

ANNUAL SECURITY AND FIRE SAFETY REPORT 2023



UNIVERSITY of
SAINT FRANCIS™



2023 ANNUAL SECURITY AND FIRE SAFETY REPORT

Contents

Introduction	4
Our Catholic Identity	4
Mission	4
Franciscan Values	4
About USF	4
Institutional Accreditation	4
State Entities	4
Academic Program Accreditation	5
The Clery Act	6
Campus Security Authorities	6
Preparing the Annual Security and Fire Safety Report	7
Closed-Circuit Television Network	9
Student Assistance Programs	9
Department of Campus Security	9
Emergency Alerts	9
Emergency Response Procedures	10
Emergency Alert System	10
Procedures of Implementation	10
Statement of Notification	10
Emergency Contact Team	11
Missing Student Policy and Procedures	11
Security for Resident Students	11
Student and Employee Involvement in Safety	12
Timely Warning	12
Weapons	13
Hate Crimes	13
Daily Crime Log	13

Title IX Sexual Harassment and Sexual Misconduct Policy	15
Gender-Based Misconduct Policy Introduction	15
USF Non-Discrimination Statement	16
Title IX Definitions.....	16
Other Gender-Based Misconduct Offenses that Fall Under Title IX	21
Title IX Policy Details.....	22
Receiving Supportive Measures.....	23
Employees with the Authority to Institute Corrective Measures	23
Employee Duty to Report	24
Reporting Allegations of Sexual Harassment.....	25
Confidentiality and Privacy	26
Retaliation.....	26
Investigation and Resolution Options.....	27
Remedies	27
False Allegations	29
Process Abuse.....	29
Training	30
Federal Statistical Reporting Obligations.....	30
Federal Timely Warning Reporting Obligations	30
Title IX Procedures	30
Initial Assessment	30
Dismissal of Complaint	31
Informal Resolution	31
Formal Resolutions and Hearings	32
Investigation	32
Hearings.....	33
Resolution.....	34
Appeals Process	34
Title IX Resources.....	35
Counseling and Assistance.....	35
Other Resources	35
Title IX Team	35
National Headquarters	36

Chicago Office	36
Title IX Statement of Rights	36
Title IX Policy Questions and Answers	39
Alcohol and Drug Policies	42
Alcohol Policy.....	43
Minor in Possession/Consumption of Alcohol or Residential Life Alcohol Policy Violation	45
Purchasing, Selling or Providing Alcohol to Minors	45
Driving Under the Influence/Driving While Intoxicated	46
Illegal Drug Policy.....	47
Crime Statistics for Reporting Incidents	49
Annual Fire Safety Report.....	51
Residence Halls	51
Training for Residential Life Staff.....	52
Fire Safety Procedures.....	52
Report to Secretary of Education	53

Introduction

Our Catholic Identity

Founded by the Sisters of St. Francis of Perpetual Adoration in 1890, the University of Saint Francis has been formed and guided by its Catholic mission and Franciscan values.

Mission

Rooted in the Catholic and Franciscan traditions of Faith and Reason, the University of Saint Francis engages a diverse community in learning, leadership and service.

Franciscan Values

We are a community sustained by the values of St. Francis, values that remind us to:

- Reverence the unique dignity of each person
- Encourage a trustful, prayerful community of learners
- Serve one another, society and the Church
- Foster peace and justice
- Respect creation

About USF

The University of Saint Francis (USF) is private, nonprofit, coed, Catholic university in Fort Wayne. The university promotes Catholic and Franciscan values and currently enrolls 2,196 students from 34 states and 18 countries

The University of Saint Francis was founded by the Sisters of St. Francis of Perpetual Adoration in Lafayette, Indiana, in 1890. The campus moved to its current location at 2701 Spring Street in Fort Wayne, Indiana, in 1944 to the estate of the former industrialist John H. Bass. The school, originally known as Saint Francis College, has remained in Fort Wayne. It was renamed the University of Saint Francis in 1998.

Institutional Accreditation

The University of Saint Francis is accredited by the Higher Learning Commission (HLC).

