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UNIVERSITY

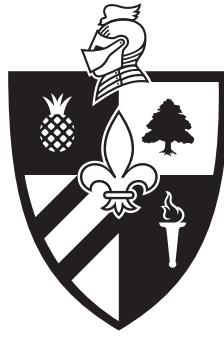
IN VERITATIS AMORE

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# Sexual Discrimination & Misconduct Policy

2018 - 2019 ACADEMIC YEAR





# BELLARMINE UNIVERSITY

IN VERITATIS AMORE

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## SEXUAL DISCRIMINATION & MISCONDUCT POLICY

### **Philosophy**

Sexual assault is a serious violent crime. It is a crime of hostility and aggression, as well as a violation of human dignity. Sexual assault is also a very sensitive crime which is unique in its physical and mental impact upon the reporting party. When it occurs at Bellarmine University, it is also a flagrant violation of University standards and will not be tolerated.

The Bellarmine University community expects its members to treat other persons with respect and dignity and will not tolerate any form of sexual assault or sexual misconduct. Sexual activity should be explicitly agreed upon by both parties. The same holds whether the assailant is a stranger or an acquaintance. The use of alcohol or drugs will not be accepted as an explanation for the actions of any person charged with the violation of this policy. In addition, the use of alcohol or other mind-altering substances by either party does not have to be known by both parties for the offense to be considered sexual assault or sexual misconduct. Wanton, unacceptable conduct will be addressed severely for the good of the students and the academic community.

Students who violate this policy will be disciplined under the University's Code of Conduct and may be prosecuted under Kentucky's criminal statutes. Whether or not a criminal prosecution occurs, Bellarmine retains the right to proceed with disciplinary action at any time, and the University need not await the dispensation of any such criminal prosecution. Appropriate disciplinary action may include counseling, educational sanctions, disciplinary probation, suspension, expulsion, and referral to the proper law enforcement authorities for prosecution. This policy applies to the entire Bellarmine Campus community.

**Emotional Trauma** is severe after a sexual assault. The violation, loss of trust, and loss of control can have a serious long-term impact. It is not unusual for a person to withdraw, feel guilty or distrustful. However, there are many people who understand and places where support is available while one is recovering. The University Counseling Center is the best on-campus resource for students.

**Medical Attention** is critical. Even if the alleged reporting party ultimately decides not to report the assault, it is still very important to seek immediate medical attention for possible internal injuries or sexually transmitted diseases. Also, the collection of medical evidence becomes critical in the event of prosecution. Therefore, it is important to seek medical attention promptly and to refrain from:

1. Taking a shower or washing any part of the body;
2. Douching;
3. Brushing teeth;
4. Drinking liquids;
5. Changing clothes or changing sheets before seeking medical help; and
6. Putting anything in the mouth (gum, cigarettes, mints).

A particularly well-equipped emergency room with a Sexual Assault Response Team is located at University of Louisville Hospital.

At the Emergency Room, the doctor will collect hair samples, semen samples, and other evidence, including clothing. A alleged victim should bring a change of clothing to wear home. The police will be contacted to take possession of the samples until the victim makes a decision about whether or not to press allegations.

### **University of Louisville Hospital**

530 S. Jackson St. Louisville, KY 40202

Directions: Turn right onto Newburg Rd. /KY 1703 and continue to follow northwest 1.6 miles. KY 1703 becomes Baxter Ave. Turn left onto E. Broadway and follow for 1 mile. Turn right onto S. Jackson St. and end at 530 S. Jackson St.

*Counseling* is a very important step in helping someone who has been sexually assaulted regain control of their life. Sexual assault is an extremely traumatic experience that needs professional attention. The University urges students involved in a sexual assault to meet with a counselor. Among other things, counselors can help alleged victims decide what further steps may be taken following an assault. The best resources are the Center for Women and Families and the University Counseling Center.

### **1. Introduction**

The University prohibits all forms of sexual discrimination, including sexual misconduct. The University is committed to addressing sexual misconduct in a manner consistent with applicable law. A notice of the University's policy of nondiscrimination shall be widely disseminated on the University's campus to students, employees, applicants for admission and applicants for employment. The notice shall be included in any bulletins, announcements, publications, catalogs, application forms, or recruitment materials distributed to the University community, including all applicants for admission and employment, students, employees, and sources of referral of applicants for admission and employment. The notice shall specifically state that (a) the University does not discriminate on the basis of sex in its education programs and activities, (b) the University is required by Title IX not to discriminate in such a manner, and (c) questions concerning Title IX may be referred to the University's Title IX Coordinator or designee or to the Office of Civil Rights at the United States Department of Education. The notice of non-discrimination shall state the office address, telephone number and email address of the University's Title IX Coordinator, or its lead Title IX Coordinator if there is more than one.

Specifically, it is the policy of the University that designated staff and faculty members take immediate and appropriate steps to investigate or otherwise determine what happened when the University knows or reasonably should know of possible sexual misconduct. When sexual misconduct is determined to have

occurred, the University shall take prompt and effective steps reasonably calculated to end the sexual misconduct, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. All reports shall be processed in accordance with the procedures established in this policy.

It is also the policy of the University to protect any student or employee filing a report alleging sexual misconduct and to ensure the reporting party's safety as necessary, including taking interim steps to protect the parties prior to the final outcome of any inquiry. It is the University's duty under Title IX to resolve reports promptly and equitably and to provide a safe and nondiscriminatory environment, free from sexual harassment and sexual misconduct. This duty also applies to reports involving parties of the same sex, and it requires the University to use the same procedures and standards used in all reports involving sexual misconduct.

Inappropriate conduct by University personnel toward students, faculty and staff members is prohibited, and University policies shall identify procedures for identifying and responding to inappropriate conduct by University personnel.

### **2. Scope of Policy**

- a. Persons, Conduct, Locations, Programs, Activities and Relationships Covered - All of the University's students, employees, and campus visitors are covered by this policy, regardless of sexual orientation or gender identity. This policy applies on all property owned by the University, on all property at which the University holds educational programs or activities, and on all airplanes, buses, or other vehicles used to transport the University's students, faculty and staff, and this policy applies to all of the University's educational programs and other activities. This policy, the name and contact information of the Title IX Coordinator or designee, and other resources related to Title IX compliance and gender equity shall be maintained on a page on the University's website, and a link to this page shall be prominently displayed on the University's homepage. In the event of an alleged off-campus sexual misconduct incident, the University shall protect the student, faculty or staff member in the same manner it would had the sexual misconduct occurred on campus. Further, the University shall handle off-campus sexual misconduct incidents as it would handle other off-campus incidents of misconduct or violence and consistent with any applicable law.
- b. Overview of Confidentiality Policy – The University's confidentiality policy is set forth in Section 6.

### **3. Options for Assistance Following an Incident of Sexual Misconduct**

The University shall take prompt steps to protect the reporting

party once the University has notice of sexual misconduct. The University shall take interim measures, including academic accommodations, to protect the reporting party and witnesses as necessary while any criminal or campus inquiry is underway and before the final outcome of any inquiry. University officials should be mindful that sexual misconduct may result in delayed decision-making by a reporting party who has experienced sexual misconduct. In anticipation of the need for support services from other agencies in the community, the University shall enter memoranda of understanding with other agencies as may be necessary to meet the University's obligation under Title IX. The University shall enter a memorandum of understanding with local victim services provider if the University does not offer services required by Title IX. All such memoranda shall comply with all FERPA requirements.

**a. Immediate Assistance** – In the event of a sexual assault, various resources are available to students and employees. Updated names and contact information can be found on the university's website at: <http://www.bellarmine.edu/hr/title-ix/>.

i. Trained on- and off- campus advocates and counselors who can provide an immediate confidential response in a crisis situation:

**On-Campus:**

- Gary Petiprin, Director of the Counseling Center, Allen 403, 502.272.8480
- Melissa Gibson, Counseling Center, Allen 403, 502.272.8480
- Alice Kimble, Director of Health Services, Newman Hall, 502.272.8313

**Off-Campus:**

- The Center for Women and Families  
927 S 2nd Street  
Louisville, KY 40201  
1.844.237.2331 or 502.581.7200

**Off-Campus for Staff/Employees**

- Wayne Corporation  
Medical Arts Building  
1169 Eastern Parkway  
Suite 1166  
Louisville, KY 40217  
502.451.8262

ii. Emergency phone numbers for on- and off- campus safety, law enforcement and other first responders, including the Title IX Coordinator:

- Office of Public Safety: 502.272.7777
- Local Police: 911 or 502.574.7636
- Ambulance: 911 or 502.272.7777
- Title IX Coordinator: 502.272.8236

iii. Advocates who can accompany a victim to the hospital or other health care provider:

- Lindsey Gilmore  
2001 Newburg Road  
Louisville, KY 40205  
502.272.7275
- Christy Kane  
2001 Newburg Road  
Louisville, KY 40205  
502.272.8424
- Patrick Englert  
2001 Newburg Road  
Louisville, KY 40205  
502.272.8323

iv. The Bellarmine sexual misconduct response team can provide the resources and support described in the policy and support and can be accessed by:

- Contacting the Office of Public Safety for on-call crisis response team at 502.272.7777.
- Residence Life Coordinator on-call may also be reached at 502.523.2697.

v. Health care services for students are available as follows:

**On-Campus:**

- Bellarmine University Health Services  
Newman Hall, 502.272.8313
- Bellarmine University Counseling Center  
Allen Hall 403, 502.272.8480

**Off-Campus:**

- University of Louisville Hospital  
530 S. Jackson Street  
Louisville, KY 40202  
502.562.3000

Health care services for employees are available as follows:

- University of Louisville Hospital  
530 S. Jackson Street  
Louisville, KY 40202  
502.562.3000

vi. A Sexual Assault Nurse Examiner (SANE) can be found or a rape kit can be obtained at:

- University of Louisville Hospital  
530 S. Jackson Street  
Louisville, KY 40202  
502.562.3000

Any victim of sexual misconduct should be aware of the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other services. Reporting parties are encouraged to discuss with healthcare providers, campus officials, and/or first responders the option of seeking medical treatment in order to preserve evidence which may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or

stalking, or in obtaining a protective order.

