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ST. OLAF COLLEGE POLICY PROHIBITING UNLAWFUL DISCRIMINATION, HARASSMENT & RETALIATION

I. NONDISCRIMINATION STATEMENT AND SCOPE OF POLICY

A. Nondiscrimination Statement

St. Olaf strives to comply with all applicable federal and state anti-discrimination laws, including Title IX, Title VI, Title VII, the Americans with Disabilities Act (ADA), and the Minnesota Human Rights Act. In accordance with these and other laws, St. Olaf College does not discriminate on the basis of sex, race, religion, national origin, disability, age, or any other Protected Class Status in any College program or activity including in admissions and employment.

Inquiries about unlawful Discrimination, Harassment or Retaliation may be referred to St. Olaf's Director of Equal Opportunity, the U.S. Department of Education's Office for Civil Rights, or both. St. Olaf's Director of Equal Opportunity is Pamela McDowell, Tomson Hall 181, mcdowell@stolaf.edu, 507-786- 3465. The Director of Equal Opportunity serves as the College's Title IX Coordinator to oversee the College's compliance with Title IX. You may find our Title IX policy [here](#). The Director also serves as the College's Section 504 Coordinator to oversee St. Olaf's compliance with the ADA and Rehabilitation Act.

In addition to articulating St. Olaf's Policy Prohibiting Unlawful Discrimination, Harassment or Retaliation, Section VII of this Policy provides the Complaint Resolution Process St. Olaf will use in response to a Complaint of Discrimination, Harassment or Retaliation.

Section IV below provides information on how to Report information about conduct that may constitute Discrimination, Harassment or Retaliation, and how to make a Complaint.

The mission of St. Olaf College is to challenge Students to excel in the liberal arts, examine faith and values, and explore meaningful vocation in an inclusive, globally engaged community nourished by Lutheran tradition. To advance this mission and its core values of educational excellence, spiritual well- being, community, and wholeness, St. Olaf is committed to providing a respectful, welcoming, safe, and healthy environment for all Students, staff, faculty, and guests. In furtherance of this commitment, the College prohibits all forms unlawful Discrimination. The College also prohibits any form of unlawful Retaliation against a person who has Reported Discrimination, Harassment or Retaliation, made a Complaint, assisted, participated or refused to participate in any manner in any Complaint Resolution Process or similar proceeding.

The College is committed to administering its policies and procedures in a manner that is fair and impartial and that treats all persons with dignity and respect. When the College determines that a violation of this Policy has occurred, the College will take prompt and appropriate measures aimed at stopping the Discrimination, Harassment or Retaliation, preventing its recurrence and remedying its effects.

B. Scope of Policy

The College will apply this Policy to address all concerns relating to unlawful Discrimination, Harassment and Retaliation. Unless legally authorized, this Policy prohibits all forms of unequal treatment and Harassment based upon an individual's legally Protected Class Status. The Policy also prohibits Retaliation against anyone who Reports Discrimination, Harassment or Retaliation, makes a Complaint, assists, or participates or refuses to participate in any manner in a Complaint Resolution Process or other Investigation or proceeding pursuant to this Policy.

This Policy applies to incidents of unlawful Discrimination, Harassment and Retaliation that occur in any St. Olaf education program and activity (including curricular and co-curricular programs) and employment programs. The Policy applies to activities occurring on campus and in College-sponsored programs held in locations away from campus (including study away and study abroad programs), and other social functions or events sponsored by St. Olaf and held at other locations. This Policy also applies to any off-campus conduct, including conduct outside the United States, that interferes with the right of any Students, Employees or any other individual to participate or attempt to participate in a St. Olaf educational program or activity.

The Complaint Resolution Process described in Section VII B of this Policy will be used to resolve all Complaints of Discrimination, Harassment and Retaliation. Formal Complaints of Sexual Harassment will be adjudicated through our [Policy Prohibiting Sexual Harassment](#).

Why are there separate policies for Sexual Harassment and other forms of discrimination?

There are unique obligations that the College must follow when responding to reports of Sexual Harassment. Because the College's obligations are different with respect to Sexual Harassment, the College has a separate Policy Prohibiting Sexual Harassment. Questions relating to the College's response to Sexual Harassment, are addressed in the [Policy Prohibiting Sexual Harassment](#).

II. KEY INTERNAL AND EXTERNAL RESOURCES

A. St. Olaf Responsible Administrative Staff

1. **Director of Equal Opportunity /Title IX, Title VI and Section 504 Coordinator.** The Director of Equal Opportunity (whose responsibilities include serving as the College's Title IX, Title VI and Section 504 Coordinator) is responsible for coordinating all aspects of the College's equal opportunity compliance efforts. The Director of Equal Opportunity is knowledgeable and trained in St. Olaf's policies and procedures, as well as the College's legal obligations under state and federal laws including Title IX, the Violence Against Women Act, the Americans with Disabilities Act, the Rehabilitation Act, Title VI, Title VII, the Minnesota Human Rights Act, and the Minnesota Campus Sex-Based Harassment and Violence law.

The Director of Equal Opportunity's responsibilities include:

- Ensuring the College's compliance with all administrative requirements of Title IX, and other applicable state and federal laws including Title VI, Title VII, the Americans with Disabilities Act, the Rehabilitation Act, and the Minnesota Human Rights Act;
- Advising individuals about St. Olaf's Policy and Reporting options;
- Providing assistance to Employees of the College about how to respond to Reports of unlawful Discrimination, Harassment and Retaliation;
- Coordinating the College's response to all Complaints alleging Discrimination, Harassment or Retaliation;
- Ensuring on- and off-campus support resources are made available to individuals who Report Discrimination, Harassment or Retaliation, including individuals participating in the College's Complaint Resolution Process;
- Ensuring that pregnancy and related conditions, disabilities and sincerely held religious beliefs are lawfully accommodated for prospective and current Students and Employees;
- Identifying and removing barriers to Reporting Discrimination, Harassment and Retaliation; and
- Overseeing training, prevention and education efforts, and periodic reviews of the campus climate and culture.

The Director of Equal Opportunity leads the Equal Opportunity COordinated REsponse ("CORE") Team

and the Equal Opportunity Team as described below.

2. **CORE Team.** The CORE Team is responsible for assessing all Reports of Discrimination, Harassment and Retaliation and ensuring the College’s response is prompt, fair, impartial and consistent with this Policy. The CORE Team seeks to ensure an equitable process for the individuals participating in a Complaint Resolution Process while also safeguarding the well-being of the College community. The CORE Team includes the following individuals:

St. Olaf College CORE Team			
Director of Equal Opportunity/Title IX and Section 504 Coordinator	Pamela McDowell	Tomson Hall 181	507-786-3465
Vice President for Community and Belonging	Eduardo Pazos	Tomson Hall 258	507-786-3334
Deputy Athletic Director	Kelly Mahlum	Skoglund 114G	507-786-3258
Director of Public Safety	Derek Kruse	Tomson Hall 10D	507-786-3258
Associate Dean of Students for Residence Life	Christopher Medley	Tomson Hall 148	507-786-3615
Director of Faculty Inclusion and Belonging	Susan Smalling	Holland Hall 601	507-786-3350

The responsibilities of the CORE Team include:

- Conducting an initial assessment of Reports to determine whether alleged conduct falls within the scope of this Policy;
- Assessing whether a Complaint should be dismissed and/or referred to a different College process;
- Evaluating whether and how the College will proceed under this Policy in a manner that provides a prompt, thorough, fair and equitable process for the individuals involved;
- Overseeing intake and Supportive Measures for individuals who Report Discrimination, Harassment or Retaliation;
- Confirming that Supportive Measures have been offered to all Parties involved in a Report and/or Complaint Resolution Process under this Policy;
- Evaluating Supportive Measures for their effectiveness in restoring Party’s equal access to the ability to participate in or benefit from the College’s educational programs and activities;
- Determining whether a matter is appropriate to proceed under an Informal Resolution Process if the Parties express interest in doing so;
- Overseeing matters proceeding under the Policy’s Complaint Resolution Processes to ensure adherence to the Policy in a manner that is prompt, thorough, fair and equitable;
- Determining whether notification to the St. Olaf community is necessary to comply with Clery Act or other legal obligations; and
- Coordinating and overseeing data collection and Reporting in compliance with relevant federal and state statutes.

3. **Equal Opportunity Team.** The Equal Opportunity Team is led by the Director of Equal Opportunity and includes the following individuals:

St. Olaf College Equal Opportunity Team			
Director of Equal Opportunity/ Title IX Coordinator	Pamela McDowell	Tomson Hall 181	507.786-3465
Director of Public Safety	Derek Kruse	Tomson Hall 10D	507-786-3636
Deputy Athletic Director	Kelly Mahlum	Skoglund Athletic Center 114G	507-786-3258
Dean of Students	Rosalyn Eaton	Tomson Hall 148	507-786-3615
Associate Dean of Students	Justin Fleming	Tomson Hall 148	507-786-3615
Vice President for Community and Belonging	Eduardo Pazos	Tomson 258	507-786-3334
Associate Dean of Students	Chang Dao Vang	Tomson Hall 148	507-786-3615
Interim Director of the Smith Center for Global Engagement	Theresa Heath	Tomson Hall 380	507-786-3228
Associate Dean of Students	Christopher Medley	Tomson Hall 148	507-786-3615
Assistant Vice President for Human Resources		Tomson Hall 180	507-768-3068
Vice President for Student Life	Hassel Morrison	Tomson Hall 148	507-786-3503
Director of the Taylor Center for Equity and Inclusion	Martin Olague	Buntrock Commons 111	507-786-3060
Associate Dean of Students	Tim Schroer	Tomson Hall 148	507-786-3615
Director of Faculty Inclusion and Belonging	Susan Smalling	Holland Hall 601	507-786-3350
Director of Disability and Access	Laura Knobel-Piehl	Tomson Hall 151	507-786-3966

The responsibilities of the Equal Opportunity Team include:

- Overseeing the content and implementation of this Policy;
- Overseeing and assisting with education and prevention efforts aimed at eliminating incidents of unlawful Discrimination, Harassment and Retaliation;
- Receiving Reports Discrimination, Harassment and Retaliation, and ensuring the Director of Equal Opportunity is apprised of all Reports received;
- Overseeing efforts to educate the St. Olaf community concerning this Policy;
- Overseeing efforts to assess the campus climate and ensure appropriate response to any findings;
- Ensuring College programs and activities are equitable for participants regardless of race, gender, national origin, disability, age, or other Protected Class Status;
- Collaborating with the CORE Team;
- Overseeing the use of College resources in carrying out this Policy and achieving its purposes.

