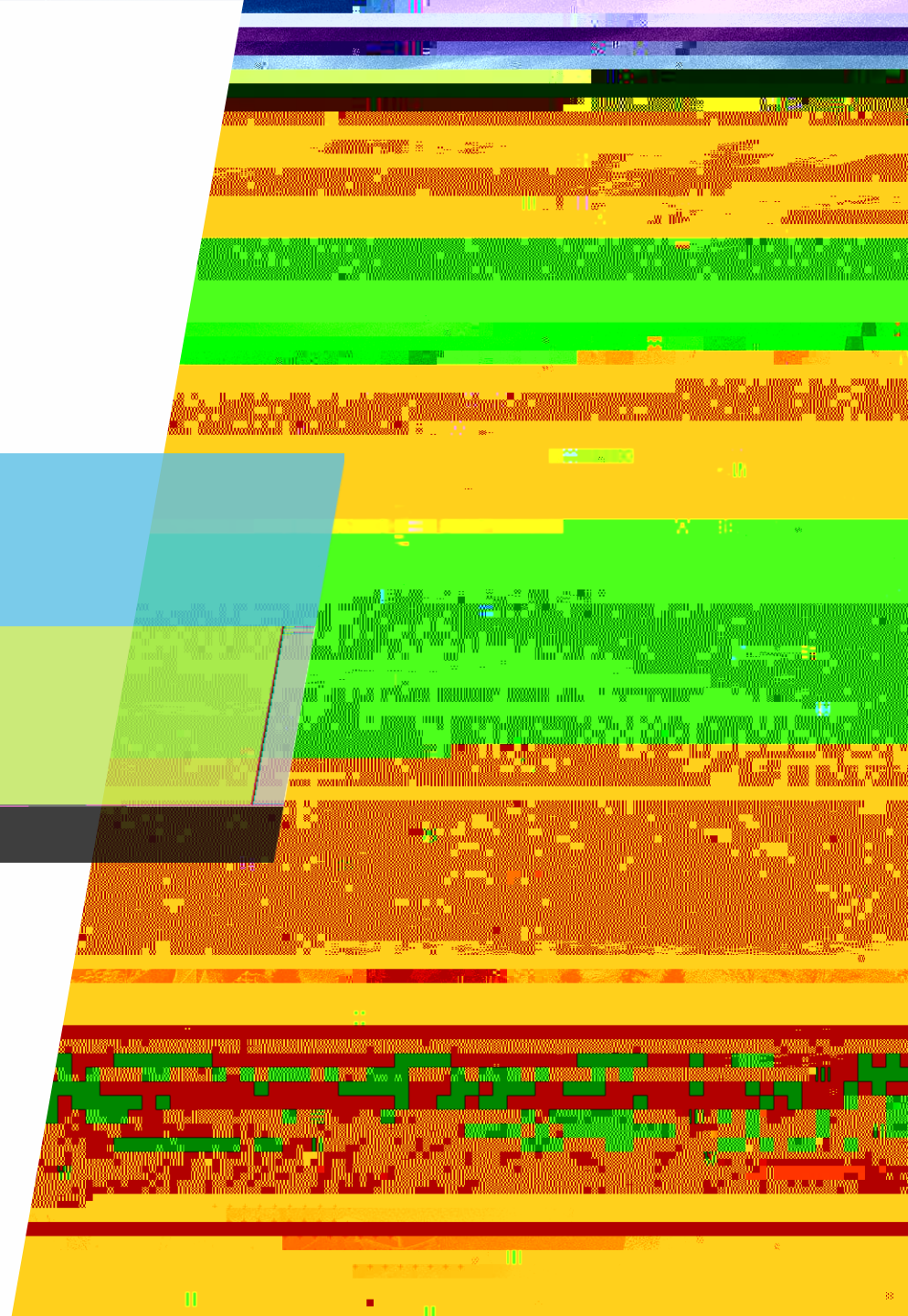


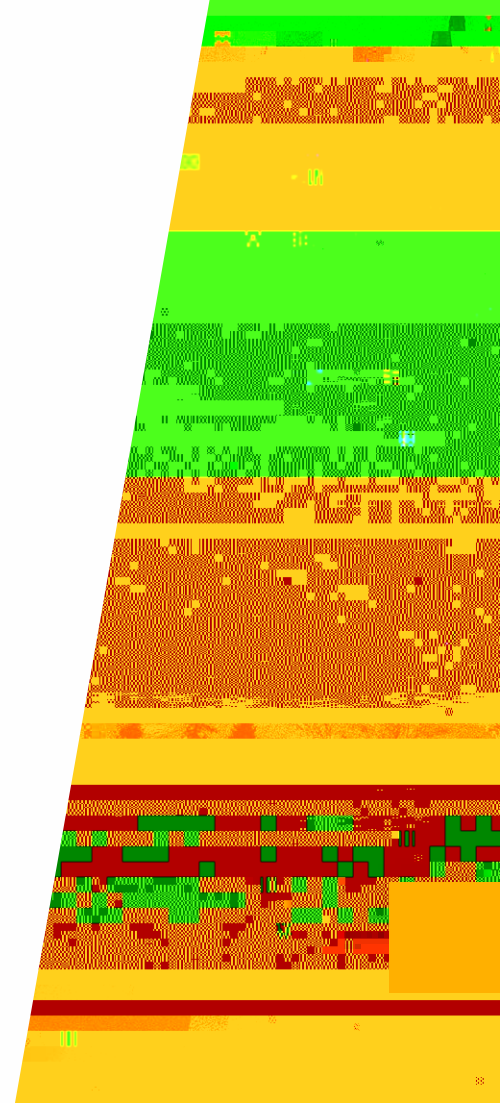
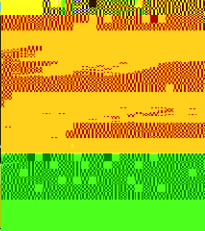
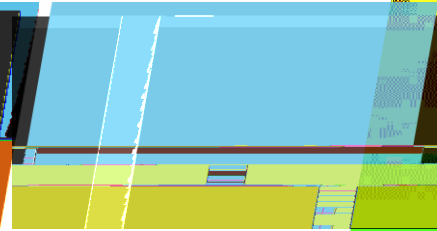
~~... retaliation because the individual has made a report or complaint, participated or refused to participate in any manner in the Title IX Grievance Process, testified, assisted, or~~

Note: Allegations of retaliation are addressed under different University policies.



A student alleges that the Graduate Assistant in an upper level course is engaging in microaggressions based on gender-biased view of women. The student provides examples of images used in presentations in two of the class meetings. The student asks to file a complaint against the Graduate Assistant.





Effective Consent

Effective Consent is an affirmative, knowing, and voluntary decision – clearly communicated through mutually understandable words (e.g. saying “yes”) and/or actions – to willingly engage in mutually acceptable sexual activity (e.g. to do the same thing, at the same time, in the same way, with another individual(s)).

Effective Consent

Effective Consent must be given freely, willingly, consciously and knowingly by each participant to any desired sexual contact.

Consent may be withdrawn by any consenting party at any time during the sexual activity. Withdrawal of consent must be demonstrated by words and/or actions that indicate a desire to end sexual activity. Once an individual has communicated withdrawal of consent, all sexual activity must end.