Alleged offenses may be simultaneously reported to the law enforcement agencies or to university officials designated in Section 6, and reporting parties may (a) notify law enforcement authorities, (b) be assisted by campus authorities in notifying law enforcement authorities if the reporting party chooses, or (c) decline to notify such authorities. Reporting parties may also be able to obtain orders of protection, no contact orders, restraining orders, or similar lawful orders issued by an appropriate court.

University officials should be mindful of the University's obligation to provide interim measures to protect the reporting party in the educational setting. The University must consider a number of factors in determining what interim measures to take, including, (a) the specific need expressed by the reporting party, (b) the age of the parties involved, (c) the severity or pervasiveness of the allegations, (d) any continuing effects on the reporting party, (e) whether the reporting party and the respondent share the same residence hall, class, transportation or job location, and (f) whether other judicial or code of conduct measures have been taken to protect the reporting party. The University shall minimize the burden of any interim measures on the reporting party. The University will provide counseling services without charge to the reporting party if the University determines that counseling is necessary as a part of its Title IX obligation to protect the reporting party while the inquiry is ongoing. Non-professional counselors or advocates shall consult with reporting parties regarding what information needs to be withheld to protect each person's identity. The University shall notify the reporting party of reporting party's options to avoid contact with the respondent and allow the reporting party to change academic and extracurricular activities or reporting party's living, transportation, dining, and working situation as appropriate. The University shall ensure that the reporting party is aware of (a) reporting party's Title IX rights, (b) any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and (c) the right to report a crime to campus or local law enforcement. The University shall not dissuade a reporting party from filing a criminal report either during or after the University's internal Title IX inquiry.

**b. Ongoing Assistance** – Updated names and contact information can be found on the university's website at: <http://www.bellarmine.edu/hr/title-ix/>.

i. **Counseling, Advocacy and Support On and Off Campus**

Counseling and support services for victims of sexual misconduct, whether or not a reporting party chooses to make an official report or participate in the University's disciplinary process or criminal process, include:

- Bellarmine University Counseling Center  
Allen Hall 403, 502.272.8480
- The Center for Women and Families  
927 S 2nd Street  
Louisville, KY 40201  
1.844.237. 2331 or 502.581.7200

Confidential counseling, advocacy, health, mental health, or sexual misconduct related sources, can be found both on and off campus as follows:

**On Campus:**

- Bellarmine University Counseling Center  
Allen Hall 403, 502.272.8480
- Bellarmine University Health Services  
Newman Hall, 502.272.8313

**Off Campus:**

- The Center for Women and Families  
927 S 2nd Street  
Louisville, KY 40201  
1.844.237. 2331 or 502.581.7200

**Off-Campus for Staff/Employees**

- Wayne Corporation  
Medical Arts Building  
1169 Eastern Parkway  
Suite 1166  
Louisville, KY 40217  
502.451.8262

Ongoing support during the University's disciplinary process or the criminal process can be found as follows:

- Lindsey Gilmore, Asst. Director of Housing and Residence Life, Petrik, 502.272.7275
- Natasha Begin, Assistant Dean of Students Horigan 225K, 502.272.7150

ii. **Academic Modifications and Interim Measures**

- The University can provide immediate steps to promote the safety and well-being of the reporting party, such as the ability to relocate immediately to another campus-owned residence hall, the issuance of no contact orders, and providing access to emergency medical and mental health services.
- The University may be able to provide additional interim measures for reporting parties while an

inquiry is pending, such as no contact orders and changing the respondent's living arrangements or course schedule, change on-campus work schedules, alter academic schedules, withdraw from/retake a class without penalty, and access academic support (e.g. tutoring).

#### 4. Title IX Coordinator

The Title IX Coordinator or designee shall help the University comply with Title IX and promote gender equity in education. The President shall designate at least one employee to coordinate the University's efforts to comply with and carry out responsibilities under Title IX. The position must not be left vacant; the University must have at least one person designated and actually serving as the Title IX Coordinator or designee at all times. The name and current contact information of the Title IX Coordinator or designee can be found on the University's website at: <http://www.bellarmino.edu/hr/title-ix/>. The University shall notify all students and employees of the name or title and contact information for the Title IX Coordinator. The President shall give the Title IX Coordinator or designee the training, authority, and visibility to fulfill the required duties set forth in this section and elsewhere in this policy in sections, 1, 3, 4, 6, 7, 9 and 10. The Title IX Coordinator or designee shall have knowledge of Title IX requirements, of the University's policies and procedures on sex discrimination and of all reports raising Title IX issues throughout the University. The University shall appropriately train the Title IX Coordinator or designee in all areas over which the Title IX Coordinator or designee has responsibility and ensure that the Title IX Coordinator or designee possesses comprehensive knowledge in all areas over which they have responsibility in order to effectively carry out those responsibilities. The Title IX Coordinator or designee shall be informed of all reports and reports raising Title IX issues, even if the report or report was initially filed with another individual or office or if the inquiry is to be conducted by another individual or office. All university officials are prohibited from interfering with the Title IX Coordinator or designee's participation in report inquiries and monitoring of the university's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator or designee shall be available to meet with students, faculty and staff as needed. The Title IX Coordinator or designee shall have no other job responsibilities which create a conflict of interest with the responsibilities associated with being the Title IX Coordinator or designee. The Title IX Coordinator or designee shall review all processes used to resolve reports of sexual misconduct to ensure that they (a) comply with requirements for prompt and equitable

resolution of these reports, (b) allow for appropriate interim measures to be taken to protect the reporting party during the process, and (c) provide for remedies to the reporting party and University community where appropriate. The Title IX Coordinator or designee shall be knowledgeable about other applicable federal and state laws, regulations, and policies that overlap with Title IX. The University shall provide training for the Title IX Coordinator or designee that explains the different facets of Title IX, including regulatory provisions, applicable OCR guidance, and the university's Title IX policies and grievance procedures. The Title IX Coordinator or designee shall be involved in the drafting and revision of such processes and policies to help ensure that they comply with the requirements of Title IX. The University shall provide the Title IX Coordinator or designee with access to information regarding enrollment in particular subject areas, participation in athletics, administration of university discipline, and incidents of sex-based harassment to allow the Title IX Coordinator or designee to identify and proactively address issues related to possible sex discrimination as they arise. The Title IX Coordinator or designee shall also review the University's disciplinary policy to ensure it does not have a chilling effect on student's reporting of sexual misconduct offenses or participating as witnesses.

#### 5. Definitions

As used in this policy, the phrases and words listed shall have the meanings set forth below:

- **Consent** – Verbal statements or non-verbal actions which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.
- **Counseling Employees** – Pastoral and professional counselors who are licensed by the state in which they practice and employed by the University and other non-licensed employees working under the direct supervision and control of the licensed employees such that non-licensed employees are covered by the licensed employees' statutory privilege.
- **Interpersonal Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party. The existence of such a relationship shall be determined



based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. "Dating violence" includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but it does not include acts covered under the definition of domestic violence.

- **Domestic Violence** – A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the reporting party, (b) a person with whom the reporting party shares a child in common, (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the reporting party under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) any other person against an adult or youth reporting party who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Educational Setting** – All of the University's academic programs and other activities of whatever nature on campus and at every other location where the University conducts authorized programs or activities.
- **Incapacitation** – Any situation in which a person is incapable of giving consent due to the student's age, state of consciousness, use of drugs or alcohol, or an intellectual or other disability.
- **Intimidation** – The intentional act of coercing or frightening someone to engage or not engage in conduct of a sexual nature against that person's will.
- **Hostile Environment** – Activity or conduct involving sexual harassment that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the University's program.
- **Non-consensual Sexual Contact** – Any physical touching of a sexual nature which is not preceded by consent or which continues after a previous consent is withdrawn.
- **Non-consensual Sexual Intercourse** – Any sexual intercourse which is not preceded by consent or which continues after a previous consent is withdrawn. "Sexual intercourse" includes vaginal or anal penetration by a penis, object, tongue or finger and oral copulation.
- **Responsible Employees** – The President, Vice Presidents and Deans of the University, the Title IX Coordinator or designee, full-time faculty members, Residence Life student staff and their supervisors, Intercollegiate Varsity Full Time Coaching Staff and their supervisors,

Full Time Student Affairs Staff and University security officers are responsible employees.