B. Governmental Authorities

The governmental authorities responsible for enforcing applicable federal and state laws relating to this Policy, are the following:

U.S. Department of Education / Office for Civil Rights

Citigroup Center
500 W. Madison Street, Suite 1475 Chicago, IL 60661-4544
312-730-1560 (phone)
877-521-2172 (TDD)
Email: OCR.Chicago@ed.gov

Minnesota Department of Human Rights

Freeman Building
625 Robert Street North Saint Paul, MN 55155 800-657-3704 (phone)
800-627-3529 (fax)
800-627-3529 (TDD)
<http://mn.gov/mdhr/> Info.MDHR@state.mn.us

III. DEFINITIONS

A. General Policy Definitions

1. **Confidential Resources** are individuals who can receive confidential communications, defined as communications which cannot be disclosed to another person without the authorization of the individual who provided the information, unless legally authorized or required, such as when the communications involve allegations of the physical or sexual abuse of a child or vulnerable adult, or an imminent threat of serious injury to any person. Among the College's Employees, only those individuals designated by the College as Confidential Resources may receive such confidential communications without being required to Report the information they receive to the Director of Equal Opportunity or a member of the Equal Opportunity Team.
2. **Discrimination** means an adverse or unequal treatment that unreasonably denies, unreasonably limits, or materially interferes with an individual's ability to participate in College programs or activities because of an individual's actual or perceived Protected Class Status. For an Employee or applicant for employment, prohibited Discrimination would include adverse action that interferes with an individual's hiring, promotion, job duties, or other terms and conditions of employment. For a Student or prospective Student, prohibited Discrimination would include any action that interferes with the Student's access to or benefits from educational programs or activities such as admission into programs or activities, grades, assignments and coursework, housing, participation on a team, program or activity, or other adverse actions. Discrimination against volunteers, guests, visitors and any other participants in College programs or activities is also prohibited when based upon an individual's Protected Class Status.
3. **Employee**, for the purposes of this Policy, means a non-Student St. Olaf College Employee, including faculty and staff. Students who work for the College for work-study purposes or on a part-time basis for any other reason are not considered an Employee for purposes of this Policy. An Employee who takes classes under a College benefit program is considered an Employee, and not a Student, for purposes of this Policy.
4. **Harassment** means unwelcome conduct based on an individual's actual or perceived Protected Class Status that is so severe or pervasive that it interferes with an individual's participation in a College program or activity. Harassment includes verbal, physical, electronic, or other conduct directed at an

individual that substantially interferes with the individual's participation in a College program or activity, including a Student's educational environment and a staff or faculty member's work environment.

- a. **Quid Pro Quo Harassment** - When submission to or rejection of harassing behavior is used, explicitly or implicitly, as the basis for decisions affecting an individual's participation in a College program or activity (including a Student's educational opportunities or a staff or faculty member's work), this is one form of prohibited Harassment, commonly referred to as "Quid Pro Quo" Harassment.
- b. **Hostile Environment Harassment** - Another form of prohibited Harassment is often referred to as "hostile environment" Harassment. This type of Harassment involves unwelcome conduct based on an individual's Protected Class Status when such conduct is severe or pervasive enough to substantially interfere with the individual's participation in a College program or activity. For Students, a hostile environment would substantially interfere with their ability to learn or other aspects of their educational environment. For faculty or staff members, a hostile environment would substantially interfere with their work environment.

St. Olaf strives to provide a welcoming, respectful and healthy workplace and educational environment for all Students, faculty, staff and visitors to the College. The College is committed to promptly, impartially, and equitably addressing and resolving all Reports of prohibited Discrimination, Harassment or Retaliation. When the College is notified of behavior in violation of this Policy, it is committed to taking prompt and appropriate action to stop it, prevent it from recurring, and correct its effects.

5. **Hate Crime** means any criminal offense committed against a person, group, or that person/group's property that is motivated by the person's/group's Protected Class Status.



Source: U.S. Department of Justice

6. **Protected Class Status** means race, color, creed, religion, national origin, sex, sexual orientation, gender identity, gender expression, Pregnancy or Related Conditions, marital status, physical or mental disability (including having a history of a disability or being regarded as being disabled), status with regard to public assistance, familial status, age and genetic information.
7. **Policy** means the St. Olaf Policy Prohibiting Unlawful Discrimination, Harassment and Retaliation.
8. **Report** means information forwarded to the Director of Equal Opportunity or a member of the Equal Opportunity Team alleging Discrimination, Harassment or Retaliation. In most cases a Report does not initiate any action by the College beyond providing the individual alleged to have experienced harassment or discrimination with information about Supportive Measures and other resources and options for response if the individual so chooses. A Report is distinguished from a Complaint which initiates the College's Complaint Resolution Process.
9. **Retaliation** means intimidation, threats, coercion, or Discrimination against any person by the College, a

Student, or an Employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, Title VI, Title VII, the ADA, the Minnesota Human Rights Act or any other law prohibiting Discrimination, or because the person has Reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an Investigation or proceeding under this Policy, including in the Informal Resolution Process, the Complaint Resolution Process, and in any other actions taken by the College under this Policy. Notwithstanding the foregoing, it is not prohibited Retaliation for St. Olaf to expect and require Employees or other persons retained by the College to provide aid, benefit, or service under the College's education program or activity to participate as a witness in, or otherwise assist with, an Investigation or proceeding under this Policy.

10. **Required Referrals** are Employees who are not Confidential Resources and who are expected to immediately share all known details about any incident of Discrimination, Harassment or Retaliation with the Director of Equal Opportunity or other member of the Equal Opportunity Team. Students who are employed with the College are also Required Referrals if they learn about an incident of Discrimination, Harassment or Retaliation as a result of their employment position.
11. **Student** means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship with St. Olaf College.
12. **Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Reporting Party before or after the filing of a Complaint and to a Respondent if and when notified of a Complaint. Such measures are designed to provide support to each Party and to restore or preserve equal access to the College's education program or activity. Supportive Measures may include measures designed to protect the safety of each Party and the College's educational environment. Supportive Measures may not unreasonably burden a Reporting Party or Respondent.

B. Complaint Resolution Process Definitions

1. **Advisor** means a person selected by a Reporting Party or Respondent to assist that Party during a Complaint Resolution Process. An Advisor may accompany the Party to all meetings during the Complaint Resolution Process. The Advisor may also accompany the Party to all meetings conducted under an Informal Resolution Process. The Advisor may not communicate directly with process facilitators, Investigators, adjudicators or other College personnel involved in administering this Policy; however, an Advisor may assist a Party with preparing statements, communications and other materials during the Complaint Resolution Process.
2. **Adjudication** means the phase of the Complaint Resolution Process where a trained Adjudication Panel imposes Disciplinary Sanctions and Remedies after a Respondent is found by the Investigator to have committed Discrimination, Harassment or Retaliation.
3. **Adjudication Panel** means the three trained adjudicators assigned by the Director of Equal Opportunity to determine Disciplinary Sanctions and Remedies in the event the Investigator determines that a Respondent committed Discrimination, Harassment or Retaliation. The Adjudication Panel performs its work during the Imposition of Disciplinary Sanctions and Remedies Phase (Phase 6) of the Complaint

Resolution Process.

4. **Appeal Adjudicator** means the trained adjudicator assigned by the Director of Equal Opportunity to determine any appeals following the Investigation and Adjudication phases of the Complaint Resolution Process. The appeal phase is the final phase (Phase 7) of the Complaint Resolution Process.
5. **Complaint** means an oral or written request to the College that objectively can be understood as a request for the College to initiate a Complaint Resolution Process to investigate and determine whether Discrimination, Harassment or Retaliation prohibited by this Policy has occurred.
6. **Complaint Resolution Process** means the process used by the College to investigate, adjudicate and respond to Complaints of Discrimination, Harassment or Retaliation. As explained in Section VII below, the initiation of a Complaint is the first phase of the Complaint Resolution Process.
7. **Disciplinary Sanctions** means consequences imposed on a Respondent following a determination that the Respondent violated this Policy's prohibition on Discrimination, Harassment or Retaliation. Disciplinary Sanctions are imposed following an Investigation during the Adjudication Phase (Phase 5) of the Complaint Resolution Process.
8. **Dismissal** refers to a review of the Complaint that the Director of Equal Opportunity and CORE Team performs to determine whether the Complaint should proceed under the Complaint Resolution Process, or be dismissed or referred to a different College office. Dismissal review occurs during Phase 3 of the Complaint Resolution Process.
9. **Informal Resolution Process** means the voluntary, structured dialogue between each Party and a trained facilitator intended to attempt to resolve allegations of Discrimination, Harassment and/or Retaliation apart from a Complaint Resolution Process. The Informal Resolution Process is intended to be flexible while providing for a full range of possible outcomes through dialogue with the facilitator. In certain circumstances Informal Resolution is not legally permissible. When each Party has expressed interest in the Informal Resolution Process, the CORE Team will determine whether Informal Resolution is appropriate for the particular matter. When permissible, the Informal Resolution Process can be utilized at any point prior to the conclusion of the Complaint Resolution Process.
10. **Investigation** means the phase of the Complaint Resolution Process where evidence is gathered by a trained Investigator and the Parties have an equal opportunity to offer fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible, in order to determine whether it is more likely than not that the Respondent committed Harassment, Discrimination or Retaliation. The Investigation phase is Phase 4 of the Complaint Resolution Process.
11. **Investigator** means a trained individual assigned by the Director of Equal Opportunity to conduct a fair and impartial Investigation and, after gathering and reviewing all relevant and not otherwise impermissible evidence, adjudicate whether it is more likely than not that the Respondent committed Discrimination, Harassment or Retaliation.
12. **Notice of Allegations** means a document the Director of Equal Opportunity prepares after a Complaint is brought to apprise the Parties of information about the Complaint Resolution Process and the Parties' rights. The Notice of Allegations is provided during Phase 2 of the Complaint Resolution Process.
13. **Notice of Decision** means the document that the Investigator prepares following the Investigation and

Adjudication of the Complaint to notify the Parties whether the Investigator concluded that it is more likely than not that Discrimination, Harassment or Retaliation occurred. In cases where the Investigator has determined that a preponderance of evidence supports a finding that the Respondent committed Discrimination, Harassment or Retaliation, the Notice of **Decision** will also include the Disciplinary Sanctions and Remedies imposed by the Adjudication Panel.

14. **Party** means a Reporting Party or Respondent.
15. **Relevant** means related to the allegations of Discrimination, Harassment or Retaliation under Investigation as part of the Complaint Resolution Process applicable under this Policy. Questions are relevant when they seek evidence that may aid in showing whether the alleged Discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Discrimination, Harassment or Retaliation occurred.
16. **Remedies** means measures provided, as appropriate, to a Reporting Party or any other person identified as having had their equal access to the College's education program or activity limited or denied by Discrimination, Harassment or Retaliation. These measures are provided to restore or preserve that person's access to the College's education program or activity after a Complaint Resolution Process has resulted in a determination that Discrimination, Harassment or Retaliation occurred. Remedies are identified following an Investigation during the Adjudication Phase (Phase 5) of the Complaint Resolution Process.
17. **Reporting Party** means
 - a. A Student or Employee who is alleged to have been subjected to conduct that could constitute Discrimination, Harassment or Retaliation prohibited by this Policy; or
 - b. A person other than a Student or Employee who is alleged to have been subjected to conduct that could constitute Discrimination, Harassment or Retaliation under this Policy and who was participating or attempting to participate in a St. Olaf education program or activity at the time of the alleged prohibited conduct.
18. **Respondent** means a person who is alleged to have violated this Policy's prohibitions against unlawful Discrimination, Harassment or Retaliation.
19. **Sex Discrimination** occurs when an individual is treated adversely because of that person's sex, gender, sexual orientation, gender identity, or gender expression. Sex Discrimination includes Discrimination on the basis of sex stereotypes, sex characteristics, and Pregnancy or Related Conditions. Some examples of conduct that may constitute Sex Discrimination include:
 - Treating an individual adversely in any respect because of their sex, gender, sexual orientation, gender identity, or gender expression;
 - Using epithets or slurs;
 - Engaging in threatening or intimidating acts, including directing written or graphic material to an individual because of their sex, gender, sexual orientation, gender identity, or gender expression; or
 - Written, verbal or physical acts directed to an individual because of their sex, gender, sexual orientation, gender identity, or gender expression that purport to be jokes or pranks.