State Entities

The following State of Indiana entities work in tandem with accrediting agencies:

- Indiana Department of Education
- Indiana State Board of Nursing

Academic Program Accreditation

At USF, academic programs are accredited by the following organizations:

- Accreditation Commission for Education in Nursing, Inc. (ACEN)
- Accreditation Council for Education in Nutrition and Dietetics (ACEND)
- Accreditation Review Commission on Education for the Physician Assistant (ARC-PA)
- Commission on Accreditation in Physical Therapy Education (CAPTE)
- Commission on Accreditation of Allied Health Education Programs (CAAHEP) in collaboration with the Accreditation Review Council on Education in Surgical Technology and Surgical Assisting (ARC/STSA)
- Commission on Collegiate Nursing Education (CCNE)
- Council for the Accreditation of Educator Preparation (CAEP)
- Council on Social Work Education (CSWE)
- Joint Review Committee on Education in Radiologic Technology (JRCERT)
- National Accrediting Agency for Clinical Laboratory Sciences (NAACLS)
- National Association of Schools of Art & Design (NASAD)

The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (also known as the Clery Act) requires colleges and universities to comply with the following three broad categories:

1. Clery Act crime statistics and security-related policy requirements that must be met by every institution. These requirements include collecting, classifying and counting crime reports and statistics; issuing campus alerts which include “Timely Warnings” and “Emergency Notifications;” providing educational programs and campaigns that promote the awareness of dating violence, domestic violence, sexual assault and stalking; having procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking; publishing an Annual Security Report; and submitting crime statistics to the U.S. Department of Education.
2. If an institution maintains a campus police or security department, it must keep a daily crime log of alleged criminal incidents that is open to public inspection.
3. If an institution has any on-campus student housing facilities, it must disclose missing student notification procedures and disclose fire safety information related to those facilities.

Campus Security Authorities

Campus Security Authority (CSA) is a term used in the Clery Act to describe an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. **An official is defined by the Clery Act as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.**

The regulations that govern the Clery Act define a CSA as:

1. A campus police department or campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security, but who do not constitute a campus police or security department, such as an individual who is responsible for monitoring entrance into institutional property.
3. Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report offenses.
4. An official of an institution who has significant responsibility for student and campus

activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

Pastoral and professional counselors on campus are not considered to be CSAs when they are acting in the role of pastoral or professional counselors and are not required to report Clery reportable offenses. Professional counselors at the university are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis to a CSA or the Department of Public Safety.

Pastoral Counselor: An employee that is recognized by a particular religious order or denomination as someone who provides confidential counseling and who functions within the scope of that recognition as a pastoral counselor.

Professional Counselor: An employee whose official responsibilities include providing psychological counseling to members of the institution's community and who also functions within the scope of their license or certification.

Preparing the Annual Security and Fire Safety Report

The Director of Campus Security and the Associate Vice President for Student Life/Dean of Students are responsible for compiling the statistical information and policy disclosures for the Annual Security Report in compliance with the requirements of the Clery Act. In preparing USF's annual disclosure of crime statistics, the Associate Vice President for Student Life/Dean of Students collects information reported directly to the Security Office, and formally requests information about crimes and disciplinary referrals from Campus Security Authorities, including representatives from the Residence Life Office, Judicial Affairs, Athletics, Title IX, etc. In addition, the Director of Campus Security collects statistics from local law enforcement agencies with jurisdiction for areas where the University of Saint Francis property is located, or areas frequented by students.

Local police departments are not required to provide statistics; however, documentation is required to show a good faith effort was made. All statistics are reviewed by Director of Campus Security for accuracy and then forwarded to the Associate Vice President for Student Life/Dean of Students for final review and approval. Once approved, statistics are submitted electronically to the U.S. Department of Education. By October 1 of each year, the Division of Student Life sends an email notification to the University of Saint Francis community of the report's availability. This email contains a brief description of the information contained in the report as well as a direct web link to the report. It is important to note that the Annual Security and Fire Safety Report incorporates the university's Fire Safety reporting requirements into this one document. A link to the Annual Security and Fire Safety Report is included in the email notification.

Reporting Crimes and Other Emergencies

Incident Reporting

Any cases of homicide, robbery, aggravated assault, burglary, arson, rape, vehicle theft, sexual misconduct, arrests or sanctions for liquor and drug law violations, as well as all hate-related crimes, must be reported to a Security Officer, the Vice President for Catholic Culture and Student Life, or any member of the Residential Life and Housing staff. If an incident is reported to other persons having significant responsibility for student activities, such as the Vice President for Catholic Culture and Student Life, the Athletic Director or a coach, this information must be forwarded to the Security Department to be included in the crime report.

A daily written crime log is on file for these offenses, as part of the Campus Crime Act, and is available at the Security Office.

Accidents involving physical injury, such as work-related accidents or possible hazardous exposures, should also be reported to Security as soon as circumstances allow. Sports-related injuries should be reported to the appropriate coach or to the athletic trainer. To report an incident, injury or automobile accident, members of the campus community should call Campus Security at extension 7888 or (260) 399-7888.

It is the approach of the Office of Residence Life and Campus Security to provide prompt, sensitive and private service to all members of the campus community who may require their assistance. Because of the nature of their duties, staff members treat all crimes reported to them as official matters and investigate them accordingly.