- **Retaliation** – The act of seeking revenge upon another person.
- **Sexual Assault** – An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.
- **Sexual Exploitation** – The abuse of a position of vulnerability, differential power, or trust for sexual purposes.
- **Sexual Harassment** – Unwelcome conduct of a sexual nature.
- **Sexual Misconduct** – Any act of sexual harassment, sexual misconduct, sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, stalking, intimidation, dating violence, or domestic violence, or any act that creates a hostile environment or any act of retaliation against a reporting party or anyone involved in a grievance procedure under this policy.
- **Sexual Violence** – Physical sexual acts perpetrated against a person's will or with a person who suffers from incapacitation. "Sexual violence" also means same-sex conduct that violates the University's prohibition on sexual violence, including, but not limited to, the following examples: sexual harassment, non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), incapacitation, sexual exploitation, stalking, dating violence, domestic violence, consent, force, and/ or retaliation in connection with any of these offenses.
- **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others, or (b) suffer substantial emotional distress. As used in this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils threatens or communicates to or about a person, or interferes with a person's property; "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; and "reasonable person" means a person under similar circumstances and with similar identities to the reporting party.
- **Title IX Coordinator** – The person designated as such by the University's president or the person temporarily designated by the Title IX Coordinator to serve in that



capacity during the Title IX Coordinator's incapacity or absence from the University's campus.

## 6. Reporting Policies and Protocols

If a student assault occurs, it should be reported to the Office of Public Safety, the Dean of Students, Residence Life, Health Services, or the Counseling Center. If a faculty or staff member assault occurs, it should be reported to the Office of Public Safety or Human Resources. Privacy will be maintained unless another student is involved or a potential risk of harm to self or others exists; reports to Health Services, a Priest in Campus Ministry or Counseling Center will be kept confidential, to the extent possible in accordance with the statutory obligation of the licensed professionals practicing there. Information will be shared only with relevant medical and/or therapeutic personnel until such time that a decision is made or temporary, indirect, or direct action taken. Assaults that occur by an assailant not affiliated with the University and/or off-campus should be reported to local police (911). If law enforcement officials are notified first, it is still recommended to contact a campus resource person so that appropriate measures can be taken and support provided. When an alleged sexual assault is reported, campus resource persons will notify the reporting party in writing of the range of resources and alternatives available to them both on campus and in the Louisville community. This includes those staff members who maintain confidentiality (health services clinicians, Professional Counselors and Ordained Pastoral staff serving in the capacity of pastoral counseling). (See Sexual Misconduct and Advocacy Resources handout located at: <http://www.bellarmino.edu/hr/title-ix/>.) The discussion should include encouraging the reporting party to report the incident to law enforcement authorities. The University can help arrange a meeting with law enforcement authorities and will accompany and support the alleged victim during the meetings. In instances where reports of sexual discrimination or misconduct are found to be falsely made, the reporting party may be charged with a violation of the Student Code of Conduct, specifically, providing false information to University officials.

The University encourages victims of sexual misconduct to talk to somebody about what happened so reporting parties can get the support they need and so that the University can respond appropriately. Different employees on campus have different abilities to maintain a reporting party's confidentiality:

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." This would include the counseling

center staff members, health services staff members, and clergy as they act in that specific capacity.

- Other employees are required to report all of the details of an incident (including the identities of both the reporting party and the respondent) to the Title IX Coordinator or designee. A report to these employees (called "responsible employees") constitutes a report to the University—and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make employees, students and their parents, if appropriate, aware of the various reporting and confidential policies available to them - so they can make informed choices about where to seek assistance should they become a victim of sexual misconduct and so they will know how to report any problems relating to retaliation which may subsequently arise. The University encourages reporting parties to talk to someone identified in one or more of these groups.

- a. Reporting Required** – All responsible employees must be aware of their own reporting responsibilities and the importance of informing reporting parties of (a) the reporting requirements of responsible employees, (b) reporting parties' option to request confidentiality and available confidential advocacy, counseling, or other support service, and (c) reporting parties' right to file a Title IX report with the University and to report a crime to campus or local law enforcement. All responsible employees shall report incidents of sexual misconduct to the Title IX Coordinator or designee, subject to the exemption for the University's counseling employees. Responsible employees include Residence Life student staff member, part-time coaching staff, registered student organization advisors, club sport advisors, athletic trainers, and part-time faculty. All other employees shall respond to reports of sexual misconduct by notifying a responsible employee of the information pertaining to the incident of sexual misconduct.
- b. Responsible Employees** – Responsible employees shall report to the Title IX Coordinator or designee all relevant details about the alleged sexual misconduct that the student or other person has shared and that the University will need to determine what occurred and to resolve the situation. Before a reporting party reveals information that the reporting party wishes to keep confidential, a responsible employee, including a Residence Life Student Staff Member, should make effort to ensure that the reporting party understands: (a) the responsible employee's obligation to report the names of the respondent and reporting party involved

in the alleged sexual misconduct, as well as relevant facts regarding the alleged incident to the Title IX Coordinator or designee or other appropriate University officials, (b) the reporting party's option to request that the University maintain the student's confidentiality which the University will consider, and (c) the reporting party's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services. Residence Life student staff and all responsible employees shall report the names of the respondent (if known), the student, faculty or staff member who experienced the alleged sexual misconduct, other students, faculty or staff involved in the alleged sexual misconduct, as well as relevant facts, including the date, time and location to the Title IX Coordinator or designee. A responsible employee, including a Residence Life student staff member, prior to providing information about the incident to the Title IX Coordinator or designee, shall consult with the student, faculty or staff member about how to protect their safety and the details of what will be shared with the Title IX Coordinator or designee. Responsible employees do not need to determine whether the alleged sexual harassment or sexual misconduct actually occurred or that a hostile environment has been created before reporting an incident to the Title IX Coordinator or designee.

- c. **Requests for Confidentiality** – Upon receipt of a report of sexual misconduct, the University must act immediately to protect the reporting party while keeping the identity of the reporting party confidential. The Title IX Coordinator or designee and other appropriate University personnel shall determine, consistent with state and local law, whether appropriate law enforcement or other authorities should be notified. The Title IX Coordinator or their designee shall evaluate requests for confidentiality and shall determine when such requests shall be honored. The Title IX Coordinator or designee shall be consulted in evaluating requests for confidentiality. The Title IX Coordinator or their designee shall make every effort to respect requests for confidentiality. In considering a request for confidentiality that would preclude a meaningful inquiry or potential discipline of the respondent, the Title IX Coordinator or their designee shall consider an evaluation of circumstances that suggest there is an increased risk of the respondent committing additional acts of sexual misconduct or other violence, such as: (a) whether there have been other sexual misconduct reports about the same respondent, (b) whether the respondent has a history of arrests or records from a prior university indicated a history of violence, (c) whether the respondent

threatened further sexual misconduct or other violence against the student or others, (d) whether the sexual misconduct was committed by multiple respondents, (e) whether the report reveals a pattern of perpetration at a given location or by a particular group, (f) whether the violence was perpetrated with a weapon, (g) the age of the person subjected to sexual misconduct, and (h) whether the University possesses other means to obtain relevant evidence. The Title IX Coordinator and their designee shall evaluate confidentiality requests in the context of the University's responsibility to provide a safe and non-discriminatory environment for all students, faculty and staff members. The University shall inform the reporting party that the reporting party's request that the reporting party's name not be released to the respondent or asks that the University not investigate or seek action against the respondent may limit the University's ability to fully respond to the incident, including pursuing disciplinary action against the respondent. A responsible employee, including a Residence Life student staff member, shall explain to the reporting party that reporting the reporting party's information to the Title IX Coordinator or designee or any other university official does not necessarily mean that a formal report or inquiry under the University's Title IX grievance procedure must be initiated if the student requests confidentiality. All information reported in connection with an alleged sexual misconduct incident shall be maintained in a secure manner. All University employees shall only disclose information regarding alleged incidents of sexual misconduct to individuals who are responsible for handling the University's response. All University employees shall notify reporting parties of the information that will be disclosed, to whom it will be disclosed and why the disclosure is being made. In the event the reporting party requests that the University inform the respondent that the reporting party asked the University not to investigate or seek discipline, the University shall honor this request and inform the respondent that the University, not the reporting party, made the decision to go forward. In the event the University determines that it can respect the request for confidentiality, the University shall take all reasonable steps to respond to the report consistent with the request and to determine what interim measures are appropriate or necessary. In the event the University determines it must disclose the reporting party's identity to a respondent, the University shall inform the reporting party prior to making the disclosure.

- d. **Reporting Options** – Students and employees may use any combination of the following options to report

sexual misconduct:

**1. Criminal Report** – Criminal reports are filed with local law enforcement officials and the University is not involved in that process. Criminal reports can be filed with the following agencies:

- Louisville Metro Police Department 5th Division  
2301 Douglass Boulevard  
Louisville, KY 40205  
502.574.7636
- Louisville Metro Police Department Headquarters  
633 West Jefferson Street  
Louisville, KY 40202  
502.574.7111

**2. Institutional Report** – Institutional reports are filed with the University, and upon receipt of the report, the University will initiate an inquiry by the University in accordance with this policy. Institutional reports may be filed with the Title IX Coordinator or designee. The Title IX Coordinator's name and contact information are:

Lynn Bynum  
Centro, Horrigan Hall 202B  
502.272.8236

Institutional reports can also be filed with the following offices:

- Dean of Students Office  
Centro, Treece Hall 225K  
502.272.8150
- Office of Public Safety  
Centro, Treece Hall 054  
502.272.7777

**3. Report to Responsible Employee** – Reports made to responsible employees, including Residence Life student staff members are required by federal law to be relayed to the University's Title IX Coordinator or designee and will initiate an inquiry by the University in accordance with this policy. Responsible employees are identified in Section 5. The Title IX Coordinator or designee is a responsible employee. You can report sexual misconduct to any responsible employee.