What is NOT Effective Consent:

- Conduct will be considered "without consent" if no clear consent, verbal or nonverbal, is given.

area, threat, intimidation or coercion.

in the form of a sign, voice or facial expression that could be reasonably

be mutually understandable communication that clearly indicates a

ity. **Effective Consent cannot be assumed based on prior sexual contact or**

Effective Consent cannot be gained through

or a woman's consent to have sex in a public place

context of a relationship, there must

will in essence engage in sexual activity

lack of resistance. Without outward communication

Effective Consent cannot be inferred from silence, passivity or lack

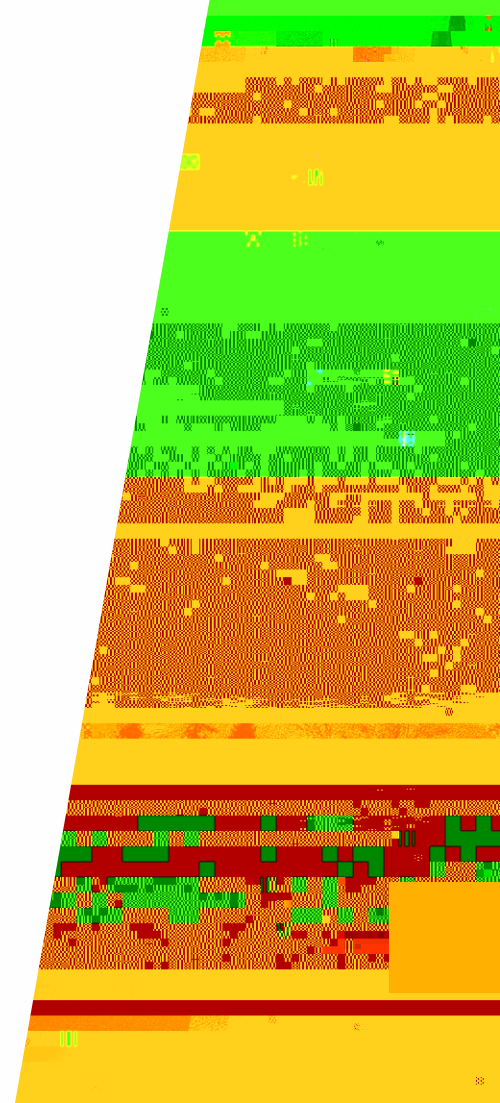
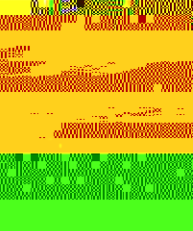
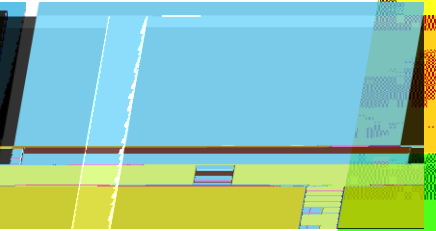
attention. **Effective Consent does not exist**

- **Effective Consent cannot be inferred from an individual's attire or physical appearance.**

ation in any form of the. **Effective Consent cannot be inferred from an individual's attire, appearance, or physical**