IV. REPORTING DISCRIMINATION, HARASSMENT AND RETALIATION

A. Overview

This section addresses Reports of known or suspected incidents of Discrimination, Harassment or Retaliation,

and the ways in which such Reports may be made. While Required Referrals are the only individuals required to make Reports, everyone is encouraged to Report any incident of Discrimination, Harassment or Retaliation so that those who experience such conduct can understand their options and access Supportive Measures. There are no time limitations on when a Report to the College may be made; but delaying a Report may impact the College's ability to access evidence, investigate the claims, and/or adequately respond.

B. Who Can Report? Who Must Report?

1. **Employees / Required Referrals.** Employees of St. Olaf College who are not Confidential Resources are Required Referrals, and are expected to immediately share all known details about any incident of Discrimination, Harassment or Retaliation with the Director of Equal Opportunity or other member of the Equal Opportunity Team. Students who are employed with the College, and who learn about such incidents during the course and scope of their College employment are also Required Referrals. Reports may be made in person, by telephone, or electronically. If possible, before obtaining information from a Reporting Party, Required Referrals should inform the Reporting Party of the Employee's Reporting obligations and inquire whether the Reporting Party would rather speak with a Confidential Resource.

Notwithstanding the foregoing, Employees who themselves experience Discrimination, Harassment or Retaliation are not required to Report their own experience as a Required Referral. While these employees are not required to Report such incidents, they are encouraged to Report their experience so that the College can assist them in accessing Supportive Measures and understanding their rights.

2. **Students.** Students are encouraged to Report known or suspected incidents of Discrimination, Harassment and Retaliation to the Director of Equal Opportunity or any other members of the Equal Opportunity Team. Students are not required to Report information unless they are also a Required Referral (i.e., Student employees who learn about Discrimination, Harassment or Retaliation during the course and scope of their employment with the College).

C. What Must be Reported?

1. **Reporting Discrimination, Harassment or Retaliation.** Employees making a required referral may Report to the Director of Equal Opportunity or member of the Equal Opportunity Team using any of the Reporting methods described below. Employees making a required referral should provide all known details including, if available, the date, time and location of the incident; the names of individuals involved and other individuals who may have witnessed the incident; and a brief description of the incident. Although Required Referrals should provide all information learned from a Reporting Party, Employees should not attempt to investigate or gather details about the incident beyond the information that the Reporting Party seeks to share. Prompt and complete Reporting will assist the College in providing timely support and assistance.

While Employees are obligated to Report any information they may have regarding Discrimination, Harassment and Retaliation, they should respect the confidentiality of the individuals involved by not further disclosing information to other individuals without the Reporting Party's authorization.

2. **Reporting Responsibilities Regarding Pregnant Students.** When a Student informs any Employee of the Student's Pregnancy or Related Condition, the Employee should provide the Student with the Director of Equal Opportunity's contact information and inform the Student that, as the College's Title IX Coordinator, the Director of Equal Opportunity can coordinate support and modifications to ensure that the Student maintains equal access to the College's education program and activities, unless the

Employee reasonably believes the Director of Equal Opportunity has already been notified. To ensure that an appropriate response is made, Employees who learn about a Student's Pregnancy or Related Condition are encouraged to contact the Title IX Coordinator for information and guidance. Employees who do so are not required to identify the Student with the Pregnancy or Related Condition.

D. To Whom May Reports be Directed?

1. **Confidential Resources.** Individuals who have experienced Discrimination, Harassment or Retaliation may obtain support and other resources from Confidential Resources. Confidential Resources can also provide basic information about College, community, and, when applicable, law enforcement options. At St. Olaf, Confidential Resources include the following:

[Counseling Center](#)

New Hall 046

counselingcenter@stolaf.edu

507-786-3062

[College Pastors & Chaplains](#)

Boe Memorial Chapel, Lower Level

ministry@stolaf.edu

507-786-3092

[Student Health Service](#)

New Hall 063

healthservices@stolaf.edu

507-786-3064

[Sexual Assault Resource Network \(SARN\)](#)

Buntrock Commons 14A

sarn@stolaf.edu

507-645-3367

[TimelyCare](#)

Via mobile app

2. **Reporting to the Director of Equal Opportunity.** Reporting to the Director of Equal Opportunity does not necessarily initiate a Complaint or a Complaint Resolution Process. It can simply be an opportunity to obtain further information about options and access to available resources and Supportive Measures the College can take to sustain the Reporting Party's access to College programs and activities. Reporting to the Director of Equal Opportunity provides individuals the opportunity to better understand their options and to assess whether they wish to pursue further courses of action such as initiating a Complaint and/or notifying law enforcement.

Even if Reporting Parties are not interested in or uncertain about initiating the Complaint Resolution Process, they are strongly encouraged to Report to the Director of Equal Opportunity so that they can better understand and readily access the Supportive Measures and other options available to them under this Policy. Reporting to the Director of Equal Opportunity does not obligate the Reporting Party to initiate or participate in a Complaint Resolution Process. The College will honor an individual's preferences about whether to proceed with the Complaint Resolution Process, and will only take additional measures in the rare instances when the College believes further action is legally required or

absolutely necessary for safety purposes. Resources and Supportive Measures are available regardless of whether a Complaint Resolution Process is initiated.

3. **Reporting to another member of the Equal Opportunity Team.** Individuals may choose to Report incidents of Discrimination, Harassment or Retaliation to any member of the Equal Opportunity Team (see Section II A3). The Director of Equal Opportunity is notified of all Reports received by any member of the team.
4. **Reporting to Public Safety.** Individuals may notify St. Olaf's [Public Safety Office](#) of instances of Discrimination, Harassment or Retaliation. This method of Reporting may be of greatest assistance in circumstances where there is a security threat and/or an immediate need of assistance. Public Safety provides 24-hour security services, patrol and response throughout the year. Public Safety is dedicated to the safety and protection of the entire St. Olaf community. Public Safety is not a division of the Northfield Police Department, and information provided to Public Safety will not be Reported to the Police unless authorized by the Reporting Party (or such Reporting is mandated under Minnesota's child or vulnerable adult abuse and neglect statutes).

Public Safety can be contacted at (507) 786-3666.

5. **Reporting to Faculty and Staff.** All Employees of the College, with the exception of Confidential Resources, are Required Referrals and responsible for making Reports to the Director of Equal Opportunity of all known or suspected Discrimination, Harassment or Retaliation.
6. **Anonymous Reporting.** The College maintains an online Reporting [form](#) for any member of the St. Olaf community to anonymously Report Discrimination, Harassment or Retaliation that the Reporter has either experienced or witnessed. The information provided is forwarded to the Director of Equal Opportunity. The Director of Equal Opportunity will act upon all information received to the extent there is actionable information provided. Reports are also utilized for Reporting purposes to state and federal authorities, and used by the College to better understand the incidence of Discrimination, Harassment and Retaliation in our community and to aid in education, prevention, and response efforts.

The College's ability to respond to an anonymous Report may be limited depending upon the information it receives. If a Reporting Party is identified in an anonymous Report, the Director of Equal Opportunity will contact the Reporting Party to offer information and Supportive Measures. Because a Complaint must be initiated by an individual who experienced the conduct or by the Director of Equal Opportunity under certain circumstances, an anonymous Complaint will not necessarily trigger the Complaint Resolution Process.

7. **Reporting to law enforcement** – Individuals who believe they have been a victim of criminal conduct, such as a Hate Crime or Sexual Misconduct (including Sexual Assault, Dating Violence, Domestic Violence or Stalking) are strongly encouraged to notify the Northfield Police Department. Notifying law enforcement is independent of a Report to the College. Sometimes Reporting Parties opt to only Report to the College; other times they opt only to notify law enforcement; and other times they opt to notify both.

Meetings can normally be arranged on campus or at the Northfield Police Department depending upon the wishes of the Reporting Party. In most instances, Reporting to the police does not require filing criminal charges, and the individual Reporting to the police maintains control over whether and when criminal charges will be pursued. If the Reporting Party would like an advocate, Advisor, or parent to

attend the meeting with the Northfield Police, assistance with these arrangements will also be made.

Telephone contact information for the Northfield Police Department:

Emergency Number: 911

Non-Emergency Number: 507-645-4475

Individuals should not assume that information Reported to College authorities will be Reported to law enforcement

E. How Can Reports be Submitted?

St. Olaf is committed to providing Reporting options through multiple avenues which are broadly accessible to all members of the St. Olaf community. Any person may Report Discrimination, Harassment or Retaliation (whether or not the person Reporting is the person alleged to be the victim of such conduct), in person, by mail, by telephone, or by email, to the Director of Equal Opportunity. Reports may be submitted at any time of day and at any point during the year. Reports may be made by completing the College's on-line Reporting [form](#) which is automatically delivered to the Director of Equal Opportunity. Individuals can also contact the Director of Equal Opportunity or another member of the Equal Opportunity Team in person, by mail, telephone, or by email.

Reports may be made anonymously; however, depending upon the information provided in a Report, the College may be limited in its ability to respond.

F. Prohibition Against False Reports

The willful filing of a false Report is a violation of this Policy, as well as the Student Code of Conduct. Charging an individual with a violation of the Code of Conduct for making a materially false statement in bad faith in the course of a Report, Complaint, or Complaint Resolution Process under this Policy does not constitute Retaliation.

G. Access to Report

A person who Reports an incident to the College will be provided access to their Report upon request, consistent with state and federal laws governing privacy of and access to education records. A request for access to a Report should be made to the Director of Equal Opportunity.

V. INITIAL STEPS AFTER A DISCRIMINATION, HARASSMENT OR RETALIATION REPORT IS RECEIVED BY THE COLLEGE

A. Initial Contact with Director of Equal Opportunity

After receiving notification of conduct that may reasonably constitute Discrimination, Harassment or Retaliation, the Director of Equal Opportunity will promptly contact the Reporting Party to explain the options for addressing a Report.