**4. Privileged and Confidential Reporting** – Either as an alternative to the reporting options listed

above or in lieu of reporting sexual misconduct to the individuals or offices listed above, reporting parties may make privileged and confidential reports of sexual misconduct to certain health or mental health providers or to certain pastoral counselors. While criminal reports, institutional reports, and reports to responsible employees will result in the initiation of an inquiry, reports to health or mental health providers or to certain pastoral counselors are privileged and will remain confidential so long as the student filing the report does not represent a threat to their self or to others. Privileged and confidential reports may be made to:

**On Campus Health Provider:**

- Office of Health Services  
Newman Hall 121  
502.272.8131

**Off Campus Health Provider:**

- University of Louisville Hospital  
530 S. Jackson Street  
Louisville, KY 40202  
502.562.3000

**On Campus Mental Student Health Care Provider:**

- Bellarmine University Counseling Center  
Allen Hall 403  
502.272.8480

**Off Campus Mental Health Care Provider:**

- University of Louisville Hospital  
530 S. Jackson Street  
Louisville, KY 40202  
502.562.3000

**On Campus Pastoral Counselor:**

- Office of Campus Ministry  
Father John Pozhathuparambil  
Centro- Horrigan Hall 016  
502.272.7051

**Off Campus Pastoral Counselor:**

- Louisville Seminary Counseling Center  
1044 Alta Vista Road  
Louisville, KY 40205  
502.895.3411

### **Off-Campus for Staff/Employees:**

- Wayne Corporation  
Medical Arts Building  
1169 Eastern Parkway  
Suite 1166  
Louisville, KY 40217  
502.451.8262

Reports of sexual misconduct may be made by third-parties (individuals who were not the reporting party or respondent) to:

- Office of Public Safety  
Centro, Treece Hall 054  
502.272.7777  
or
- Lynn Bynum, Title IX Coordinator  
Centro, Horrigan Hall 202B  
502.272.8236  
or
- Natasha Begin, Deputy Title IX Coordinator  
Centro, Treece Hall 225K  
502.272.7150

Requests for amnesty from drug, alcohol, and other policies should be directed to the Title IX Coordinator or their designee who shall consider the request and make a recommendation to the appropriate university official. Those individuals may approve or disapprove the request after considering all of the University's interests.

- e. **Reporting under the Clery Act** – The University has various reporting obligations under the Clery Act which promotes campus safety by ensuring that students, employees, parents and the broader community are well-informed about important public safety and crime prevention matters. Details about the University's reporting obligations under Clery may be obtained at: <https://www.notalone.gov/assets/ferpa-clerychart.pdf>. Depending on the circumstances, the Clery Act may also require the University to issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees. Certain Campus Security Authorities (CSAs) are required to report information gathered during the inquiry of criminal activity. These CSAs include non-law enforcement campus security officers and local law enforcement officers. These CSAs will typically be required to document incidents in a fashion that contains personally identifiable information

about the parties involved and witnesses. Other CSAs, such as University officials, are not typically required to report personally identifiable information.

### **7. Inquiry Procedures and Protocols**

The University shall process all reports of sexual misconduct, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity. The University shall determine whether any alleged off-campus sexual misconduct occurred in the context of an education program or activity of the University. If the off-campus misconduct occurred in the context of an education program or activity of the University, the University shall treat the report in the same manner that it treats reports regarding on-campus conduct. Once the University is on notice of an allegation of off-campus sexual misconduct, the University shall assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment and, if so, the University shall address the hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct. Since there may be continuing effects of off-campus sexual misconduct while at University or in an off-campus education program or activity, if the off-campus sexual misconduct did not occur in the context of an education program or activity of the University, the University shall consider the effects of the off-campus misconduct when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity. The Title IX Coordinator or an individual designated by the Title IX Coordinator or designee shall conduct the inquiry of any report of sexual misconduct under this policy. An inquiry may entail interviews with witnesses, a review of any documentary or electronic evidence, a review of medical evidence, a review of campus security data, or a review of any other material which the investigator deems relevant to an assessment of the facts surrounding the report. As soon after the initiation of the inquiry as possible, the Title IX Coordinator or the designated investigator shall notify all University employees or students who are believed to have documentary, electronic, or tangible evidence to preserve such evidence for the inquiry. The inquiry shall provide the respondent and the reporting party with equitable rights during the inquiry. The University will endeavor to complete inquiries and resolve reports within sixty (60) days of the date on which the report was received, but the University's primary objective is a thorough inquiry and report resolution. Thus, if the Title IX Coordinator or

designee believes additional time beyond sixty days is necessary to complete a thorough inquiry and to resolve the report, the Title IX Coordinator or designee shall advise the appropriate vice president of such information in writing and request an extension of time for the inquiry and report resolution, and such extensions shall be approved whenever the appropriate vice president believes an extension is warranted.

The University shall coordinate its Title IX inquiry with any other ongoing University or criminal inquiry of the incident and establish appropriate fact-finding roles for each investigator. The following information may be shared with law enforcement during a parallel inquiry:

- (a) Non-emergency situations- Information regarding student records will be shared in accordance with the Bellarmine University Student Records Policy
- (b) Emergency situations- Urgent requests for student information, e.g. address, telephone number, or immediate whereabouts, based upon an apparent emergency, should be handled when possible by the Dean of Students office. The University may release information from education records to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons. This is to be strictly interpreted.

The University will not share any FERPA-protected information with law enforcement during a parallel inquiry, unless that information is the subject of a subpoena or other judicial process.

Government investigative agencies as such have no inherent legal right to access to University files and records. When additional information is requested, it may be released only on written authorization from the student or employee. If such authorization is not given, the information should be released only on court-order or subpoena. If a subpoena is served, the student or employee whose record is being subpoenaed should be notified and that subpoena should be referred to the institution's legal counsel.

The University shall consider whether information can be shared among the investigators so that reporting parties are not unnecessarily required to give multiple statements about a traumatic event. The University should not wait for the conclusion of a criminal inquiry or criminal proceeding to begin its own Title IX inquiry. If the fact-finding portion of the University's Title IX inquiry is suspended due to the existence of a criminal inquiry, the University's fact-finding portion of the Title IX inquiry shall resume promptly once law enforcement officials have completed their evidence-gathering state of the criminal inquiry. The University shall periodically update the parties on the status of the inquiry and inform

the parties when the University resumes its Title IX inquiry following any delay associated with a criminal inquiry.

The University shall immediately investigate any possible retaliation against the reporting party, including threats, intimidation, coercion, or discrimination.

## 8. Grievance/Adjudication Procedures

The University has jurisdiction over Title IX reports. The University shall adopt and publish grievance procedures for the prompt and equitable resolution of discrimination reports, including harassment reports, filed by reporting parties against University employees, students and third parties, which shall:

- Provide notice to students and employees of the grievance procedures, including where reports may be filed.
- Explain generally the grievance/adjudication process.
- Conduct hearings in a manner that minimizes additional emotional trauma on the reporting party.
- Explain the possible results of the adjudication process, including sanctions, remedies/accommodations for the reporting party, and additional remedies for the University community.
- Explain that mediation is never appropriate in sexual misconduct cases.
- Notify the reporting party of the right to end the informal process at any time and to begin the formal stage of the report process, if voluntary informal mechanisms for resolving some types of sexual harassment reports are provided.
- Provide for the application of the procedure to reports filed by students, faculty or staff member or others on their behalf alleging sexual misconduct carried out by employees, students, or third parties.
- Provide for adequate, reliable, and impartial inquiry of reports, including the opportunity for both the reporting party and the respondent to present witnesses and evidence.
- Provide both parties with options for remedial/interim measures.
- Designate reasonably prompt time frames for the major stages of the report process.
- Provide for simultaneous written notice to the reporting party and the respondent of the outcome of the report and any appeal.
- Provide assurance that the University will take steps to prevent the recurrence of any sexual misconduct and remedy discriminatory effects on the reporting party and others, if appropriate.
- Provide adequate definitions of "sexual harassment" and an explanation as to when such conduct creates a hostile environment.