If the victim of a crime does not want to pursue action within the University of Saint Francis student code of conduct system or the criminal justice system, the victim may still want to make an anonymous report. The purpose of an anonymous report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of the USF community. With this information, USF can keep an accurate record of the number of incidents involving students, determine if there is a method of operation or an assailant, and alert the university community to potentially hazardous conditions. Reports filed in this manner are counted and disclosed in the Annual Security Report crime statistics for the institution.

Emergency Phones

Blue light, direct-dial emergency assistance phones are strategically located throughout the campus grounds for accessibility in an emergency. These phones are available to call for help, report suspicious activity and/or call for an escort or other services. To facilitate contacting a Security Officer, emergency call boxes are located at exterior entrance locations of Clare Hall, Bonzel Hall, Trinity Hall's main entrance and both Trinity south exits, all entrances of the Pope John Paul II Center, Achatz Hall main entrance, Hutzell Athletic Center main entrance, Doermer south and east entrances, the Doermer parking lot, south and north locations on the walkway

to Rolland Art Center and at the main and tower entrances of Rolland Art Center, both lower breezeways of Padua Hall, the south and north sides of North Campus, the Shields Field lot and the downtown campus parking lot.

Closed-Circuit Television Network

The university supports a Closed-Circuit Television (CCTV) network. Cameras have been placed in the Cougar Den, the Vann Library, Clare Hall interior and exterior entrances, Padua Hall parking lot and breezeways, and the entrances to Brookside, the Pope John Paul II Center and the Health Sciences buildings. Rolland and North Campus galleries, the animation lab, TV studio, music tech areas, cadaver lab, Fitness Center and Hutzell foyer have interior coverage.

Student Assistance Programs

A full range of personal counseling services is offered at no charge to students attending the University of Saint Francis. The intention in providing this opportunity is to offer guidance and support to students as they face a number of issues during their college careers. These can include, but are not limited to, academic or emotional stress, negative peer pressure, or drug and alcohol abuse.

Students may access counseling services by calling the USF Wellness Center at 260-222-9269 .

Department of Campus Security

As part of the commitment to a safe and secure environment, the University of Saint Francis has a Security Department staffed 24 hours a day, 365 days a year, all breaks and holidays included. The primary responsibility of the security staff is to protect the persons and property of the campus community through vehicle and foot patrols of the buildings and grounds, monitoring safety systems and providing a timely response to requests for assistance such as medical emergencies, building access and escorts, and responding to reports of suspicious persons or unsafe conditions. The Security Department officers do not have arrest powers and are not armed; they maintain a working relationship with the Fort Wayne Police Department and Allen County Sheriff's Department. In cases where a crime is reported, they will call the police or will facilitate contact for a student when electronic reporting is appropriate.

The Security Office is located in St. Michael Hall at 3102 Spring St., across from Padua Hall. Security may be contacted at 260-399-7888 with a mobile device.

Emergency Alerts

In emergencies, specific information of immediate concern to the security of the campus community is transmitted through the Blackboard Connect system utilizing telephones, email, voicemail and social networks, and will also be posted on the USF website. Building bulletin boards in classroom buildings and residence halls will also be utilized with notices printed on yellow paper with a SECURITY ALERT header.

General information regarding non-emergency matters of campus safety and security will be published in the memo from the President's Office. A daily log of reported campus calls is kept in the Security Office. For employees, My Cougar Connection also has an emergency information page under the Security header.

An emergency siren has been installed on campus as part of the countywide emergency notification network. The Allen County Emergency Management Agency or the Department of Homeland Security will activate the warning siren, not only if a tornado has been spotted, but also for severe storm activity, chemical spills and other local and national threats. When members of the campus community hear the siren, they should turn to a local radio or TV station or go to the USF home page and click on Severe Weather Information under Resources. Security monitors the National Weather Service bulletins during times of severe weather.

Emergency Response Procedures

Emergency Alert System

In 2008, the University of Saint Francis implemented a comprehensive broadcasting system to alert students, faculty and staff of school closings due to severe weather, power outages, emergency situations or other conditions that warrant cancellation of classes and/or events. This system is equipped to store up to six contact numbers/emails for every registered individual and can send messages to all contact numbers and emails simultaneously.

Through the emergency alert system, message alerts are sent by a university-appointed administrator to an individual's email, home phone and cell phone accounts. Information is also posted on USF's website www.sf.edu and shared through public service announcements via radio and television.

Procedures of Implementation

The University of Saint Francis is committed to the safety and well-being of the campus community and will take appropriate steps to alert constituents of closings and emergency situations via the broadcasting system, unless issuing such notifications would compromise safety.