The Director of Equal Opportunity will confer with the Reporting Party in order to:

- Assess the Reporting Party's safety and well-being and identify available support and assistance;
- Inform the Reporting Party about resources available at the College and in the community, the right to seek appropriate and available remedial and Supportive Measures, and how to request them;
- Inform the Reporting Party of the right to initiate the College's Complaint Resolution Process and/or the Informal Resolution Process (when applicable);
- Explain the College's prohibition against Retaliation and that the College will take prompt action in response to any act of alleged Retaliation;
- When applicable, inform the Reporting Party of the right to seek medical treatment and explain the importance of obtaining and preserving forensic and other evidence; and
- When the conduct may involve a crime, inform the Reporting Party of the right to contact law

enforcement, decline to contact law enforcement, and/or seek a protective order.

Generally, the options available to a Reporting Party include but are not limited to one or more of the following:

- Taking no action;
- Arranging Supportive Measures to assist the Reporting Party's full participation in the College's education programs and activities;
- Requesting that the Director of Equal Opportunity have a conversation with the Respondent about the Report;
- Engaging in an Informal Resolution Process with the Respondent;
- Initiating a Complaint Resolution Process under this Policy that will result in a determination of whether the Respondent is responsible for Discrimination, Harassment or Retaliation.

The Reporting Party has the right to decide whether to take any action to address the alleged conduct, whether to seek Supportive Measures, and whether to be involved in an Informal Resolution Process or a Complaint Resolution Process addressing the conduct. Under some circumstances, as described in Section-VII B Phase 1 below, the Director of Equal Opportunity may determine that the College will initiate a Complaint and Complaint Resolution Process to address the Discrimination, Harassment or Retaliation even if the Reporting Party decides not to participate in the Complaint Resolution Process.

The College will treat the Reporting Party with dignity and will not make any suggestion that the Reporting Party is at fault for the alleged incident or that the Reporting Party should have acted in a different manner to avoid such an incident.

If an Informal Resolution Process, Complaint Resolution Process or other steps are being taken to address the concerns with a Respondent, the Director of Equal Opportunity will meet with the Respondent to inform them of the Report and to discuss the availability of Supportive Measures during any ensuing process.

When responding to a Report of Discrimination, Harassment or Retaliation, and throughout any Informal Resolution Process and Complaint Resolution Process, the Director of Equal Opportunity will treat the Reporting Party and Respondent equitably.

B. Availability of Supportive Measures

At any time after a Report of Discrimination, Harassment or Retaliation is received, the College will arrange for reasonable and appropriate Supportive Measures aimed at protecting the well-being and safety of each Party. Supportive Measures are actions taken to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other Party. They include measures designed to protect the safety of all Parties and the College's educational environment. Supportive Measures foster a comfortable and safe educational, residential and working environment. Supportive Measures may be requested by a Reporting Party at any time after a Report is received, or by a Respondent at any time after being made aware of a Report. Supportive Measures may also be initiated by the College. Supportive Measures are available regardless of whether a Report proceeds to the Complaint Resolution Process.

Appropriate Supportive Measures will vary depending upon the particular circumstances and based on a Party's confidentiality preferences. The range of potential Supportive Measures that St. Olaf may take include:

- Access to counseling, medical, and other confidential services and assistance in setting up initial appointments on and off campus.

- A College-imposed mutual “limited-contact directive” prohibiting intentional or on-going unintentional contact between individuals.
- Assistance in petitioning a court for an order for protection / harassment restraining order.
- Making information available about and providing assistance with respect to orders for protection and harassment restraining orders, including enforcement of such orders.
- Providing campus security escorts to assure safe movement on campus.
- Rescheduling of exams or assignments.
- Providing alternative course completion options.
- Providing other academic Supportive Measures, such as tutoring.
- Assisting in setting up potential accommodations (academic, employment or otherwise) through the Disability and Access Office or other relevant departments.
- Changing a Student’s class schedule.
- Extensions of work deadlines, work schedules, assignments, and other workplace accommodations;
- Changing campus housing arrangements and assistance with housing relocation.
- Limiting access to certain College residence halls, facilities or activities pending a Complaint Resolution Process.
- Voluntary leave of absence.
- In cases where the Reporting Party is or becomes enrolled at a different educational institution either because of a transfer, on-going studies after graduation from St. Olaf, or temporary enrollment at a different institution, the College will provide information about resources available at the Student’s current institution.
- Any other measure deemed appropriate for fostering a more comfortable and safe educational, residential and/or working environment.

Supportive Measures are offered by the College based upon the information gathered during the Report or made available to the College thereafter. They are not intended to be punitive. Such measures will vary based on the particular facts and circumstances, including but not limited to the specific need expressed by the Party, the age of the individual(s) involved, the severity or pervasiveness of the allegations, any continuing effects on the other Party, whether the Reporting Party and the Respondent share the same residence hall or assigned work location.

Supportive Measures may not unreasonably burden either Party. They will be designed to protect the safety of the Parties and the educational environment and to provide support during the Complaint and Complaint Resolution Process or Informal Resolution Process. Supportive Measures will not be imposed if they have the purpose or effect of being punitive or disciplinary.

The Director of Equal Opportunity will maintain on-going contact with Parties and witnesses who have requested Supportive Measures. The Director of Equal Opportunity retains the discretion to initiate and/or modify any Supportive Measures based on all available information. A Party may challenge Supportive Measures, or failure to impose Supportive Measures or take other actions, by contacting the Director of Equal Opportunity to address any concerns. The CORE Team will have ultimate responsibility over the determination of what measures will be put in place.

The College will not disclose information about any Supportive Measures to persons other than the person to whom they apply, including informing any Party of Supportive Measures provided to another Party, unless necessary to provide the Supportive Measure or restore or preserve a Party’s access to the College’s education programs or activities.

C. Opportunity to Change or Challenge Supportive Measures

A Reporting Party or Respondent may contact the Director of Equal Opportunity to seek modification or termination of Supportive Measures if circumstances warrant change. If modification or termination of Supportive Measures is not made upon request, the Reporting Party or the Respondent may request the Director of Equal Opportunity to assign an impartial Employee to review their request to modify or reverse the College's decision to provide, deny, modify, or terminate any or all Supportive Measures applicable to them. Upon receipt of such request by either Party, the Director of Equal Opportunity will designate an impartial Employee to decide whether to grant the modification or reversal request. The impartial Employee will not be the same Employee who made the challenged decision and will be an Employee who has the authority to modify or reverse the decision. The decision will be modified or reversed if the impartial Employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with this Policy.

D. Measures for avoiding contact with other involved Parties

1. **St. Olaf Limited-Contact Directives.** On a small campus like St. Olaf, it is not feasible to expect that certain community members can avoid any and all contact with one another; however, it is possible to impose restrictions that ensure that intentional contact will not occur, and that individuals will immediately discontinue any inadvertent contact that may occur. A limited-contact directive is a College-issued order that prohibits one or both Parties from intentionally communicating with or contacting another (either directly or indirectly). This directive further orders that if any contact is inadvertently made, the individual(s) subject to the directive will take immediate action to discontinue contact with the other individual. To request a limited-contact directive from the College, individuals should contact the Director of Equal Opportunity.
2. **Law Enforcement Order for Protection/Harassment Restraining Order.** Harassment restraining orders and orders for protection are legal orders issued by a state court which forbid someone from harassing and/or making contact with another individual. A harassment restraining order is a civil court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member.

The College does not issue harassment restraining orders or orders for protection, but one can be obtained through making an application to the Rice County District Court. Paperwork to petition the court for an order for protection or harassment restraining order is available from the Public Safety Office or the Northfield Police Department. These forms may be submitted to the Court Administrator in the Rice County Courthouse, 218 3rd Street NW, Faribault, MN 55021 during business hours. Free assistance filling out these forms is available by contacting the HOPE Center at 507-332-0882 (business line) or at 800-607-2330 (24/7 SafeLine) to get in touch with a legal advocate.

An order for protection and/or harassment restraining order can be enforced by contacting local law enforcement. An individual who obtains an order for protection and/or harassment restraining order is encouraged to forward a copy of the order to the Director of Equal Opportunity. St. Olaf is committed to ensuring that any such order issued by a court is fully upheld on the College's campus and at any St. Olaf-sponsored event.

E. Possible Alerts to the St. Olaf Campus

To achieve a safe and secure campus environment, all members of the campus community are encouraged to promptly Report any suspicious or criminal activity observed directly to Public Safety at 507-786-3666 and

the Northfield Police Department. Employees (including Student employees) designated as Campus Security Authorities as defined by the Crime Awareness and Campus Security Act (Clery Act) are required to Report all known or suspected crimes to Public Safety for possible inclusion in the College's crime logs, campus notices, and annual campus security Report pursuant to the Clery Act. These Campus Security Authorities include Advisors to Student organizations; coaches of athletic teams; members of the Public Safety Department; members of the Dean of Students Office; members working for Residence Life; and other community members who have responsibility for Student and campus activities.

When serious crimes are Reported to a Campus Security Authority or local law enforcement that occur on campus geography and are deemed by the College to represent a serious or continuing threat to Students and Employees, Public Safety will issue a timely warning (Crime Alert) by email and/or text message to the campus community. The timely warning will provide general information surrounding the incident and how incidents of a similar nature might be prevented in the future. Crime Alerts are issued to the community by Public Safety when the College receives a Report of a serious crime occurring on the College's campus that:

- Is Reported to campus security authorities or local police agencies; and
- Is considered by the College to represent a serious or continuing threat to Students and Employees.

Serious crimes and other reportable offences under the Clery Act include murder, sexual assault, robbery, burglary, hate crimes, aggravated assault and hazing.

Publicly available recordkeeping, including Clery Act Reporting and disclosures such as the Annual Security Report and daily crime log, will not include names or other information that could identify individuals. All Reports of any crimes are available in the College's daily crime log. Individuals may contact Public Safety (507-786-3666) during normal business hours to review the daily crime log.

F. Instruction on the Importance of Preserving Evidence

Regardless of whether a Reporting Party decides to file a Complaint, they will be notified of the importance of preserving evidence as may be necessary to aid in a future proceeding such as if the Reporting Party decides to initiate a Complaint Resolution Process or a criminal Investigation, or the Reporting Party seeks to obtain a protective order.

G. Possible Emergency Removal of a Student

Regardless of whether a Complaint is filed, the College retains the right to remove a Student Respondent from the College's education program or activity on an emergency basis. Before doing so, the College will perform an individualized safety and risk analysis, evaluating whether an imminent and serious threat to the physical health or safety of a Reporting Party, any Students, Employees, or other individual arising from the allegations of Discrimination, Harassment or Retaliation exists that justifies removal. The College will provide the Respondent with an opportunity to challenge the decision immediately following the removal.

H. Possible Administrative Leave of an Employee

The College may place an Employee or Student employee on administrative leave from employment responsibilities during the pendency of a Complaint Resolution Process.