- Include reporting policies and protocols, including provisions for confidential reporting.
- Identify the employee or employees responsible for evaluating requests for confidentiality.
- Provide notice that Title IX prohibits retaliation.
- Provide notice of a student's right to file a criminal report and a Title IX report simultaneously.
- Provide notice of available interim measures that may be taken to protect the student in the educational setting.
- State the evidentiary standard that must be used (preponderance of the evidence) in resolving a report.
- Provide notice of the potential remedies for respondents.
- Provide notice of the potential sanctions or protective measures which may be imposed against the respondents, including, specifically, the sanctions regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.
- Provide sources of counseling, advocacy and support.
- Provides the respondent with due process.
- Provide for the extension of all rights given to the respondent to the reporting party.
- Provide notice of hearing(s) to both parties.
- Identify a process by which either party may raise issues related to potential conflicts of interest of the adjudicators.
- Identify the trained individuals who will determine whether the alleged sexual misconduct occurred and the individuals who will determine the sanction.
- Provide for all proceedings to provide a prompt, fair, and impartial inquiry and resolution.
- Provide for all proceedings to be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an inquiry and hearing process that protects the safety of reporting parties and promotes accountability.
- Provide an equal opportunity for the parties to present relevant witnesses and other evidence.
- Provide the parties with similar and timely access to any information that will be used at the hearing.
- Provide a description of the types of evidence that may or may not be presented.
- Provide an equal opportunity for the parties to have an advisor of their choice present during any institutional disciplinary proceeding, including interviews or hearings. Parties are limited to two advisors present in any given meeting or hearing procedure. The person(s) fulfilling this role cannot be called as a witness for the party for which they are fulfilling the role of the advisor.
- Impose equal restrictions on the ability of lawyers or other advisors to speak or otherwise participate in the proceedings.
- Identify the persons who may attend and/or participate in the adjudication process and the extent of their participation.
- Provide an equal opportunity for the parties to present testimony.
- Provide an equal opportunity for the parties to appeal.
- Require the same type of review be applied on appeal, regardless of which party files the appeal.
- Describe the appellate procedures, grounds for appeal, the person/entity that will decide appeals, and the applicable reasonably prompt time frames for appeal.
- Include a statement that the University will not require a party to abide by a nondisclosure agreement, in writing or otherwise that would prevent the redisclosure of information relating to the outcome of the proceeding.
- Provide an equal opportunity for the parties to be present at the hearing.
- Permit the hearing to proceed if the reporting party is not present.
- Provide the parties with an equal opportunity to question witnesses.
- Provide a description of alternative methods that preclude the respondent from personally cross-examining the reporting party.
- Require the University to notify both parties in writing about the outcome of the report.
- Require the University to notify both parties in writing if there is any change to the results of the hearing that occurs prior to the time that such results become final.
- Require the University to notify both parties in writing when such results become final.
- Require the University to notify the reporting party as to whether or not it found that the alleged conduct occurred, any individual remedies offered or provided to the reporting party or any sanctions imposed on the respondent that directly relate to the reporting party, and other steps the University has taken to eliminate the hostile environment, if the University finds one to exist, and prevent recurrence.
- Prohibit questioning about the reporting party's sexual history with anyone other than the respondent.
- Prohibit either parties, their advisors, or witnesses from voice recording any part of disciplinary proceedings, including interviews or hearings.
- Acknowledge that the mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a



finding of sexual misconduct.

- Prohibit University officials from notifying the respondent of the individual remedies offered or provided to the reporting party.
- Require the University to offer the reporting party all services needed to remedy the hostile environment on an interim basis.
- Require the University to offer the reporting party all services needed as a final remedy to the hostile environment, even if the reporting party declined the service as part of an interim measure.
- Require the University to consider remedies for the broad campus population whenever the University is unable to conduct a full inquiry.
- Require the University to take steps to provide appropriate remedies for the reporting party and the broader campus population when the respondent is not affiliated with the University.

The University shall continue to protect the reporting party after a determination that sexual misconduct has occurred.

## 9. Prevention and Education

This policy shall be accessible to students and employees with disabilities. This policy, reporting forms, information and training shall be accessible to students and employees who are English language learners. This policy shall be distributed on campus in such a way that all students, regardless of their immigration status, including undocumented students and international students, are aware of their rights under Title IX. Title IX prohibits retaliation against the reporting party, anyone who files a third-party report, any witness or anyone who otherwise participates in the investigative and/or disciplinary process, and the University will take steps to prevent retaliation and strong responsive action if it occurs, including any retaliatory actions by University officials. The University must routinely take steps to inform students, faculty and staff that the University's primary concern is student safety and that the use of alcohol and drugs never makes the survivor at fault for sexual misconduct.

- a. **Residence Life Student Staff Members (RLSSMs)**—As noted above, RLSSMs are responsible employees. As such, RLSSMs shall explain to the student (before the student reveals confidential information) that although the RLSSM must report the names of the respondent and the reporting party and other relevant facts to the Title IX Coordinator or other designated University officials, the University will protect the student's confidentiality to the greatest extent possible. RLSSMs shall provide reporting

parties with information regarding on-campus resources, including victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and the local rape crisis center or other off-campus resources.

- b. **Sexual Violence and Prevention Program**—The University's sexual violence and prevention program (SVPP) shall clearly identify the offices or individual with whom reporting parties can speak confidentially. The SVPP shall clearly identify the offices or individuals who can provide resources such as victim advocacy, housing assistance, academic support, counseling disability services, health and mental health services, and legal assistance. The SVPP shall identify the University's responsible employees. The SVPP shall explain that, if reporting parties report incidents to responsible employees, these employees are required to report the incident to the Title IX Coordinator or other appropriate official, including the names of the individuals involved in the sexual misconduct, the date, time, and location. The University's approach to prevention, including the type and frequency of prevention programming and education/outreach activities, shall consist of:

- **BraveBU**—BraveBU is a culture of care campaign that is focused on the promotion of bystander intervention and healthy behaviors. Often led by students, BraveBU programs occur throughout the academic year and focus on issues such as sexual assault prevention, healthy relationships, and wellness-based discussions. The initial BraveBU program is led at new student orientation each August. Staff members from the Dean of Students Office explain the culture of care at Bellarmine, walk students through the definitions included in the campus sexual misconduct policy and facilitate dialogue around realistic and helpful strategies to avoid being a bystander. Occurs Annually.
- **Sexual Misconduct Prevention Training**—All new students complete Sexual Misconduct Prevention Training each fall. Sexual Misconduct Prevention Training is an online series of modules that inform students of the campus sexual misconduct policy, methods of reporting, and utilizes a tone rooted in positive psychology. Students complete a pre-test and the modules in early September. Students then complete a post-test one month after completion of part 1. Aggregate data and population specific data is used to generate learning outcomes for ongoing programming. Faculty and staff complete a differ-

ent version of online training modules with similar learning outcomes. Sexual Misconduct Prevention Training is also used with all new faculty and staff as a component of onboarding training. Occurs Annually; each Fall Semester.

- **Written Notification of University's Sexual Misconduct Policies** – Annually, every student receives written notification of the university's sexual misconduct policies which includes available resources and reporting procedures. Occurs Annually.
  - **New Employee Orientation** – Every new employee attends an employee orientation hosted by Human Resources. During this session, staff members from Human Resources distribute and explain the sexual misconduct policy. Occurs at beginning of employment.
  - **Employee Training** – Each employee completes an on-line training module which disseminates the sexual misconduct policy including the educational outcomes outlined in this policy to include reporting, responsible employee duties, confidential reporting, on and off campus resources, etc. Occurs on a regular basis.
- c. **Bystander Intervention** – The University shall utilize bystander intervention as a tool to prevent sexual misconduct. In implementing the bystander-focused prevention methods, the University shall implement the common components of safe and positive bystander intervention and delivery methods found at: <https://www.notalone.gov/assets/bystander-summary.pdf>.
- d. **Campus Assessments** – The University shall conduct a climate survey in accordance with the guidelines found at: <https://www.notalone.gov/assets/ovw-climate-survey.pdf>. The Title IX Coordinator or designee shall coordinate the collection and analysis of information from annual climate surveys.
- e. **Educating Students** – The University shall conduct programs to educate students about the University's sexual misconduct policy at least one time during each calendar year. At sexual misconduct awareness events, the University shall provide information on (a) Title IX, (b) how to file a Title IX report with the University, (c) resources available to sexual misconduct reporting party(s) such as counseling, mental health and health services, and (d) options for reporting an incident of sexual misconduct to campus or local law enforcement. The University shall provide education programs to promote the awareness of rape, acquaintance rape, domestic violence, sexual assault, and stalking, which shall include:

1. Primary prevention and awareness programs for all incoming students and new employees, which shall include:
  - (a) a statement that the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
  - (b) the definition of domestic violence, dating violence, sexual assault, and stalking in the state of Kentucky;
  - (c) the definition of consent, in reference to sexual activity, in the state of Kentucky;
  - (d) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
  - (e) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
  - (f) information described in 20 U.S.C. 1092(f)(8)(B)(ii) through (vii); and
2. ongoing prevention and awareness campaigns for students and faculty, including the information described in clauses (a) through (f) of subparagraph 1. above.

## 10. Training

In all forms of training, the University shall establish methods for verifying that the training was effective.

- a. **Student Training** – The University shall provide the following training for students:
- Encouragement to report incidents of sexual misconduct.
  - How to report sexual misconduct to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance.
  - General information on Title IX.
  - What constitutes sexual misconduct under the University's policies.
  - The University's definition of consent as applicable to sexual conduct, including examples.
  - How the University analyzes whether unwelcome sexual conduct creates a hostile environment.
  - Available reporting options, including formal reporting and confidential disclosure options and any timeframes set by the University for reporting.
  - Places where students, faculty, and staff members

can seek confidential support services.

- Grievance procedures used to process sexual misconduct reports.
- Disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions.
- Effects of trauma, including neurobiological changes.
- The role alcohol and drugs often play in sexual misconduct incidents, including the deliberate use of alcohol and/or other drugs to perpetuate sexual misconduct.
- Strategies and skills for bystanders to intervene to prevent possible sexual misconduct.
- Title IX's protections against retaliation.
- Persons on campus to whom students, faculty, and staff members can confidentially report incidents of sexual misconduct.
- An explanation that students, faculty or staff members do not need to determine whether incidents of sexual misconduct or other sexual harassment created a hostile environment before reporting the incident.

With regard to all training directed toward students, the University shall consider educational methods that are most likely to help students retain information when designing its training, including repeating the training at regular intervals.