Statement of Notification

The University of Saint Francis is committed to the safety and well-being of the campus community and will take appropriate steps to alert constituents of closings and emergency situations via the broadcasting system, unless issuing such notifications would compromise safety.

Emergency Contact Team

Craig Teetsel, Vice President for Finance

Tracy Stewart, Interim Vice President for Academic Affairs

Sister Maria Gemma Salyer, Vice President for Catholic Culture and Student Life

Missing Student Policy and Procedures

It is the policy of the University of Saint Francis to actively investigate any resident student who is reported to be missing. There will be no waiting period before the commencement of an investigation.

All students should register a contact person to be notified in the event that there is an emergency. The information will be confidential with only campus officials and law enforcement officers having access to aid the process of an investigation. If no contact information is provided, local law enforcement will be notified. Notification will be made to the parent or guardian of any student under the age of 18 and not legally emancipated.

If members of the campus community have reason to believe a student is missing for more than 24 hours, they should immediately contact the Security Department. Campus Security will take the report and provide the information to the Vice President for Catholic Culture and Student Life. If less than 24 hours, they should contact Campus Security, the Associate Vice President for Student Life or a Resident Hall Director. The report will be made available to Campus Security and the Vice President for Catholic Culture and Student Life.

Upon receiving a report of the possibility (less than 24 hours) of a student being missing, the Vice President for Catholic Culture and Student Life will initiate an investigation utilizing the Campus Life staff. The investigation will involve contacting pertinent faculty and friends for last-known whereabouts and contacting the immediate family or guardian.

If a student is known to be missing for more than 24 hours, or less than 24 hours but with evidence of possible abduction, the Fort Wayne Police Department will be notified, and the university will cooperate with the investigation as requested. In cases where local law enforcement is notified, the Vice President for Catholic Culture and Student Life will also notify the Vice President for Academic Affairs and the President of the university.

Security for Resident Students

The University of Saint Francis has four residence halls for the housing of students: Bonzel Hall, Clare Hall, Padua Hall and Trinity Hall. In Clare Hall, Bonzel Hall and Trinity Hall, each room exits to a common corridor and from there to the outside. Padua Hall features five- and six-bedroom

suites, with 24-hour card access, each suite exiting to a common area and from there to the outside. Trinity Hall, Clare Hall and Bonzel Hall are secured 24 hours a day and are accessed by the resident student's USF ID card; the fire exits have alarm contacts to help prevent non-emergency use. Emergency phones are located at the entrances to Clare Hall, Bonzel Hall, Trinity West, Trinity East and Padua Hall for emergency security contact and are equipped with keypads to facilitate visitor contact and identification. The Associate Vice President for Student Life/Dean of Students directly supervises an Associate Dean of Students who oversees two full-time live-in Resident Directors and two part-time Grad Assistant Resident Directors in Bonzel, Clare, Padua and Trinity Halls.

Student and Employee Involvement in Safety

The involvement of all students, staff and faculty members is an essential part in maintaining a safe campus. Everyone must assume responsibility for the safety of their own persons and property. Some commonsense precautions to observe are:

- Maintain an awareness of any people, activity and the physical features of your immediate environment.
- Do not prop doors open. Propping doors open compromises the safety of all building residents.
- Do not lend your keys or ID card to others.
- Secure your room or office when leaving. If you are the last one to leave a building, call Security and inform them of this.
- Always keep your vehicle locked and do not leave valuables where they can be easily seen.
- Any time you observe a person you believe to be suspicious-looking or acting, report this to Security or to a member of the Residence Life staff.
- Always walk with a companion after dark. If no one is available, please call the officer on duty at 399-7888 to request an escort.

Timely Warning

If a Clery Act crime has occurred on campus, on non-campus property or public property running through or immediately adjacent to the campus, a "Timely Warning Notification" (ALERT) will be issued without disclosing the names of the victims when it is determined by the Director of Campus Security that the incident may pose a serious or ongoing threat to the members of the University of Saint Francis community.

Timely Warning Notifications are typically issued for Clery Act reportable crimes and are considered on a case-by-case basis. Those factors include the nature of the crime and the continuing danger to the campus community. For example, whether the perpetrator has been apprehended or the threat has been otherwise mitigated would be included in the notification. Alerts will be issued by a designated university official via a campuswide email and/or text as

soon as pertinent information is received, and it is determined that the reported incident may pose a serious or ongoing threat to the University of Saint Francis community.

Weapons

The possession or keeping of any type of firearms, pellet or BB guns, fireworks, knives, swords, dangerous chemicals or explosive materials in university residence halls, classroom buildings, university-related premises or in a vehicle brought to campus is prohibited. Knives with blades over four inches in length, not purposely used for eating, are not permitted in the residence halls. Any decoration with a blade (i.e., sword, machete, saw) is also prohibited.