I. The College's Commitment to Privacy When Responding to Reports

The College will respect and safeguard the privacy of individuals who Report Discrimination, Harassment or Retaliation, and the privacy of other individuals involved in the process. Consistent with the College's need to carefully assess allegations of Discrimination, Harassment or Retaliation, information will be shared with College officials who have a need to know in order to assist in the review of a Report and the determination of appropriate responses. For matters that are reviewed under the Complaint Resolution Process,

information will also be shared as is required by law and as is deemed necessary for conducting a fair, impartial and thorough Complaint Resolution Process and/or Informal Resolution Process.

What is the difference between privacy and confidentiality?

Some Employees are Confidential Resources. This means that they will not share information without permission from the Reporting Party. Conversations with Confidential Resources are privileged and will not be disclosed unless permitted by the Reporting Party or unless otherwise required by law. Although there are only a few Confidential Resources on campus, all Employees who receive information from a Reporting Party, a Respondent, or others involved in the College's response to a Report Discrimination, Harassment or Retaliation are expected to keep information private. This means that information should only be shared with other College Employees who have a need to know the information (e.g., the Director of Equal Opportunity). This information is not shared with others in or outside of the College without the individual's express permission or unless otherwise legally authorized.

VI. INFORMAL RESOLUTION PROCESS

A. Overview

At any time prior to reaching a determination regarding responsibility for Discrimination, Harassment or Retaliation through the Complaint Resolution Process, the Parties may choose to enter into an Informal Resolution Process. The College encourages the use of the Informal Resolution Process, recognizing that Parties' participation is entirely voluntary and will only be implemented with their full written consent in accordance with the requirements of this section.

The College, through the CORE Team has the discretion to determine whether it is appropriate to permit an Informal Resolution Process to proceed in each situation and may decline to offer the Informal Resolution Process despite one or more of the Parties' wishes. The College may decline to offer the Informal Resolution Process if, for instance, it determines that the alleged conduct would present a future risk of harm to others.

When a Report or Complaint of Discrimination, Harassment or Retaliation is resolved through an Informal Resolution Process, the Director of Equal Opportunity maintains authority to take steps, as appropriate, to ensure that Discrimination, Harassment or Retaliation does not continue or recur.

B. Consent by the Parties / College Approval

All Parties must provide voluntary, written consent to participate in the Informal Resolution Process. The College will not require Parties to participate in an Informal Resolution Process, or require a Party to waive the right to Investigation and Adjudication of a Complaint as a condition of enrollment, continued enrollment, employment, continued employment, or provision of any other right.

The College may decline a request for Informal Resolution in any particular case and may terminate an ongoing Informal Resolution Process at any time. The agreement to participate in Informal Resolution and any resolution reached is subject to the agreement of the Director of Equal Opportunity, the Reporting Party and the Respondent.

C. Timeframe of the Informal Resolution Process

Generally, an Informal Resolution Process will be completed within 20 calendar days from the Parties' written agreement to participate in the Informal Resolution Process. This timeline may be extended if necessary, including a temporary delay or the limited extension of time for good cause. The Parties will be notified simultaneously in writing of any extension of the timeframe and the reasons for such extension.

D. Notice to the Parties

Before initiating an Informal Resolution Process, the College will provide written notice to the Parties that explains the following:

- The allegations of Discrimination, Harassment or Retaliation;
- The requirements of the Informal Resolution Process;
- The right of any Party to withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution;
- The right to resume with the Complaint Resolution Process if an agreement is not reached;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution Process will conclude the matter and preclude either Party from initiating or resuming a Complaint arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notice that an Informal Resolution agreement is binding only on the Parties;
- What information the College will maintain from the Informal Resolution Process and whether and how the College could disclose such information for use in the Complaint Resolution Process if such a Process is initiated or resumed.

E. Informal Resolution Process Facilitator

The facilitator for the Informal Resolution Process will be a trained person designated by the Director of Equal Opportunity. A facilitator designated by the Director of Equal Opportunity may be an Employee or may be an external consultant. The facilitator will not be the same person as the Investigator or Adjudication Panel Member or Appeal Adjudicator in the Complaint Resolution Process.

The facilitator for an Informal Resolution Process will not have a conflict of interest or bias for or against Reporting Parties or Respondents generally or an individual Reporting Party or Respondent. The facilitator will be trained consistent with legal requirements.

F. Right to an Advisor

Each Party has the right to choose and consult with an Advisor during an Informal Resolution Process. The Advisor may be any person, including an attorney, who is not otherwise a Party to the Reported incident.

G. Description of Process

The facilitator, in consultation with the Director of Equal Opportunity, will work with the Parties to determine a structure for the Informal Resolution Process that all Parties agree to. Working with the facilitator, the Parties generally have latitude to determine the structure of the Process. In most cases the process will entail the facilitator attempting to mediate a resolution by meeting separately with the Parties.

H. Potential Terms and Outcomes of an Informal Resolution Process

The Parties have the right to withdraw from an Informal Resolution Process at any time up until an agreement is reached and signed by the Parties. The College may also declare an impasse or discontinue the Process for any reason. If the Process concludes without a resolution reached, the Reporting Party will determine whether to move forward with a Complaint, and may initiate a Complaint Resolution Process, or continue with an existing Complaint Resolution Process.

Once the Parties have arrived at an agreement and finalized an agreement, the Process is concluded, and the Parties are precluded from initiating or continuing with a Complaint Resolution Process arising from the same allegations.

The Parties generally have latitude to determine the terms and potential outcomes of an Informal Resolution agreement. The facilitator can assist the Parties in developing possible terms and outcomes. Potential terms and outcomes may include, but are not limited to:

- Restrictions on contact between the Parties;
- Restrictions on participation in College activities or programs;
- Priority in residence hall selection and/or class registration, to minimize interactions between the Parties in residential and academic settings;
- Restrictions on physical presence in certain areas;
- Required attendance at educational programs;
- Required assessment and/or counseling;
- Leave of absence from school or employment;
- Resignation of employment;
- Non-disparagement;
- Reimbursement of expenses; and
- Agreement not to sue.

At the conclusion of an Informal Resolution Process, the College will prepare and the Parties will sign an Informal Resolution agreement.

The Director of Equal Opportunity or their designee is responsible for ensuring that the terms of an Informal Resolution agreement are adhered to.

The College reserves the right to take other appropriate prompt and effective steps to end any Discrimination, Harassment or Retaliation and prevent its recurrence even if the matter is resolved by the Parties through an Informal Resolution Process.

Records about Informal Resolution Processes will be maintained by the Director of Equal Opportunity, consistent with this Policy's recordkeeping provision, and will only be shared with College Employees who have a need to know. Records from an Informal Resolution Process, including statements made by the Parties during the process, will not be shared in any subsequent Complaint Resolution Process.

VII. COMPLAINT RESOLUTION PROCESS

The College has adopted this Complaint Resolution Process to provide for a prompt and equitable resolution of all Complaints of Discrimination, Harassment or Retaliation made by Students, Employees, or other individuals who are participating or attempting to participate in the College's education programs and activities. In certain circumstances a Complaint Resolution Process may also be initiated by the Director of Equal Opportunity.

This Complaint Resolution Process Section of the Policy is divided into three sections. Section A) provides general information applicable in resolving any Discrimination, Harassment or Retaliation Complaint. Section B) outlines the phases in the process that apply to all Complaints of Discrimination, Harassment or Retaliation.

When a Complaint alleges that a College's Policy or practice discriminates on the basis of a Protected Class Status, the College is not considered a Respondent under these procedures. None of the rights afforded to Respondents under this Complaint Resolution Process will apply when allegations are directed at the College and a policy or practice is alleged to be discriminatory.

Why is there a separate Complaint Resolution Process for Sexual Harassment cases involving Students?

Current Title IX regulations provide additional requirements for Complaint Resolution Processes at postsecondary institutions like St. Olaf when addressing Complaints of Sexual Harassment involving a Student. This Complaint Resolution Process applies if a Student is a Reporting Party or Respondent. In order to comply with federal Title IX regulations, the College has a separate Complaint Resolution Process for these types of reports.

A. General Information Applicable to All Discrimination, Harassment or Retaliation Complaints

1. **Reservation of flexibility.** The procedures set forth in the Complaint Resolution Process reflect the College's desire to respond to Reports in good faith and in a manner that promotes fairness, impartiality and prompt resolution for all Parties. The College recognizes that each case is unique and that circumstances may arise which require the College to reserve flexibility in responding to the particular circumstances. Where legally permissible, and where it is deemed impractical or impossible to follow the procedures provided in this Complaint Resolution Process, or for some other reason the College deems it preferable to utilize a different process, the College reserves the right to modify the procedure or to take other administrative action as it deems appropriate under the circumstances. Unwelcome conduct related to an individual's Protected Class Status that does not rise to a level of being severe, pervasive, or objectively offensive may be referred to the appropriate College official for review under the College's [Code of Student Conduct](#) (for Students), [Staff Handbook](#) (for staff), or [Faculty Manual](#) (for faculty).

When the College receives a Report involving allegations of Discrimination, Harassment or Retaliation by a third party (an individual who is not a Student, faculty, or staff member) that is outside the scope of this Complaint Resolution Process, the CORE Team may exercise discretion to determine an appropriate resolution process based on the facts and circumstances of the matter. The Director of Equal Opportunity will document any Report received, the process used, and the outcome. If it is determined that it is more likely than not that a third party violated this Policy, appropriate Disciplinary Sanctions may include but are not limited to: conditions upon presence on campus or at College events, no-trespass and limited-contact directives, or other steps deemed necessary to protect the Reporting Party and the campus community. Any Party with concerns about the process or outcome should consult with the Director of Equal Opportunity.

2. **Honoring Requests Not to Initiate the Complaint Resolution Process.** The College will honor an individual's preferences about whether to proceed with the Complaint Resolution Process, and will only take additional action in extremely rare circumstances when the College believes further action is legally required. The CORE Team will make the assessment of whether further action is necessary.
3. **Role of the Director of Equal Opportunity.** The Director of Equal Opportunity is a resource for all Parties participating in the Complaint Resolution Process to answer questions or address concerns. The Director of Equal Opportunity is available to explain the Informal Resolution Process and the Complaint Resolution Process. The Director of Equal Opportunity can assist Parties with changes to existing Supportive Measures or with addressing concerns about the Complaint Resolution Process. The Director of Equal

Opportunity will also notify the Parties of the date, time, location, participants, and purpose of all investigative interviews at which a Party will be requested to attend with notice to provide the Party sufficient time to prepare to participate before attending the interview. The Parties will also receive notice of all meetings or proceedings relating to the Complaint Resolution Process at which the other Party or Parties will be in attendance, including any meetings with the Investigator or other College officials. During the Complaint Resolution Process, the Parties can expect to receive updates from the Director of Equal Opportunity on at least a weekly basis. When matters are brought to the Director of Equal Opportunity that fall outside the scope of this Policy, the Director of Equal Opportunity may refer the matter to other institutional representatives.