**b. Residence Life Student Staff ("RLSS") Training**

– The University shall provide the following training for RLSS:

- Places where students, faculty and staff can seek confidential support services.
- Information about local rape crisis centers or other off-campus resources so that RLSSs can provide this information to reporting parties.

**c. Faculty and Staff Training**

– The University shall provide training on a regular basis, even if employees have prior relevant experience in sexual misconduct, to all employees likely to witness or receive reports of sexual harassment and violence, including faculty, University safety office employees, University administrators, University counselors, athletic coaches, health personnel and RLSSs. The University shall determine how training should be conducted, who has the relevant expertise to conduct the training, and who should receive the training to ensure that the training adequately prepares employees, particularly responsible employees, to fulfill their duties under Title IX. Employees who work with international students shall be trained on the University's sexual misconduct policies. The University

requires (a) training or experience in handling sexual misconduct reports and (b) training in the operation of the University's grievance procedures for the Title IX Coordinator or designee, others who receive reports, investigators, and adjudicators. The University shall provide the following training for faculty and staff:

- Practical information about (a) how to prevent and identify sexual misconduct, including same-sex sexual misconduct. (b) the behaviors that may lead to and result in sexual misconduct; (c) the attitudes of bystanders that may allow conduct to continue; (d) the potential for revictimization by responders and its effect on reporting parties; (e) appropriate methods for responding to a reporting party who may have experienced sexual misconduct, including the use of nonjudgmental language; (f) the impact of trauma on reporting parties; and (g) the person(s) to whom such misconduct must be reported.
- Training to explain responsible employees' reporting obligation, including what should be included in a report and any consequences for the failure to report and the procedure for responding to reporting parties' requests for confidentiality, as well as provide the contact information for the University's Title IX Coordinator or designee.
- Practical information on how and when to identify and report harassment and/or to appropriate University officials.

**d. Training for Responsible Employees**

– Responsible employees are those employees defined in Section 5. Responsible employees shall be trained so that they will know how to respond properly to sexual misconduct reports. The University shall train responsible employees to inform students and employees of: (a) the reporting obligations of responsible employees; (b) students' and employees' option to request confidentiality and available confidential advocacy, counseling, or other support services; and (c) their right to file a Title IX report with the University and to report a crime to campus or local law enforcement.

**e. Special Training for Title IX Coordinator and Others Involved in Grievance Procedure**

– The University shall require training for the Title IX Coordinator or designee, others who receive reports, investigators, and adjudicators to include information on: (a) working with and interviewing persons subjected to sexual misconduct, including same-sex sexual misconduct; (b) the proper standard of review for sexual misconduct reports (preponderance of the evidence);

(c) information on consent and the role drugs or alcohol can play in the ability to consent; (d) the importance of accountability for individuals found to have committed sexual misconduct; (e) the need for remedial actions for the respondent, reporting party, and University community; (f) how to determine credibility; (g) how to evaluate evidence and weigh it in an impartial manner; (h) how to conduct inquiries; (i) confidentiality; (j) the effects of trauma, including neurobiological change; and (k) cultural awareness training regarding how sexual misconduct may impact individuals differently depending on their cultural backgrounds. All staff members involved in the grievance procedure must be trained so that they are capable of providing culturally competent counseling for all reporting parties. Counselors and other staff members who are responsible for receiving and responding to reports of sexual misconduct, including investigators and hearing board members, shall receive appropriate training about working with LGBT and gender-nonconforming individuals and same-sex sexual misconduct. Counselors and other staff members who are responsible for receiving and responding to reports of sexual misconduct, including investigators and hearing board members, and others counseling reporting parties who have experienced sexual misconduct shall be trained to be aware of the special issues that international students may encounter. Any University officials responsible

for discussing safety and confidentiality with reporting parties shall be trained on the effects of trauma and the appropriate methods to communicate with reporting parties subjected to sexual misconduct. Any individual or body handling appeals shall be trained in the dynamics of and trauma associated with sexual misconduct.

**f. Special Training for Pastoral and Professional Counselors**

– The University shall instruct pastoral and professional counselors to inform students and employees:

- Of their right to file a Title IX report with the University and a separate report with campus or local law enforcement.
- That they are available to assist the student in filing such reports.
- That Title IX includes protections against retaliation.
- That University officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Pastoral and professional counselors shall be trained to ensure that they understand the extent to which they may keep a report confidential. In addition to receiving the training listed for pastoral and professional counselors, non-professional counselors or advocates shall be trained to report only general information about incidents of sexual misconduct and to avoid disclosing personally identifiable information.

## SEXUAL MISCONDUCT GRIEVANCE PROCEDURES

The University has adopted a Sexual Misconduct Policy (“Policy”), all of the provisions of which are incorporated herein by reference. A copy of the policy can be viewed at: <http://www.bellarmino.edu/hr/title-ix/>. In accordance with Section 8 of that policy, the University adopts and publishes the following grievance procedures for the prompt, fair, impartial and equitable inquiry and resolution of sexual misconduct reports, including discrimination and sexual harassment reports, filed against University employees, other students, and third parties. Generally, these procedures provide (a) a method by which students, faculty or staff members can file reports under Title IX, (b) a description of how those reports will be investigated, (c) an informal resolution process, (d) procedures for the hearing to adjudicate factual disputes, (e) the method for appealing the outcome of the hearing, and (f) the method by which remedies and sanctions will be imposed.

All hearing panel members and all officials involved in the appeal process described below shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and on how to conduct a hearing that protects the safety of victims and promotes accountability.

Pursuant to Title IX and the requirements established by the United States Department of Education, please be aware that:

- Persons who file reports (“Reporting parties”) have the right to end the informal process described in Section 3 at any time and to begin the formal stage of the report process as outlined in Section 4.
- The University will take steps to prevent the recurrence of any sexual violence and remedy discriminatory effects on the Reporting party and others, if appropriate.
- The employee responsible for evaluating requests for confidentiality is the Title IX Coordinator and/or their designee as identified in the Policy.
- Reporting policies and protocols are set forth in Section 6 of the Policy, and members of the campus community are encouraged to review those policies and protocols, including the provisions for confidential reporting.
- Title IX prohibits retaliation against any person involved in the inquiry or hearing.
- Reporting parties have the right to file simultaneously a criminal report with appropriate law enforcement agencies and a Title IX report with the University.
- Various interim measures may be taken to protect Reporting parties in the educational setting, including those set forth in Section 3 of the Policy.
- The evidentiary standard that must be used in resolving the report is a preponderance of the evidence.

- The potential remedies for Reporting parties are set forth in Section 3 of the Policy.
- It is the intent of this procedure to provide the parties with equal rights.
- Both parties shall have the same opportunity to have an advisor of their choice (up to a maximum of two advisors), present during any interview and/or institutional disciplinary proceeding involving alleged sexual misconduct.
- The potential sanctions or protective measures which may be imposed against the Respondents include the possible reprimand, suspension or expulsion of a student Respondent, the possible reprimand, suspension or termination of an employee Respondent, and reporting party’s options to avoid contact with the Respondent and allow the Reporting party to change academic and extracurricular activities or reporting party’s living, transportation, dining, and working situation as appropriate.
- The process may result in additional remedies for the University community, including greater emphasis on student awareness, educational and professional development courses for faculty and staff, and other steps designed to address the specific issues raised by the report.
- Sources of counseling, advocacy and support are listed in Sections 3 and 6 of the Policy.
- Information about how the University will protect the confidentiality of victims is listed in Section 6 of the Policy.
- As used in this procedure, “sexual harassment” and “hostile environment” shall have the meanings set forth in Section 5 of the Policy.
- The University will not require a party to abide by a non-disclosure agreement, in writing or otherwise, that would prevent the redisclosure of information relating to the outcome of the proceeding.
- The University shall offer the Reporting party all services needed to remedy the hostile environment on an interim basis, all as outlined in Section 3 of the Policy.
- The University shall offer the Reporting party all services needed as a final remedy to the hostile environment, even if the Reporting party declined the service as a part of an interim measure.
- The mere fact of a current or previous consensual dating or sexual relationship between the two parties does not itself imply consent or preclude a finding of sexual violence.
- In the event the University is unable to conduct a full inquiry, such as when the Respondent is a visitor to the University’s campus, the University shall still consider remedies for both the Reporting party and the broader campus population.