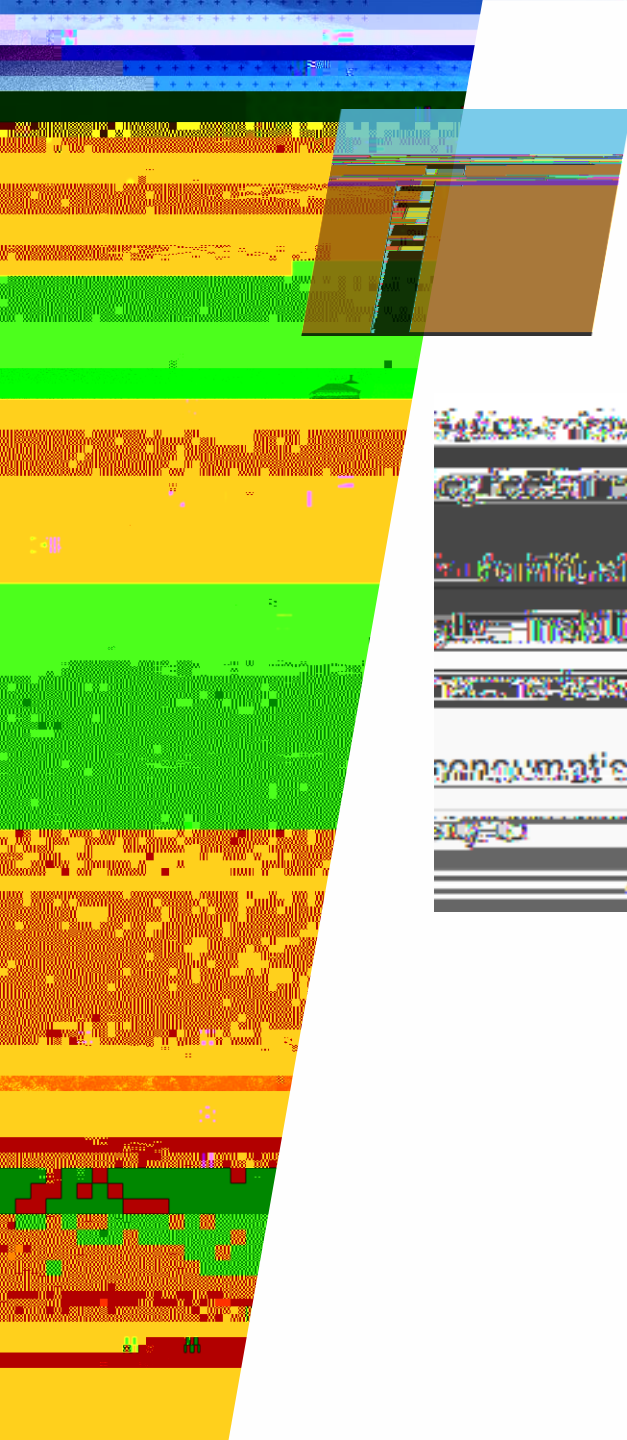
the sexual activity. **Consent is specific to each act and will be independent of a person's contribution to s**

residence, ball room or private area).



Effective Consent

Effective Consent to one form of sexual activity is not, by itself, consent to other forms of sexual activity.



...consumption of alcohol and/or drug affects on ... Evaluating intoxication requires an assessment of how the ...
...municipal ...
...agencies ...
...agencies ...
...agencies ...

Signs of Incapacitation

A person is considered incapacitated, or unable to give consent, if they cannot understand the when, where, why, how, or who of a sexual encounter.

Warning signs include:

- Difficulty walking, stumbling, or falling down;

- Being unable to stand or walk without assistance;

- Slurred speech or an inability to communicate clearly;

- Inability to focus or confusion about what is happening;

- Urinating, defecating or vomiting; or

- Combativeness, emotional volatility or other marked change in demeanor.

The test of whether an individual should know about another's incapacity is whether a reasonable person knows or has reason to know of the other's incapacity. The test is objective. It is not whether the individual actually knew or had reason to know, but whether a reasonable person would know or have reason to know. The test is also subjective in the sense that it is based on the facts and circumstances known to the individual at the time of the act. The test is not based on the individual's own knowledge or belief, but on the knowledge or belief of a reasonable person in the same situation.




Avoiding prejudice, conflicts of interest, and bias



Next session will address mechanics of the grievance process.

Important that throughout process, individuals who administer process maintain an open mind – that they are neutral and unbiased.