4. **Appointment of Investigator, Adjudication Panel and Appeal Adjudicator.** Whenever a Complaint Resolution Process commences, the Director of Equal Opportunity will identify an Investigator to conduct a prompt, thorough, fair, and impartial Investigation. The College may retain an external Investigator to conduct the Investigation. The Investigator has broad discretion to determine the Investigation format. The Investigator is responsible for maintaining an orderly, fair, and respectful Investigation process and has broad authority to respond to disruptive or harassing behaviors, including adjourning an investigative meeting or excluding the offending person. When the Complaint Resolution Process commences, the Director of Equal Opportunity will also identify the Adjudication Panel that will impose any Disciplinary Sanctions and Remedies if the Investigator determines that the Respondent committed Discrimination, Harassment or Retaliation. When the Complaint Resolution Process commences, the Director of Equal Opportunity will also identify the Appeal Adjudicator to review any appeal by either party.
5. **Training of Individuals Involved in Administering the Complaint Resolution Process.** All Investigators, adjudicators, facilitators, the Director of Equal Opportunity, and other persons responsible for implementing the College's Complaint Resolution Process will be trained annually, as required by law. Training will include methods for promoting fair and impartial Complaint Resolution Process and Informal Resolution Process. All materials used to train personnel are available upon request.
6. **Avoiding Bias and Conflict of Interest.** The College requires all personnel acting for the College under the Informal Resolution Process or Complaint Resolution Process to be free of any conflict of interest or bias for or against Reporting Parties or Respondents generally or any individual Reporting Party or Respondent in the matter to which they are assigned.

If a Reporting Party or Respondent has any concern that an individual acting for the College under the Complaint Resolution Process has a conflict of interest, such concern should be Reported to the Director of Equal Opportunity no later than either two (2) business days after receiving the notice of the identity of the individual(s) assigned to the matter; or, in the case of a conflict of interest that arises after an individual is assigned to the matter, within two (2) business days after a conflict of interest arises. The CORE Team will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone involved in mediating, investigating, or adjudicating a Complaint under the Complaint Resolution Process.

If the Director of Equal Opportunity has a conflict of interest with respect to the Complaint Resolution Process, the College's President or the President's designee shall appoint an alternate person to oversee the administration of this Policy with respect to the specific Report at issue. If the President is a Party to the Report or has a conflict of interest with respect to a Report, the Chair of the Board of Regents for the College shall ensure that the College puts in place appropriate safeguards under the circumstances to ensure that the College promptly and equitably responds to the Complaint, including, but not limited to, appointment of alternate individuals to oversee the Complaint Resolution Process.

7. **Standard of Proof.** In implementing these Complaint and Investigation Processes, the College will use the preponderance of evidence standard of proof to determine whether Discrimination, Harassment or Retaliation occurred. Applying this standard, the Investigator will evaluate relevant and not otherwise impermissible evidence for its persuasiveness to determine whether it is more likely than not that Discrimination, Harassment or Retaliation occurred. If the Investigator is not persuaded that that it is more likely than not that Discrimination, Harassment or Retaliation occurred, the Investigator will issue a determination that the Respondent is not responsible for violating the Policy.
8. **Burden of Proof.** The burden under the Complaint Resolution Process is on the College—not the Parties—to conduct a sufficient Investigation in accordance with this Complaint Resolution Process that gathers sufficient evidence to determine whether Discrimination, Harassment or Retaliation occurred.
9. **Investigation of other policy violations.** If a Report of Discrimination, Harassment or Retaliation implicates other allegations of violations of College policy, the CORE Team will evaluate the allegations to determine whether the Investigation of Discrimination, Harassment or Retaliation and the other alleged misconduct may be appropriately investigated together under this Complaint Resolution Process.
10. **Meeting with the Investigator.** The Investigator will seek to meet with all Parties during the Investigation to ask questions about the allegations and to provide the Parties an opportunity to address the allegations raised in the Complaint. Parties will be given adequate time to prepare to participate before an interview will be conducted. In addition to answering the Investigator’s questions, the Parties should be prepared to provide the Investigator any evidence relevant to the Investigation, the names of witnesses whom the Party believes should be interviewed, and questions the Party believes should be asked of another Party or witness.
11. **Commitment to fair treatment of all Parties.** The College seeks to ensure that all Reporting Parties and Respondents involved in the Complaint Resolution Process are treated with dignity and respect. The College strives to provide a process that is prompt, fair and impartial. Reporting Parties involved in this process should never be treated in a manner that suggests that they were at fault for, or that they should have done something differently to avoid Discrimination, Harassment or Retaliation. Respondents are presumed not responsible for the alleged Discrimination, Harassment or Retaliation until a determination regarding responsibility is made at the conclusion of the Complaint Resolution Process. If Parties have any concerns about the manner in which they are being treated throughout the Complaint Resolution Process, they should immediately report such concerns to the Director of Equal Opportunity.

Parties can expect the following:

- Prompt and equitable resolution of allegations of Discrimination, Harassment or Retaliation in adherence to the process and timeframes provided in the Complaint Resolution Process;
- Respect of their privacy in accordance with the Policy and legal requirements;
- Freedom from Retaliation for making a good faith Report of Discrimination, Harassment or Retaliation, or for participating in the Complaint Resolution Process;
- The opportunity to share concerns or issues about proceedings under the Complaint Resolution Process with the Director of Equal Opportunity;
- The opportunity to select an Advisor of choice, who may be but is not required to be an attorney, including the right to have that Advisor attend any meeting or proceeding under the Complaint Resolution Processes;
- The opportunity to challenge the Investigator, Adjudication Panel member, Appeal Adjudicator, or Informal Resolution Process facilitator, for bias or conflict of interest;

- The opportunity to provide relevant evidence and identify witnesses during an Investigation;
- The opportunity to have timely and equal access to relevant evidence gathered during the Investigation under the Complaint Resolution Process; and
- Reasonable time to prepare in advance of any interview or other proceeding under the Complaint Resolution Processes.

12. **Evaluation of Evidence.** During the Complaint Resolution Process, the College will perform an objective evaluation of all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence.

13. **Inadmissible Evidence.** The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the College obtains that Party's or witness's voluntary, written consent for use in its Complaint Resolution Process;

14. **Credibility Determinations.** Adjudicators will make credibility determinations based on the evidence obtained through Investigation. A person's status as a Reporting Party, Respondent, or witness will not impact credibility decisions.

15. **Effect of non-participation and silence.** A Party to the Complaint Resolution Process or a witness may at any time decline to answer questions or otherwise participate in the Complaint Resolution Process. If a Party opts not to participate in the Complaint Resolution Process, the College will proceed with the process and make a determination based upon the information available. An adjudicator may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed relevant and not impermissible. The Investigator will not draw an inference about whether Discrimination, Harassment or Retaliation occurred based solely on a Party's or witness's refusal to respond to such questions.

16. **Right to an Advisor of choice.** The College will provide the Parties with the same opportunities to be accompanied by an Advisor of their choice at any meeting or proceeding that occurs under an Informal Resolution Process or Complaint Resolution Process. An Advisor may be, but is not required to be, an attorney. The role of the Advisor is to provide a Party with advice and support. The College will not limit the choice or presence of the Advisor for either Party in any meeting or proceeding. If an Advisor learns of confidential information in the course of their role, they may not disclose such information other than for purpose of serving as a Party's Advisor.

Both the Reporting Party and the Respondent have the right to be assisted by an Advisor of their choice as long as the Advisor is not a Party in the case, does not have some other conflict of interest, and observes the following protocols:

- The purpose of the Advisor is to provide advice and support to a Party in the Informal Resolution Process and/or Complaint Resolution Process. The Advisor is not an advocate in either process.
- While Advisors are welcome to assist a Party in drafting communications to the Director of Equal

Opportunity or others involved in the Informal Resolution Process or Complaint Resolution Process, the Advisor should not communicate directly with the Director of Equal Opportunity or other College representatives engaged in administering the Informal Resolution Process or Complaint Resolution Process.

- The Advisor may accompany their advisee to all meetings relating to the Informal Resolution Process or Complaint Resolution Process.
- Advisors may not interrupt or otherwise unduly delay the Informal Resolution Process or Complaint Resolution Process. The College will strive to accommodate Advisors' schedules; however, if an Advisor is not reasonably available to participate in the Informal Resolution Process or Complaint Resolution Process, the College reserves the right to move forward with its process in order to ensure its prompt completion.
- With the permission of their advisee, Advisors will be provided access to the same Investigation materials and evidence that is available to their advisee. This information frequently includes Student education records and other confidential and highly sensitive information. Advisors' access to such information is conditioned upon their agreement to maintain the confidentiality of these records except when disclosure is legally authorized. Advisors may only discuss information disclosed through the Investigation process with their advisee. For example, if a Party's Advisor is an attorney, the attorney may not share any information obtained during the Investigation process with other attorneys or staff associated with the attorney.

Violations of confidentiality or other forms of interference with the resolution procedure by the Advisor may result in disqualification of an Advisor.

The College reserves the right to disclose information about the identity of one Party's Advisor to the other Party in an Informal Resolution Process or Complaint Resolution Process.

17. **Additional Support Representative.** Upon a showing of good cause, a Party may be accompanied with an additional support representative to meetings with the Director of Equal Opportunity, the Investigator, or other proceedings under the Complaint Resolution Process. Good cause will exist upon a showing of special circumstances warranting the participation of the additional support representative. Examples of good cause include, a Party who has a disability who needs additional support as an accommodation, or a Party for whom English is not their primary language who needs the support of an interpreter.
18. **Timelines.** The College will strive to promptly complete the Informal Resolution Process and/or Complaint Resolution Process. A general timeframe for each step in the process is provided in the Informal Resolution Process and for each phase of the applicable Complaint Resolution Process. These timeframes may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the Investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, Party or a Party's Advisor, to accommodate a Party with a disability, to account for College breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the Parties, or for other legitimate reasons. In cases where extensions may be necessary, the Director of Equal Opportunity will notify the Parties. Extensions will be no longer than necessary. The Reporting Party and Respondent will receive written notice of any extensions that will include the reasons for the delay and the anticipated length of the delay.
19. **Privacy.** The College will take reasonable steps to protect the privacy of the Parties and witnesses during the Complaint Resolution Process. These steps will not restrict the ability of the Parties to obtain and

present evidence, including by speaking with witnesses; consulting with their family members, Confidential Resources, or Advisor; or otherwise preparing for or participating in the Complaint Resolution Process. In speaking with witnesses, the Parties are prohibited from engaging in Retaliation. The College will also take reasonable steps to prevent and address any unauthorized disclosure of information and evidence obtained solely through the Complaint Resolution Process.

20. Waiver of Drug and Alcohol Violations. When a St. Olaf Student, Employee or guest Reports Discrimination, Harassment or Retaliation, the College's main priority is to protect the safety and well-being of the members of our community. To do so, we need individuals who Report Discrimination, Harassment or Retaliation and those who participate in the Complaint Resolution Process to be honest and candid about the circumstance surrounding the Report. We do not want concerns about the College's Student Code of Conduct policies relating use or possession of alcohol and illicit drugs to cause individuals to either avoid Reporting or provide incomplete or inaccurate information during an Investigation. Therefore, individuals who Report Discrimination, Harassment or Retaliation, and individuals who participate as a Party or witness in an Investigation into allegations of Discrimination, Harassment or Retaliation will not be disciplined by the College for any violation of its Student Code of Conduct Policy on Alcohol and Illicit Drugs.