1. **Initiation of Report** – Any person who believes that he or she has been the victim of sexual misconduct as defined in the University’s Policy shall file either a written report or incident report (either of which is hereafter referred to as a “report”) with the University’s Title IX Coordinator, or their designee, as identified in the Policy. The report shall specify the alleged sexual misconduct, the name of the individual who engaged in the alleged misconduct and such other information as may assist the University in promptly investigating the alleged sexual misconduct.
2. **Inquiry** – The Title IX Coordinator or the Coordinator’s designee shall promptly investigate the alleged sexual misconduct in accordance with the provisions of Section 7 of the Policy. Any designee shall have received training in conducting inquiries of Title IX reports. It is the goal of the University to provide for an adequate, reliable, and impartial inquiry for each report, including the opportunity for both the Reporting party and the Respondent to present witnesses and evidence. As soon after the initiation of the inquiry as possible, the Title IX Coordinator or the designated investigator shall notify all University employees or students who are believed to have documentary, electronic, or tangible evidence to preserve such evidence for the inquiry. Upon the conclusion of the inquiry, the University shall determine whether probable cause exists to believe that the alleged sexual misconduct occurred. If the University determines that there is no probable cause to believe the alleged sexual misconduct occurred, the report shall be dismissed, and both the Reporting party and the Respondent shall be notified in writing such determination by the University. If the University determines that there is probable cause to believe that the alleged sexual misconduct occurred, both the Reporting party and the Respondent shall be notified in writing of such determination by the University, and an adjudicative hearing shall be scheduled within seven (7) days to resolve all disputed facts, if any. The University shall provide both the Reporting party and the Respondent the time and place of the hearing, and the name of the hearing panel members. The hearing shall be conducted in accordance with Section 4. In the event there are no disputed facts, no hearing will be held, and the University shall proceed to implement remedies and sanctions pursuant to Section 6 via informal resolution.
3. **Informal Resolution Process** – Mediation is never appropriate in sexual misconduct cases and shall not be utilized by the University. However, after a finding of probable cause and prior to the hearing to resolve factual disputes, the University shall informally discuss possible remedies and sanctions with the Reporting party and the Respondent to ascertain if a satisfactory resolution of the matter can be reached without the necessity of an adjudicative hearing. If so, the remedies and sanctions to which the parties agree shall be imposed. If not, the hearing pursuant to Section 4 will proceed as scheduled.
4. **Formal Resolution Process** – The purpose of the hearing is to resolve any facts disputed by the parties.
  - a. **The Hearing Panel** – The hearing shall be conducted by a three-person hearing panel designated by the University (“Hearing Panel”). The Hearing Panel members shall consist of a faculty member, a staff member, and a chief hearing officer who shall be either a faculty or staff member. The Title IX Coordinator, or their designee, shall notify the parties of the date, time, and place for the hearing and the names of the Hearing Panel members at least seven (7) days prior to the hearing. If either party wishes to object to one or more members of the Hearing Panel on the basis of a potential conflict of interest by the Hearing Panel member(s), the party must notify the Title IX Coordinator or their designee of the objection within three (3) days after receipt of the notice specifying the names of the hearing panel members. The Title IX Coordinator or their designee shall evaluate the objection and determine if a different Hearing Panel member should be designated.
  - b. **The Hearing Process** – The Hearing Panel shall endeavor to conduct the hearing in a manner that does not inflict additional emotional trauma on the parties. The hearing shall permit both the Reporting party and the Respondent an equal opportunity to present relevant witnesses and evidence, including expert testimony. The Hearing Panel shall determine the probative value of the evidence presented and the rules of evidence shall not be strictly enforced. Three (3) days prior to the hearing, both the Reporting party and the Respondent shall notify the hearing officer of the witnesses and documentary evidence that the party intends to present. Both the Reporting party and the Respondent may be accompanied by legal counsel or other advisor of their choice, but if either of the parties chooses not to be accompanied by legal counsel or an advisor, the other party may still be accompanied by legal counsel or an advisor. Neither party’s legal counsel nor advisor may speak at the hearing. Only the Title IX Coordinator or designee, the investigators, representatives from the Dean of Students office, the University’s counsel, the Reporting party and the Respondent, the parties’ legal counsel or advisor and the parties’ parents (if invited by the parties), and witnesses may attend the hearing. Parents may not participate in the hearing unless they are called as witnesses to address factual disputes.



The hearing may proceed if either of the parties fails to attend. The investigators shall present the results of the inquiry. The Reporting party may then present evidence, and the Respondent may present evidence following the Reporting party. Each witness may be cross-examined by the parties, but the parties may not cross-examine each other. In the event a party wishes to question the opposing party, the party may submit written questions for the opposing party to the chief hearing officer who may ask the questions to the opposing party, if the chief hearing officer deems such questions relevant. Questions pertaining to the Reporting party's sexual history with anyone other than the Respondent shall be prohibited. The University may elect to make an audio recording of the hearing and in that event, the recording shall be retained by the University in accordance with FERPA.

- c. Proposed Findings and Recommended Remedies and Sanctions** – Within five (5) days following the completion of the hearing, the Hearing Panel shall prepare proposed findings and recommended remedies and sanctions (“Findings”). The Hearing Panel shall make a finding as to whether a hostile environment exists at the University in light of the Findings, and if so, the Hearing Panel shall make recommendations as to how the hostile environment can be eliminated. The Findings shall be submitted in writing for a ruling on behalf of the University (“Ruling”) to: the Dean of Students or designee if the parties are students; the Vice President or designee to whom the employees report, if the parties are employees; or the Vice Provost or designee, if the parties are faculty members. If the parties include a combination of faculty, staff, and students, the Findings shall be submitted to the Dean, Vice President, Vice Provost or designee responsible for the group of which the Respondent is a member. In the Ruling, the Dean, Vice President, Vice Provost or designee may adopt the Findings in whole or in part and shall make a determination as to what, if any, remedies and sanctions should be imposed. The Dean, Vice President, Vice Provost or designee may also remand the matter to the hearing officer for further findings and conclusions, if necessary. The Dean, Vice President, Vice Provost or designee shall make the Ruling within five (5) days following the receipt of the Findings. In determining sanctions against the Respondent, both the Hearing Panel and the Dean, Vice President, Vice Provost or designee shall assess whether imposing sanctions against the Respondent, without additional remedies, will be sufficient to eliminate the hostile environment, prevent recurrence, and remedy effects as required by Title IX.

- d. Notice to the Parties** – When the Ruling is issued, the Title IX Coordinator or their designee shall simultaneously send written notice via email to the parties of the University's Ruling and of their right of appeal under Paragraph 5 below. Specifically, the Title IX Coordinator or their designee shall notify both parties as to: (a) whether or not the University found that the alleged conduct occurred, (b) any sanction imposed on the Respondent that directly relate to the Reporting party, and (c) other steps the University has taken to eliminate the hostile environment, if the University finds one to exist, and prevent recurrence of the misconduct. The Title IX Coordinator or their designee shall also notify the Reporting party of any individual remedies offered or provided to the Reporting party, but, the Title IX Coordinator or their designee shall not notify the Respondent of the individual remedies offered or provided to the Reporting party.

- 5. Appeals** – Either party may appeal the University's determination of no probable cause or the Ruling by submitting a written statement of appeal to the Title IX Coordinator or their designee. The appeal must be received by the Title IX Coordinator or their designee within seven (7) days following the date on which the parties received notice of the probable cause determination or the Ruling from the Title IX Coordinator or their designee. Appeals must be based on one or more of the following reasons:
- a. Sanction Proportionality** – to determine whether the sanction was disproportionate to the offense committed, for which the party was found to be responsible.
  - b. New Information** – to consider new information that was not known at the time of the original hearing that, if introduced, would substantially impact the finding or sanction.
  - c. Procedural Conformity** – a claim that the hearing did not conform to the procedures outlined, and that substantially affected the outcome of the original hearing.
- The written appeal must include the specific grounds for the appeal, supporting arguments and documentation, and any other relevant information the respondent wishes to include. Upon receipt of the written appeal, the parties involved in the original hearing are notified and provided reasonable opportunity to respond in writing to the appeal.

Appeals will be heard by the Committee on Sexual Misconduct Appeals (“CSMA”). This committee is composed of one faculty member and two administrators appointed by the Title IX Coordinator or their designee. The CSMA will evaluate the record of the hearing and render a recommenda-

tion to the Vice President of Student Affairs, if the parties are students, the Vice President for Administration and Finance, if the parties are staff members, or the Provost, if the parties are faculty members, (“Appropriate Officials”, or any one of them individually, “Appropriate Official”) who will review the recommendation and issue a written decision in the matter. If the parties include a combination of faculty, staff, and students, the CSMA shall submit the recommendation to the Appropriate Official responsible for the group of which the Respondent is a member. In the event the Vice President for Administration and Finance is involved in making the Ruling, the Vice President for Administration and Finance shall not participate in the appeal, and the CSMA shall make its recommendation to the Vice President for Student Affairs who shall make a written decision in the matter on behalf of the Vice President for Administration and Finance. The Title IX Coordinator or their designee will notify the parties of the decision within three working days of receipt of the decision by the Appropriate Official.

Regardless of which party files the appeal, the Appropriate Official may reverse the probable cause determination or Ruling only if the Appropriate Official finds that the probable cause determination or Ruling did not result in a proportionate sanction, did not consider new information, or was not in conformity with University procedures as outlined above.

If the appeal is granted, the Appropriate Official shall make such instructions to the Title IX Coordinator or designee or the Hearing Panel as may be appropriate. The Appropriate Official’s decision on the appeal shall constitute the final action by the University, and the Title IX Coordinator or their designee shall simultaneously send written notice of the decision via email to the parties. If neither party appeals the probable cause determination or the Panel’s Ruling, the Title IX Coordinator or their designee, shall simultaneously send written notice of the expiration of the time for an appeal via email to the parties. Upon the expiration of the time for an appeal of the probable cause determination or the Panel’s Ruling or upon the decision on a timely appeal, the University’s decision shall be deemed final.

6. **Imposition of Remedies and Sanctions** – After the time for an appeal of the Ruling has expired or after the decision on the appeal is made, the Title IX Coordinator or designee shall take the steps necessary to implement the remedies and sanctions. In the event interim measures should be taken to protect the Reporting party at any point prior to the University’s final determination, the Title IX Coordinator or their designee may implement such measures in accordance with Section 3 of the Policy.