Hate Crimes

Any of the crime statistics, excluding liquor, drug and weapons law violations, and all reports of larceny-theft, simple assault, intimidation and vandalism/destruction of property where the victim was selected intentionally because of his or her actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability is required by law to be reported as a hate crime.

Daily Crime Log

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act) requires colleges and universities to have a Daily Crime Log. The purpose of this log is to record all criminal or alleged criminal incidents that are reported to campus police or the security department. This log includes incident classification, report number, reported date and time, occurrence date and time, location of incident and disposition; it does not include any identifying information about persons involved in an incident. Campus Security is responsible for maintaining this log for the university and for ensuring that it is updated within two business days of being notified of an incident.

To view the log for the most recent 60-day period, please visit Campus Security, located in St. Michael Hall at 3102 Spring Street, across from Padua Hall (Monday through Friday 8:30 a.m. to 4:30 p.m.). Public Safety retains Daily Crime Logs for seven years. Requests for logs that are more than 60 days old will be fulfilled within two business days.

Campus Sex Crimes Prevention Act

The Federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The act also requires registered sex offenders to provide to the appropriate state official notice of each institution of higher education in the state at which the offender is employed, carries on a vocation or is a student.

In complying with the Federal Campus Sex Crimes Prevention Act, interested parties can obtain current Indiana sex offender registration information at:

<https://www.icrimewatch.net/indiana.php>

Title IX Sexual Harassment and Sexual Misconduct Policy

For questions concerning the sexual misconduct policy and grievance procedures document, please contact:

Sister Maria Gemma Salyer
Title IX Coordinator
University of Saint Francis
2701 Spring Street
Fort Wayne, IN 46808
msalyer@sf.edu
260-399-7700, ext. 6745
Trinity, room 105

Gender-Based Misconduct Policy Introduction

The University of Saint Francis (USF) is committed to fostering a safe and supportive environment conducive to academic achievements and healthy interpersonal interaction. Discrimination, harassment and sexual misconduct on the part of a member of the USF community is clearly inconsistent with these purposes and can be a violation of state and federal law. Members of the USF community, guests and visitors have the right to be free from sexual harassment. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of misconduct is brought to an appropriate administrator's attention, and a Responding Party is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

As a recipient of federal funding, the university is required to comply with Title IX of the Higher Education Amendments of 1972, 10 U.S.C. § 1681 et seq. (Title IX). Title IX is a federal civil rights law that prohibits discrimination on the basis of sex—including pregnancy discrimination and Sexual Harassment—in educational programs and activities. Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

Sexual Harassment is defined broadly under this Sexual Harassment Policy (Policy). Sexual Harassment includes Sexual Assault, Sexual Harassment, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Sexual Misconduct with a Minor, Child Molesting, and sex discrimination, as defined below. Sexual Harassment is a violation of university policy, state and federal civil rights laws, and may violate state and federal criminal laws. When an allegation of Sexual Harassment is brought to an appropriate individual's

attention, and a Respondent is found to have violated this policy, the university will issue appropriate sanctions to prevent future misconduct.

The university reserves the right to take whatever measures it deems necessary in response to an allegation of Sexual Harassment in order to protect the rights and personal safety of students, employees and other members of the University Community. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing and reporting the matter to local police. Not all forms of Sexual Harassment will be deemed to be equally serious offenses, and the university reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The university will consider the concerns and rights of both the Complainant and the Respondent.

USF Non-Discrimination Statement

In its employment practices, selection of students and administration of all programs and activities, the University of Saint Francis maintains a policy of non-discrimination regarding age, race, color, national origin, religion, gender, disability, genetics and veteran status. The university has appointed the Vice President for Catholic Culture and Student Life to serve as the Title IX Coordinator to ensure compliance with all Title IX regulations. Student inquiries or complaints should be directed to the Vice President for Catholic Culture and Student Life, Sr. Maria Gemma Salyer, msalyer@sf.edu, Trinity Hall, room 105; university employees may also direct their inquiries and complaints to the Director of Human Resources, 260-399-7700, ext. 6901.

It is a violation under Title IX of the Education Amendment of 1972 for any person to engage in discrimination or harassment based on several criteria, including sex. Anyone who believes that the university is not in compliance with Title IX and its regulations, or wishes to discuss concerns or file an informal or formal complaint, should contact the Title IX Compliance Officer, Vice President for Catholic Culture and Student Life, Sr. Maria Gemma Salyer, msalyer@sf.edu, Trinity Hall, room 105 or by telephone at 399-7700, ext, 6743.