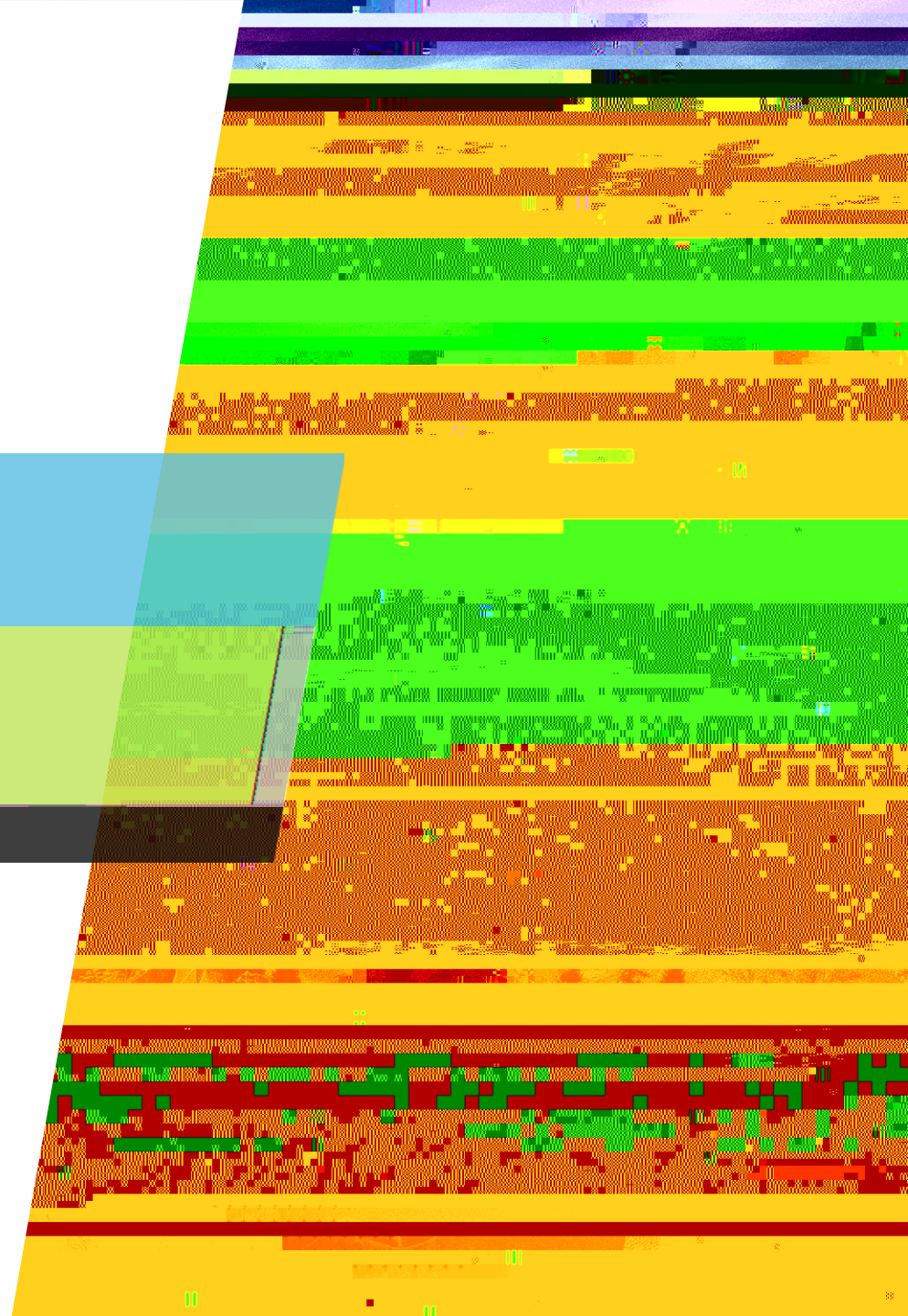
Only form an opinion at the conclusion of the process.