## PREGNANT AND PARENTING STUDENTS

Bellarmino is committed to creating and maintaining a community where all individuals experience freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

Bellarmino hereby establishes a policy and associated procedures for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy related conditions, and new parents. Under the Department of Education's Title IX regulations, appropriate treatment of a pregnant student includes granting the student leave for a period of time as deemed medically necessary by the student's physician. Students should be treated by Bellarmino in the same way as someone who has a temporary disability and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments, tutoring, independent study, online course completion options and incomplete grades that can be completed at a later date, should all be employed within reasonable means of the University. To the extent possible, Bellarmino will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave. The Title IX Coordinator or designee has the authority to determine that such adjustments are necessary and appropriate and to inform faculty members of the need to adjust academic parameters accordingly.

Students experiencing pregnancy related health complications such as gestational diabetes, need for bed rest, pregnancy-induced hypertension, postpartum depression, mastitis, loss or pregnancy, severe morning sickness or other condition have the ability to seek additional accommodations in compliance with ADA through Bellarmino's Disability Services. Should a student wish to pursue support based on pregnancy related health complications, they can do so by visiting Disability Services located in the basement of the Library B0 5A, emailing the Director of Disability Services [rpurdy@bellarmino.edu](mailto:rpurdy@bellarmino.edu) or visiting <https://www.bellarmino.edu/studentaffairs/disabilityservices>.

Information about pregnant students' requests for adjustments will be shared with faculty and staff by the Title IX Coordinator, Deputy Coordinator or Disability Services only to the extent necessary to provide the reasonable adjustment. Administrative responsibility for these adjustments lies with the Title IX Coordinator, Deputy Coordinator, or designee who will maintain all appropriate documentation related to adjustments.

In situations such as clinical rotations, performances, labs, and group work, Bellarmino will work with the student to devise an alternative path to completion, if possible.

Students are encouraged to work with their faculty members and Bellarmino's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator or Deputy Coordinator will assist with plan development and implementation as needed.

This policy applies to all aspects of Bellarmino's program, including, but not limited to, admissions, educational programs and activities and employment policies.

### Definitions

- a. **Caretaking:** Caring for and providing for the needs of a dependent child.
- b. **Medical Necessity:** A determination made by a health care provider (of the student's choosing) that a certain course of action is in the patient's best health interest.
- c. **Parenting:** the raising of a child by the child's parents in the reasonably immediate post-partum period.
- d. **Pregnancy and Pregnancy-Related Conditions:** Include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.
- e. **Pregnancy Discrimination:** Includes treating an individual affected by pregnancy or a pregnancy-related condition less favorably than similar individuals not so affected, and includes a failure to provide legally mandated leave or adjustments.
- f. **Pregnant Student/Birth-Parent:** Refers to the student who is or was pregnant. This policy and its pregnancy-related protections apply to all pregnant person, regardless of gender identity or expression.
- g. **Reasonable Adjustments:** (For the purposes of this policy) changes in the academic environment or typical operations that enables pregnancy students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of Bellarmino.

### Reasonable Adjustments of Students Affected by Pregnancy, Childbirth, or Related Conditions

- a. Bellarmino and its faculty, staff, and other employees will not require students to limit their studies as the result of pregnancy or pregnancy-related considerations.
- b. The benefits and services provided to students affected by pregnancy will be no less than those provided to students

- with temporary medical conditions.
- c. Student with pregnancy-related disabilities, like any student with a short-term or temporary disability, are entitled to accommodations or reasonable adjustments so that they will not be disadvantaged in their courses of study or research, and may seek assistance from the Title IX office.
  - d. No artificial deadlines or time limitations will be imposed on requests for adjustments, but Bellarmine is limited in its ability to impact or implement adjustments retroactively.
  - e. Reasonable adjustments may include, but are not limited to:
    1. Providing adjustments requested by a pregnant student to protect the health and safety of the student and/or the pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
    2. Making modifications to the physical environment (such as accessible seating);
    3. Providing mobility support;
    4. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences;
    5. Offering remote learning options when available;
    6. Excusing medically-necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department, or division);
    7. Granting leave per Bellarmine's medical leave policy or implementing incomplete grades for classes that will be resumed at a future date; or
    8. Allowing breastfeeding students reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement.

Nothing in this policy requires modification of the essential elements of any academic program. Pregnant students cannot be channeled into an alternative program or school against their wishes.

### **Modified Academic Responsibilities Policy for Parenting Students**

- a. Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period during the first four months from the time the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary caretaking/parenting responsibilities.

- b. During the modification period, the student's academic requirements will be adjusted and deadlines postponed as appropriate, in collaboration among the Title IX office, the student's academic advisor, and the appropriate academic department.
- c. Students seeking a period of modified academic responsibilities may consult with their academic advisor or with the Title IX office to determine appropriate academic adjustments requests. The Title IX office will communicate all requests under this policy to the students' academic advisors and coordinate adjustment-related efforts with the advisors unless the students specifically requests that their advisors be excluded. Students are encouraged to work with their advisors and faculty members to reschedule course assignments, lab hours, examinations, or other requirements, and/or to reduce their overall course load, as appropriate, once authorization is received from the Title IX office. If, for any reason, caretaking/parenting students are not able to work with their advisors/faculty members to obtain appropriate modifications, students should alert the Title IX office as soon as possible, and the office will help facilitate needed adjustments and modifications.
- d. In timed degree, certification or credentialing programs, students who seek modifications upon the birth or placement of their child will be allowed an extension of up to two month (when available) to prepare for and take preliminary and qualifying examinations, and an extension of up to two months toward normative time to degree while in candidacy, to the extent those deadlines are controlled by Bellarmine. Longer extensions may be granted in extenuating circumstances.
- e. Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence.
- f. While receiving academic modifications, students will remain registered and retain benefits accordingly.

### **Leave of Absence**

- a. As long as students can maintain appropriate academic progress, faculty, staff, or other Bellarmine employees will not require them to take a leave of absence or withdraw from or limit their studies as a result of pregnancy, childbirth, or related conditions, but nothing in this policy requires the modification of the essential elements of any academic program.
- b. Enrolled students may elect to take a leave of absence for up to one year because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may

be extended in the case of extenuating circumstance or medical necessity.

- c. Student taking a leave of absence under this policy will provide notice of the intent to take leave 30 calendar days prior to the initiative of leave or as soon as practical.
- d. Intermittent leave can be taken with the advance approval of the Title IX office and the students' academic department, when medically necessary.
- e. Students who elect to leave under this policy may register under an "on leave" status, students who choose to take a leave of absence under this policy can elect to continue residing in university housing, subject to the payment of applicable fees.
- f. To the extent possible, Bellarmine will take reasonable steps to ensure that upon return from leave, students will be reinstated to their program in the same status as when the leave began, with no tuition penalty.
- g. Continuation of students' scholarship, fellowship, or similar Bellarmine-sponsored funding during the leave term will depend on the students' registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar Bellarmine supported funding by exercising their rights under this policy.

### **Student – Employee Leave**

- a. All student-employees will be entitled to the protections of the Family and Medical Leave Act, regardless of whether they are also students, or hold post-doctoral status.
- b. Pregnancy and related conditions will be treated as any temporary disability for job purposes, including leave and benefits.

### **Retaliation and Harassment**

- a. Harassment of any member of the Bellarmine community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.
- b. Faculty, staff, and other Bellarmine employees are prohibited from interfering with students' right to take leave, seek reasonable adjustment, or otherwise exercise their rights under this policy.
- c. Faculty, staff, and other Bellarmine employees are prohibited from retaliating against students for exercising the rights articulated by this policy, including imposing or threatening to impose negative educational outcomes because students request leave or adjustment, file a complaint, or otherwise exercise their rights under this policy.

### **Housing-related Adjustments**

Pregnant students' in student housing status will not be altered based on pregnancy unless requested by the pregnant.

### **Lactation Rooms**

Private lactation rooms are available in the following areas on campus:

- Pasteur Hall 251
- Allen Hall 108-A (inside the restroom of 108)
- Flynn Building 129

The Pasteur and Allen Hall locations are accessible via a code that is disseminated by HR. To get access to the code, please call 502.272.8435. The Flynn Building location does not have an access code by a locking mechanism on the inside of the room.

### **Requesting Adjustments**

Students who wish to access services, adjustments, or support due to a pregnancy or parenting circumstances are encouraged to contact one of the following administrators:

Lynn Bynum, Title IX Coordinator  
Horrigan Hall 202B  
502.272.8236

Natasha Begin, Deputy Title IX Coordinator  
Treece Hall 225K  
502.272.7150

### **Filing a Report**

Should a student wish to file a report of discrimination based on a pregnancy or parenting related issues as outlined in this policy, reports can be filed in person or in writing to the following individuals:

Lynn Bynum, Title IX Coordinator  
Horrigan Hall 202B  
502.272.8236

Natasha Begin, Deputy Title IX Coordinator  
Treece Hall 225K  
502.272.7150

Immediately following notice of a report, the Title IX Coordinator or designee will meet with the reporting party to determine next appropriate steps.

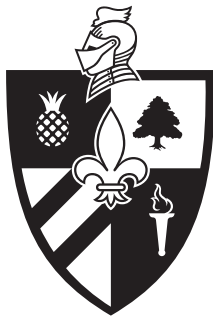
### **Disseminations of the Policy**

A copy of this policy is made available to all faculty, staff, and employees through the Title IX website. The Title IX Coordi-

nator or designee will make educational materials available to all members of the Bellarmine community to promote compliance with this policy and familiarity with its procedures.







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