Title IX Definitions

THE FOLLOWING TERMS AND DEFINITIONS APPLY TO THIS POLICY.

Actual Knowledge: Notice of Sexual Harassment or allegations of Sexual Harassment to a university's Title IX Coordinator. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the university with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the university. "Notice" includes a report of Sexual Harassment to the Title IX Coordinator.

Appointee: An individual deemed to have an affiliation with the university in a non-compensatory capacity as designated in the applicable Human Resources Information System.

Child Molesting: A person at least 18 years of age who, with a child under 14 years of age, performs or submits to sexual intercourse or sexual conduct, or performs or submits to any fondling or touching for the purpose of sexually gratifying either person.

Complainant: Any person who is reported to have experienced conduct prohibited by this policy, regardless of whether that individual makes a report or participates in the review of that report by the university, and regardless of whether that person is a member of the University Community.

Consent: Permission that is clear, knowing, voluntary and expressed prior to engaging in and during an act. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as Consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

A. Consent to any one form of sexual activity cannot automatically imply Consent to any other forms of sexual activity.

B. Consent may be withdrawn at any time.

C. Previous relationships or prior Consent cannot imply Consent to future sexual acts; this includes “blanket” Consent (i.e., permission in advance for any/all actions at a later time/place).

D. Consent cannot be given by an individual who one knows to be—or based on the circumstances should reasonably have known to be—substantially impaired (e.g., by alcohol or other drug use, unconsciousness, etc.).

- Substantial impairment is a state when an individual cannot make rational, reasonable decisions because they lack the capacity to give knowing Consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
- This also covers individuals whose substantial impairment results from other physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs.
- Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy.

E. It is the obligation of the person initiating the sexual activity to obtain Consent.

F. An individual cannot Consent who has been coerced, including being compelled by force, threat of force or deception; who is unaware that the act is being committed; or who is coerced by a supervisory or disciplinary authority.

- Force: violence, compulsion or constraint, physically exerted by any means upon or against a person.
- Coercion: the application of pressure by the Respondent that unreasonably interferes with the Complainant's ability to exercise free will. Factors to be considered include, but are not limited to, the intensity and duration of the conduct.

G. A person who does not want to Consent to sex is not required to resist or verbally object.

H. Withdrawal of Consent can be manifested through conduct and need not be a verbal withdrawal of Consent (i.e. crying, pulling away, pushing away, not actively participating, lying there, uncomfortable or upset facial expression).

I. Consent may not be given by an individual who has not reached the legal age of Consent under applicable law.

Decision-Maker: The adjudicator(s) who oversee(s) any hearing which takes place as part of the resolution process. The Complainant and accused individual will be asked if they have a preference for an administrative hearing with one hearing officer trained to hear cases involving Sexual Harassment or a hearing by a university hearing panel of three university employees trained to hear cases involving Sexual Harassment. The preferences of the parties will be taken into consideration; however, the Title IX Coordinator will make a final determination of the type of hearing conducted based on the preferences of the parties and the seriousness of the allegations.

Employee: An individual employed by USF for compensation, paid through payroll and listed as a W-2 employee.

Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.

Incapacitation: A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).

- This policy also covers a person whose incapacity results from a mental and/or a physical disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to

another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>.

- Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
- The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

Investigator: An individual assigned by the Title IX Coordinator to investigate the alleged Sexual Harassment and oversee the investigative hearing.

Non-Consensual Sexual Contact: Any intentional sexual touching, however slight, with any body part or object, by any individual upon another that is without Consent and/or by force or coercion.

Sexual contact includes intentional contact with the breasts, buttock, groin or genitals, or touching another with any of these body parts or object, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-Consensual Sexual Penetration: Any sexual penetration, however slight, with any body part or object, by any individual upon another that is without Consent and/or by force or coercion.

Sexual penetration includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Relationship Violence: A broad term that encompasses Domestic Violence and Dating Violence.

Domestic Violence: Conduct that would meet the definition of a felony or misdemeanor crime of violence committed by the Complainant's current or former spouse or intimate partner, a person with whom the Complainant shares a child in common, a person who is or has cohabitated with the Complainant as a spouse or intimate partner, or individual similarly situated to a spouse under domestic or family violence law, or anyone else protected under the domestic or family violence law of the jurisdiction in which the offense occurred. An individual need not be charged with or convicted of a criminal offense to be found responsible for Domestic Violence pursuant to this policy.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.

- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Respondent: Any member of the University Community who is reported to have engaged in conduct prohibited by this policy.

Retaliation: Any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or Sexual Harassment.