21. Expert Opinions. Medical, forensic, technological or other opinions of experts may be sought by the Investigator or proffered by any of the Parties. When expert opinion information is directly related to the allegations raised in the Complaint, the Parties will be apprised of the information and provided an opportunity to submit additional expert information.

22. Responsibility to Act in Good Faith and Provide Truthful Information. Parties and witnesses who participate in the Complaint Resolution Process are expected to act in good faith and provide truthful information in connection with the Investigation and Adjudication of the Complaint. Individuals who opt to participate in the Complaint Resolution Process are expected to act in good faith and provide truthful and accurate information during the course of the Complaint Resolution Process.

B. Complaint Resolution Process for all Discrimination, Harassment or Retaliation Complaints St. Olaf has adopted this Complaint Resolution Process to provide for the prompt and equitable resolution of Complaints of Discrimination, Harassment or Retaliation made by Students, Employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Director of Equal Opportunity. This Complaint Resolution Process will be used to resolve all Discrimination, Harassment or Retaliation Complaints with the exception of Complaints of Sex-Based Harassment in which a Reporting Party or Respondent is a Student. Sexual Harassment Complaints will be resolved using Policy Prohibiting Sexual Harassment.

Phase 1 – Initiation of Complaint

The following people have a right to make a Complaint of Discrimination, Harassment or Retaliation requesting the College investigate and make a determination about alleged Discrimination, Harassment or Retaliation:

- A Reporting Party, which includes a St. Olaf Student or Employee who is alleged to have been subjected to conduct that could constitute Discrimination, Harassment or Retaliation; or
- A person other than a Student or Employee who is alleged to have been subjected to Discrimination, Harassment or Retaliation at a time when that individual was participating or attempting to participate in the College's education program or activity; or
- The Director of Equal Opportunity if it is determined that a Complaint is warranted following the analysis outlined below.

A Reporting Party is entitled to make a Complaint of Discrimination, Harassment or Retaliation only if the Reporting Party is alleged to have been subjected to the Discrimination, Harassment or Retaliation, or if the Reporting Party is the Director of Equal Opportunity. With respect to Complaints other than Discrimination, Harassment or Retaliation, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any College Student or Employee; and
- Any person other than a Student or Employee who was participating or attempting to participate in the College's education program or activity at the time of the alleged Discrimination, Harassment or Retaliation.

If a Complaint is not initiated or is withdrawn, and if the Informal Resolution Process is not initiated or is terminated for any reason, the Director of Equal Opportunity may determine whether to initiate a Complaint of Discrimination, Harassment or Retaliation after considering various factors including the following:

- Whether the Reporting Party requested not to proceed with initiating a Complaint;
- Reporting Party's reasonable safety concerns regarding an initiation of a Complaint;
- The risk that additional acts of Discrimination, Harassment or Retaliation may occur if a Complaint is not initiated;
- The severity of the alleged Discrimination, Harassment or Retaliation, including whether the Discrimination, Harassment or Retaliation, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Discrimination, Harassment or Retaliation and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an Employee of the College;
- The scope of the alleged Discrimination, Harassment or Retaliation, including information suggesting a pattern, ongoing Discrimination, Harassment or Retaliation alleged to have impacted multiple individuals;
- The availability of evidence to assist an Investigator in determining whether Discrimination, Harassment or Retaliation occurred; and
- Whether the institution could end the alleged Discrimination, Harassment or Retaliation and prevent its recurrence without initiating its Complaint Resolution Process.

The Director of Equal Opportunity may initiate a Complaint if, after considering these and other relevant factors, it is determined that the conduct alleged presents an imminent and serious threat to the health or safety of the Reporting Party or other person, or that the alleged conduct prevents the institution from ensuring equal access to its education program or activity.

If the Director of Equal Opportunity decides to initiate a Complaint, the institution must ensure that the Reporting Party is notified prior to doing so, and that appropriate measures are taken to address any reasonable concerns about the Reporting Party's safety or the safety of others, including by providing Supportive Measures.

St. Olaf may consolidate Complaints of Discrimination, Harassment or Retaliation against more than one Respondent, or by more than one Reporting Party against one or more Respondents, or by one Party against another Party, when the allegations of Discrimination, Harassment or Retaliation arise out of the same facts or circumstances.

Reporting Parties are encouraged to Report incidents of Discrimination, Harassment or Retaliation as soon as possible; however, there is no deadline for initiating a Complaint.

Phase 2 – Notice of Allegations

Upon receipt of a Complaint and initiation of the Complaint Resolution Process, the Director of Equal Opportunity will provide a written Notice of Allegations that will apprise the Parties of the following:

- A summary of the procedures under the College's Complaint Resolution Process and Informal Resolution Process;
- The identity of the Parties (if known);
- The identity of the Investigator, Adjudication Panel members, and Appeal Adjudicator;
- A summary of the information available to the College at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Discrimination, Harassment or Retaliation, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged Discrimination, Harassment or Retaliation until a decision is made during the Adjudication Phase;
- Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The Parties may have an Advisor of their choice who may be, but is not required to be, an attorney;
- That the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and any Investigation Report that the Investigator may prepare as part of the Investigation; and
- [Article VI of the St. Olaf's Student Code of Conduct](#) prohibits knowingly making false statements or knowingly submitting false information during this Complaint Resolution Process.

If, in the course of an Investigation, the College learns of additional allegations of Discrimination, Harassment or Retaliation by the Respondent toward the Reporting Party that are not included in the Notice of Allegations previously provided or that are included in a Complaint that is consolidated, the Director of Equal Opportunity will notify the Parties of the additional allegations in an amended Notice of Allegations.

If the Director of Equal Opportunity and CORE Team have reasonable concerns for the safety of any person as a result of providing the Notice of Allegations, the Director of Equal Opportunity may reasonably delay providing this notice of allegations in order to address the safety concern appropriately. Reasonable concerns will be based on individualized safety and risk analysis and not on speculation or stereotypes.

The timeframe for forwarding the Parties a copy of the Notice of Allegations will be within five (5) business days following the Director of Equal Opportunity's receipt of a Complaint.

Phase 3 – Complaint Dismissal Assessment

Within 10 business days of receipt of a Complaint, the Director of Equal Opportunity will review the Complaint and may dismiss or refer the matter to a different College office if:

- The College is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in a St. Olaf education program or activity and is not employed by the College;
- The Reporting Party voluntarily withdraws any or all of the allegations in the Complaint, the Director of Equal Opportunity declines to initiate a Complaint, and the CORE Team determines that, without the Reporting Party's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Discrimination, Harassment or Retaliation even if proven; or
- The CORE Team determines the conduct alleged in the Complaint, even if proven, would not constitute Discrimination, Harassment or Retaliation.

In addition to the initial Complaint Dismissal Assessment, the College reserves the right to review a dismissal

assessment at any time during the Complaint Resolution Process if circumstances change that may warrant dismissal. For example, if a Reporting Party voluntarily withdraws allegations, or a Respondent is no longer participating in a program or activity or employed with the College, the CORE Team may, but is not required to, determine that dismissal of the Complaint is appropriate.

Before dismissing the Complaint, the Director of Equal Opportunity will make reasonable efforts to clarify the allegations with the Reporting Party.

Upon dismissal, the Director of Equal Opportunity will promptly notify the Reporting Party of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Director of Equal Opportunity will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Reporting Party, or simultaneously if notification is in writing.

The Director of Equal Opportunity will notify the Reporting Party that a dismissal may be appealed and will provide the Reporting Party with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, the Director of Equal Opportunity will also notify the Respondent that the dismissal may be appealed.

The determination to dismiss a Complaint may be appealed. The determination not to dismiss a Complaint is not a decision that is subject to appeal. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Director of Equal Opportunity, Investigator, Adjudication Panel member, or Appeal Adjudicator had a conflict of interest or bias for or against Reporting Parties or Respondents generally or the individual Reporting Party or Respondent that would change the outcome.

If the dismissal is appealed, the Director of Equal Opportunity will:

- Notify the Parties of any appeal, including notice of the allegations, if a Notice of Allegations was not previously provided to the Parties;
- Include the Notice of Allegations if not previously provided to the Respondent;
- Ensure that the Appeal Adjudicator did not take part in an Investigation of the allegations or dismissal of the Complaint;
- Ensure that the Appeal Adjudicator has received annual training consistent with all legal obligations;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties of the result of the appeal and the rationale for the result within 10 business days of receipt of an appeal.

When a Complaint is dismissed, the Director of Equal Opportunity will, at a minimum:

- Offer Supportive Measures to the Reporting Party as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Director of Equal Opportunity to ensure that Discrimination, Harassment or Retaliation does not continue or recur within the College's education program or activity.

Phase 4 – Investigation

The College will conduct an adequate, reliable, and impartial Investigation of the Complaint. The Parties will

have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The Investigator will review all evidence gathered through the Investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Each Party will have an equal opportunity to access the evidence that is relevant to the allegations of Discrimination, Harassment or Retaliation and not otherwise impermissible, including inculpatory or exculpatory evidence whether obtained from a Party or other source. In most instances Party and witness interviews will be recorded. The Parties will have an opportunity to review and respond to the evidence obtained through interviews and from other sources. A Party may respond to the evidence by either providing the Investigator a written response or in a meeting with the Investigator.

In some cases, the Director of Equal Opportunity may request the Investigator prepare a summary of the evidence in an Investigation Report. The Investigation Report is intended to fairly summarize the relevant evidence gathered during the Investigation and identify the contested and uncontested facts relevant to the allegations at issue in the Complaint. The Investigation Report will not include any findings relating to the credibility of any Party or witnesses, and will not include any conclusion by the Investigator as to whether the Investigator believes a preponderance of the evidence supports a finding relating to a particular disputed fact or the overall Complaint of Discrimination, Harassment or Retaliation. In cases where an Investigation Report is prepared, the Parties will have an opportunity to respond to the Report in writing prior to the completion of the Investigation phase.

Prior to the completion of the Investigation phase, the Director of Equal Opportunity will notify the Parties of the date upon which the Investigation will be deemed completed. This notification will be provided at least 10 calendar days prior to the end of the Investigation in order to provide the Parties sufficient time to submit all relevant and not otherwise impermissible evidence, and review and respond to the evidence. If a Party raises an issue or submits further evidence, this will not extend the 10-day period for review and comment prior to the end of the Investigation phase unless the Investigator determines that further Investigation is needed. If the Investigator determines that additional Investigation is needed, the Parties will be provided an additional 10-day period of time to review and comment on any additional evidence gathered before the Investigation phase closes.

Once the 10-day period has passed and the Investigation phase has ended, the Parties will not be permitted to introduce additional evidence absent extraordinary circumstances where the Director of Equal Opportunity deems it necessary in order for the College to meet its burden of conducting an Investigation that gathers sufficient evidence to determine whether Discrimination, Harassment or Retaliation occurred.