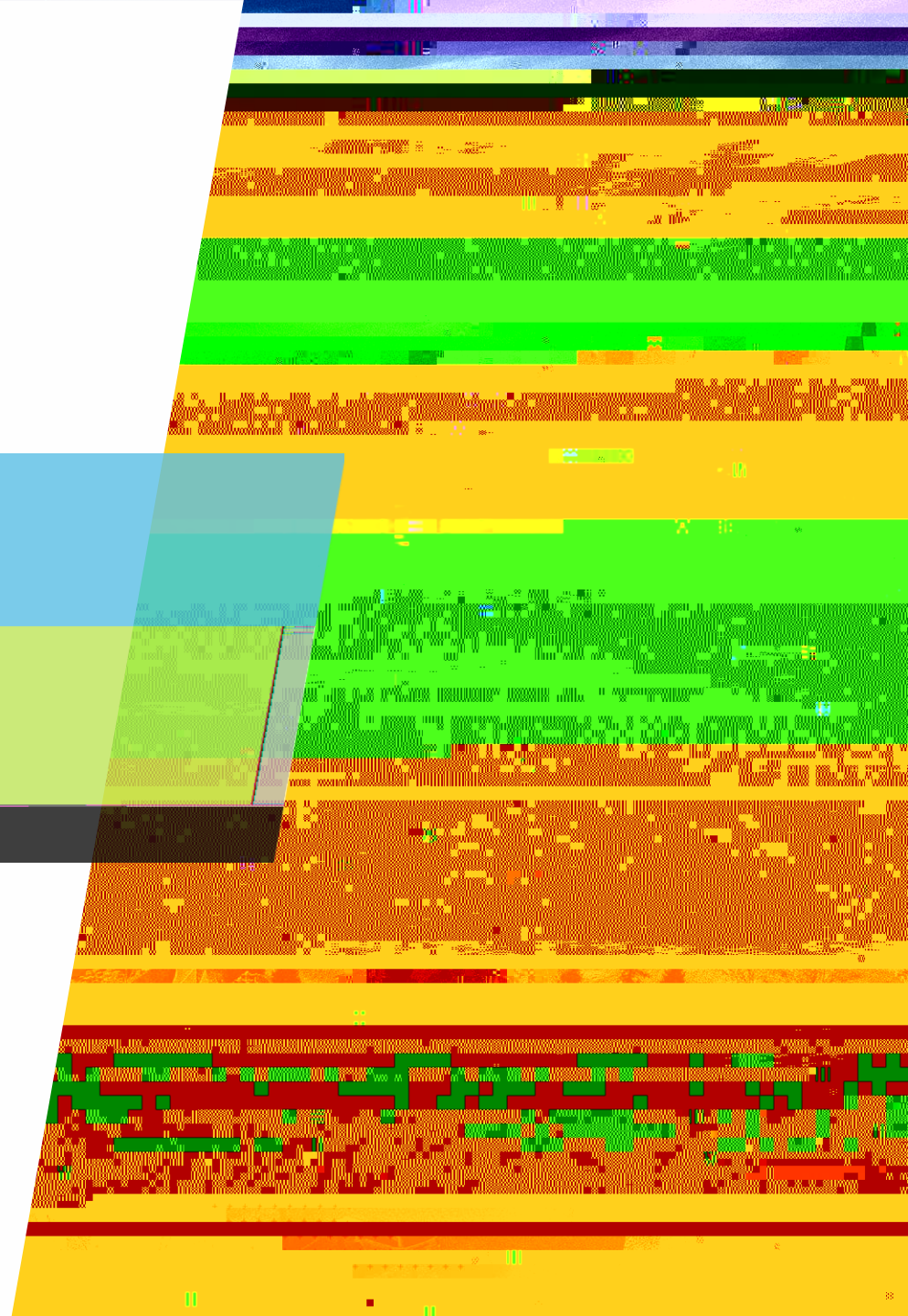


Be mindful of prior interactions or relationships that may give the appearance of a conflict of interest – and make the Title IX Coordinator aware if any arise.

NB: Decision-makers are not charged with finding a *particular* outcome and should avoid pre-conceived notions and consider *only* the information provided during the process.

And, decision-makers must treat both parties equitably and with respect.







Thank you for attending.

For questions or follow up, please
contact:

Anna Kratky
Title IX Coordinator
DuBourg Hall, Room 36
314-977-3886
anna.kratky@slu.edu