Sexual Harassment: An employee of the recipient conditioning the provision of an aid, benefit or service of the recipient on an individual's participation in unwelcome sexual conduct; unwelcome conduct determined by a reasonable person to be **so severe, pervasive AND objectively offensive** that it effectively denies a person equal access to the recipient's education program or activity; or Sexual Assault, Dating Violence, Domestic Violence. All such acts constitute Sexual Harassment under this policy.

Sexual Violence: Sexual acts perpetrated without Consent.

Sexual Assault: Non-Consensual Sexual Contact and Non-Consensual Sexual Penetration.

Sexual Exploitation: Occurs when an individual takes non-consensual or abusive sexual advantage of another for that individual's own advantage or benefit, or to benefit or advantage anyone other than the individual being exploited. Examples of Sexual Exploitation include, but are not limited to:

- A. Engaging in voyeurism.
- B. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals.
- C. Going beyond the boundaries of Consent (e.g., letting others hide in a closet to watch you having consensual sex).
- D. Invasion of sexual privacy.
- E. Knowingly transmitting a sexually transmitted infection (STI) to another.
- F. Non-consensual pictures, video or audio recording of sexual activity, or the non-consensual distribution of such material.
- G. Possession, use and/or distribution of alcohol or other drug (e.g., Xanax, Ambien, Benadryl, Rohypnol ["Roofies"], Ketamine, GHB, etc.) for the purpose of engaging in or facilitating any activity prohibited under this policy.

H. Prostituting another.

Sexual Misconduct with a Minor: A person at least 18 years of age who, with a child at least 14 years of age but less than 16 years of age, performs or submits to sexual intercourse or sexual conduct, or performs or submits to any fondling or touching for the purpose of sexually gratifying either person.

Stalking: A course of conduct directed at a specific individual that would cause a reasonable person under similar circumstances and with similar identities to the Complainant to fear for their own or others' safety, or to suffer substantial emotional distress. A course of conduct includes two or more acts, including but not limited to, those in which the alleged perpetrator directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about the Complainant, or interferes with the Complainant's property.

Student: An individual to whom an offer of admission has been extended, paid an acceptance fee, registered for classes or otherwise entered into another agreement with the university to take instruction. Student status lasts until an individual graduates, is permanently dismissed or is not in attendance for two complete, consecutive terms, and includes those with a continuing educational relationship with the university. "Student" also includes registered Student organizations. A Student organization remains a "Student" for purposes of this policy for one calendar year following the expiration of the organization's most recent registration.

The university reserves the right to administer this policy and proceed with any process provided by this policy even if the Student withdraws from the university, is no longer enrolled in classes or subsequently fails to meet the definition of a Student while a disciplinary matter is pending.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety or deter sexual harassment.

Title IX Coordinator: The designated university official with primary responsibility for coordinating the university's compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education and training; and helps to ensure that the university responds appropriately, effectively and equitably to all Title IX issues.

University Community: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors and visitors.

Other Gender-Based Misconduct Offenses that Fall Under Title IX

- Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person.

- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender.
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University Community, when related to the admission, initiation, pledging, joining or any other group-affiliation activity (as defined further in the **Hazing Policy**).
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally.
- Violence between those in an intimate relationship to each other.
- Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

Title IX Policy Details

Scope

Medium

- This policy applies to alleged Sexual Harassment in any medium. Sexual Harassment may manifest in many evolving forms, including, but not limited to, physical, verbal and visual, whether in person or online in any format.

Jurisdiction

- The university has a compelling obligation to address allegations and suspected instances of Sexual Harassment when it has Actual Knowledge that this policy has been violated. The university must inform the Respondent of the allegations and may take any further action it deems appropriate, including pursuing an investigation even in cases when the Complainant is reluctant to proceed. The Complainant will be notified in advance when such action is necessary.
- The university's disciplinary response may be limited if the Respondent is a visitor or other third party or is not subject to the university's jurisdiction.

Location

- This policy applies to alleged Sexual Harassment that takes place in a university's educational program or activity, against a person in the United States. This includes locations, events or circumstances over which the university exercised significant control over both the Respondent and the context in which the Sexual Harassment occurred.

- This policy also applies to alleged Sexual Harassment that occurs off-campus, including virtual spaces, in any building owned or controlled by a student organization that is officially recognized by the university.
- In situations not covered above, but where the Sexual Harassment undermines the security of the University Community or the integrity of the educational process, or poses a serious threat to self or others, other applicable university procedures for general misconduct may be applied.

This policy is not intended for, and will not be used to, infringe on academic freedom or to censor or punish members of the University Community who exercise their legitimate First Amendment rights.