The length of time needed to complete an Investigation can vary depending upon various circumstances such as the nature of the allegations; the number of witnesses; the volume and type of evidence to be obtained; and the timing of the Investigation in relation to College events such as exams and breaks. The College will strive to complete the Investigation Phase of the Complaint Resolution Process within 30 calendar days after an Investigation commences. The Investigation may be temporarily suspended if the Parties agree to attempt to resolve the matter through the Informal Resolution Process. If such efforts are unsuccessful because either Party withdraws from the Informal Resolution Process or the CORE Team declares an impasse, the Investigation will proceed.

Phase 5 – Adjudication

Following the completion of the Investigation phase, the Investigator will review all relevant and not otherwise impermissible evidence, and any other submissions of the Parties, and make a determination

whether it is more likely than not that the Respondent violated the Policy prohibiting Discrimination, Harassment or Retaliation. After making this determination, the Investigator will prepare a written Notice of Decision summarizing the Investigator's decision of whether Discrimination, Harassment or Retaliation occurred and the rationale for the Investigator's decision. The Notice of Decision will also provide the procedures and permissible bases for the Parties to appeal.

If the Investigator is not persuaded that a preponderance of evidence establishes that Discrimination, Harassment or Retaliation occurred, whatever the quantity of the evidence is, the Investigator will not determine that Discrimination, Harassment or Retaliation occurred, and will not impose any Disciplinary Sanctions on the Respondent. A Party, witness, or others participating in the Complaint Resolution Process will not be subject to any disciplinary action for making a false statement based solely on the determination there was insufficient evidence to find a Respondent responsible for Discrimination, Harassment or Retaliation.

If there is a determination that Discrimination, Harassment or Retaliation occurred, the Director of Equal Opportunity will, as appropriate:

- Coordinate the provision and implementation of Remedies to a Reporting Party and other people the Director of Equal Opportunity identifies as having had equal access to the College's education program or activity limited or denied because of Discrimination, Harassment or Retaliation;
- Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Reporting Party of any such Disciplinary Sanctions; and
- Take other appropriate prompt and effective steps to ensure that Discrimination, Harassment or Retaliation does not continue or recur within the College's education program or activity.

The Adjudication will be completed and the Parties will be notified of the outcome reached by the Investigator in the Notice of Decision that will be forwarded to the Parties within 10 business days from the date the Parties are notified of the conclusion of the Investigation.

Phase 6 – Imposition of Disciplinary Sanctions and Remedies

Prior to sending the Parties the Notice of Decision, the Investigator will notify the Director of Equal Opportunity of the Investigator's decision whether there is a preponderance of evidence that the Respondent committed Discrimination, Harassment or Retaliation. Where there is a finding the Respondent committed Discrimination, Harassment or Retaliation, an Adjudication Panel of three trained individuals appointed by the Director of Equal Opportunity will review the matter and determine appropriate Remedies and Disciplinary Sanctions to be imposed and included in the Notice of Decision forwarded to the Parties.

Remedies imposed by the Adjudication Panel will be designed to restore or preserve the Reporting Party's equal access to St. Olaf's education programs and activities. Remedies may include continuation of some or all of the Supportive Measures that were in place prior to or during the Complaint Resolution Process. It may also include other Remedies the Adjudication Panel deems appropriate to restore a Reporting Party's or other individual's access to an education program or activity.

Disciplinary Sanctions imposed upon a Respondent who is found responsible for Discrimination, Harassment or Retaliation may include a variety of institutional responses or requirements, including, but not limited to, the following:

- *For Students:* expulsion; suspension; disciplinary probation; restriction of privileges; required assessment or counseling; required attendance at educational programs; restitution; not being allowed to represent the College in leadership, volunteer, or paid positions; removal from campus housing; revocation of an

honor or degree, and any other Disciplinary Sanctions listed in the [Code of Student Conduct](#) or deemed appropriate under the circumstances.

- *For staff and faculty:* a disciplinary warning, unpaid suspensions, suspension of promotion and salary increments, loss of prospective benefits, major fines, reduction in salary, suspension from service, suspension or withdrawal of privileges, demotion, termination of employment, and any other available Disciplinary Sanctions as specified by the [St. Olaf Faculty Manual](#), [Faculty Handbook](#), or [Staff Handbook](#) as applicable. If the Adjudication Panel determines that it is more likely than not that a faculty member has violated this Policy and that dismissal may be an appropriate Disciplinary Sanction, the matter will be referred to the President, or the President's designee, for appropriate process and decision, which shall be determined and administered in a manner consistent with the [Faculty Manual](#).

The propriety of any particular Disciplinary Sanction is reviewed on an individual basis based on the unique facts and circumstances. In keeping with the College's commitment to foster an environment that is safe, inclusive, and free of Discrimination, Harassment or Retaliation, the Complaint Resolution Process provides the Adjudication Panel with wide latitude in the imposition of Disciplinary Sanctions tailored to circumstances of each unique matter.

The imposition of Disciplinary Sanctions is designed to eliminate Discrimination, Harassment or Retaliation, prevent its recurrence, and remedy its effects, while supporting the College's educational mission and legal obligations. In determining the appropriate Disciplinary Sanctions, the Adjudication Panel will be guided by a number of considerations, including:

- The severity, persistence or pervasiveness of the Discrimination, Harassment or Retaliation;
- Whether the Discrimination, Harassment or Retaliation included violence;
- The impact of the Discrimination, Harassment or Retaliation on the Reporting Party;
- The impact or implications of the Discrimination, Harassment or Retaliation within the St. Olaf community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior disciplinary history, at St. Olaf or elsewhere;
- Whether the Respondent has accepted responsibility for the Discrimination, Harassment or Retaliation;
- Any stated preferences of the Reporting Party;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling factors.

The Director of Equal Opportunity is responsible for implementation of any Remedies and Disciplinary Sanctions imposed by the Adjudication Panel. Disciplinary Sanctions become effective either after the time for appeal has expired, or, if a Party appeals the Investigator's decision, after the Appeal Adjudicator issues a determination affirming the Investigator's decision. If the Appeal Adjudicator's decision results in further proceedings, the Disciplinary Sanctions imposed may be modified by the Adjudication Panel, and will not become final until the conclusion of all further proceedings and any appeals. If the Appeal Adjudicator's decision results in reversing a determination that the Respondent engaged in Discrimination, Harassment or Retaliation, no Disciplinary Sanctions will be imposed.

The College will not impose any Disciplinary Sanctions on a Party for Discrimination, Harassment or Retaliation under this Policy unless the Investigator determines at the conclusion of a Complaint Resolution Process that the Respondent engaged in prohibited Discrimination, Harassment or Retaliation.

Phase 7 – Appeal

A Party wishing to appeal a decision by the Investigator may do so by submitting a written letter of appeal to

the Director of Equal Opportunity within three (3) business days of when the Notice of Decision was sent to the Parties. The letter of appeal should state the grounds for appeal. The non-appealing Party will have an opportunity to review and respond to the letter of appeal. A non-appealing Party's response to an appeal must be received within three (3) business days of the Party's notice of the appeal. The Director of Equal Opportunity will provide the Notice of Decision, the appeal letters, and any other information relevant to the appeal to the Appeal Adjudicator for review.

The identity of the Appeal Adjudicator and instructions on how to appeal will be included in the Investigator's Notice of Decision. The Appeal Adjudicator will not be the Director of Equal Opportunity, the Investigator, or any other individual who had previous involvement in the matter. If a Reporting Party or Respondent has any concern about bias or conflict of interest of Appeal Adjudicator, such concern should be Reported to the Director of Equal Opportunity no later than two (2) business days after receiving the notice of the identity of the Appeal Adjudicator in the Notice of Decision.

Either or both Parties may contest the Investigator's determination regarding responsibility on any one or more of the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available during the Investigation; and
- The Director of Equal Opportunity, Investigator, or member of the Adjudication Panel had a conflict of interest or bias for or against Reporting Parties or Respondents generally or the individual Reporting Party or Respondent that would change the outcome.

In reviewing any appeal, the Appeal Adjudicator has the ability to affirm the Investigator's decision, overturn the Investigator's decision, or remand the matter for further Investigation and Adjudication. The Appeal Adjudicator will simultaneously issue to both Parties a written decision describing the result of the appeal and the rationale for the result within five (5) business days after receipt of all appeal documents.

The Complaint Resolution Process will end and the decision will become final upon either of the following:

- The deadline for an appeal expiring without either Party submitting a written notice of appeal; or
- If a Party appeals the Investigator's decision, upon the conclusion of the appeal.

VIII. RECORDKEEPING

The College will maintain for a period of seven (7) years, records of the following:

- A. Each Report of Discrimination, Harassment and Retaliation and all Supportive Measures offered and provided in response;
- B. Each Investigation conducted under the Complaint Resolution Process including any determination regarding responsibility and any recordings or transcripts of witness interviews under the Complaint Resolution Process
- C. Any Disciplinary Sanctions imposed on a Respondent, and any Remedies provided to a Reporting Party designed to restore or preserve equal access to the College's education program or activity;
- D. Any appeal and the result;
- E. Any informal resolution and the result; and
- F. All materials used to train Director of Equal Opportunity, Investigators, Adjudication Panel members,

Appeal Adjudicators, and Informal Resolution Process facilitators. These training materials are publicly available upon request to the Director of Equal Opportunity.

IX. POLICY REVIEW

A. Ongoing internal Policy review

This Policy is maintained by the Equal Opportunity Team and subject to ongoing review and improvement. The Equal Opportunity Team will review this Policy on at least an annual basis. To assist the Equal Opportunity Team in its review of its policies and practices, St. Olaf College has established an Equal Opportunity Advisory Group that is tasked with gathering information from the St. Olaf community and providing recommendations on Policy revisions and enhancements. The Equal Opportunity Advisory Group is appointed by St. Olaf's President and is comprised of Student, faculty and staff members.

The Equal Opportunity Advisory Group will also provide feedback on the College's education, awareness and prevention initiatives, and on the resources and support available to individuals involved in the College's process. The Equal Opportunity Advisory Group will provide opportunities for Students, staff, faculty and other members of the St. Olaf community, especially individuals affected by this Policy and the Complaint Resolution Process, to provide feedback on their experience, especially with regard to Supportive Measures and the Complaint Resolution Process. The Equal Opportunity Advisory Group will submit its Reports to the Equal Opportunity Team and to the President.

B. External recourse

Nothing in this Policy or Complaint Resolution Process is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United States Department of Education, Office for Civil Rights (OCR). Any individual who has made a Report of Discrimination, Harassment or Retaliation and/or initiated the Complaint Resolution Process, and who believes the College's response did not comply with this Policy and the College's legal obligations, or who otherwise believes they have been discriminated against, may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education. The OCR office that oversees institutions in Minnesota, including St. Olaf, is:

U.S. Department of Education Office for Civil Rights Citigroup Center
500 W. Madison Street, Suite 1475 Chicago, IL 60661-4544
Tel: 312.730.1560
TDD: 877.521.2172
Email: OCR.Chicago@ed.gov