Policy Maintenance

- This policy is managed by the Associate Vice President for Student Life/Dean of Students and the Title IX Coordinator.
- This policy and the associated procedures will be revised by the Associate Vice President for Student Life/Dean of Students after consultation with the Title IX coordinator.

Receiving Supportive Measures

Members of the University Community impacted by Sexual Harassment are encouraged to use counseling and support services, listed in the Resources section.

Employees with the Authority to Institute Corrective Measures

The university designates certain employees who have the authority to institute corrective measures on its behalf. Under this policy, their knowledge of Sexual Harassment conveys Actual Knowledge to the university.

The following employees have been designated by the university as having the authority to initiate corrective measure on its behalf:

- Title IX Coordinator

When one of the above employees learns of alleged Sexual Harassment, that employee should contact the Title IX Coordinator in the Office of Student Life as soon as possible.

Employees may have additional reporting obligations provided by law and/or other university policies.

Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies and procedures.

Employee Duty to Report

All university employees have reporting responsibilities to ensure the university can take appropriate action.

All university employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential reporter, have an obligation to report incidents of Sexual Assault. Any employee who receives a disclosure of Sexual Assault or becomes aware of information that would lead a reasonable person to believe that a Sexual Assault may have occurred involving anyone covered under this policy, must report the incident within five workdays of becoming aware of such information.

Employees are not required to report disclosures of information regarding Sexual Harassment pursuant to this policy in the following circumstances, unless an individual covered under this policy is implicated or the individual is explicitly seeking assistance from the university:

- At public survivor support events including, but not limited to: “Take Back the Night,” candlelight vigils, protests and survivor speak-outs.
- To student employees when they are operating outside of their official work capacity.
- During an individual’s participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol.

Contacting the Title IX Coordinator in the Office of Student Life to share all known information will satisfy the employee duty to report.

Employees may have additional reporting obligations provided by law and/or other university policies.

The following categories of employees are exempt from the duty to report Sexual Assault and other Sexual Harassment, due to their legal or professional privilege of confidentiality or their designation by the university as a confidential reporter:

- Professional and pastoral counselors

a) A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the University Community and who is functioning within the scope of that license or certification and their university employment.

1. This definition applies even to professional counselors who are not employees of the university but are under contract to provide counseling at the university.
2. This also includes an individual who is not yet licensed or certified as a counselor but is acting in that role under the supervision of an individual

who is licensed or certified (e.g., a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the university).

b) A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition and their role at the university.

1. In this context, a pastor or priest who is functioning as an athletic director or as a student advocate would not be exempt from the reporting obligations.
2. Other employees with a professional license requiring confidentiality who are functioning within the scope of that license or certification and their university employment.

c) For example, a physician with a dual appointment as a clinician and professor would be required to report instances of Sexual Harassment of which they become aware in the scope of their employment as a professor but must keep such information confidential and privileged if learned in the scope of their duties as a physician unless there is a mandatory reporting requirement under state law.

Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies and procedures.

Reporting Allegations of Sexual Harassment

Any person may report sexual harassment. By way of example, this includes:

- Students.
- Employees.
- Parents/Guardians.
- Any University Community member or other individual who is directly involved in, observes or reasonably believes that Sexual Harassment may have occurred.

Reports can be made to the Title IX Coordinator in the following ways:

- In Person: Trinity Hall, room 105
- Mail: 2701 Spring Street, Fort Wayne, IN 46808
- Phone: 260-399-7700, ext. 6743
- Email: msalyer@sf.edu

Making reports to the university and to law enforcement are mutually exclusive events. Making a report to the university does not preclude the individual from filing a report of a crime with law enforcement, nor does it extend time limits that may apply in criminal processes. Filing a

report with law enforcement is not a prerequisite of making a report with the university. However, individuals may request assistance from the Title IX Coordinator or designee to notify law enforcement.

- Fort Wayne Police Department: Emergency 911,
Non-emergency 260-427-1222

Confidentiality and Privacy

The university recognizes the importance of confidentiality and privacy. See the Resources section for a list of confidential support, non-confidential support and medical resources. Information received in connection with the reporting, investigation and resolution of allegations will be treated as private and will only involve individuals whom the university determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate university functions or when the university is required to provide information under the law.

If an incident is disclosed or reported to the university and the individual requests that no investigation be conducted or disciplinary action be taken, the Title IX Coordinator or designee will explain that the university prohibits retaliation and explain the steps the university will take to prevent and respond to retaliation if the individual participates in a resolution process. The Title IX Coordinator or designee will evaluate the request to determine whether the university can honor the request while still providing a safe and nondiscriminatory environment.

A decision to proceed despite an individual's request will be made on a case-by-case basis after an individualized review, and the Complainant will be notified if such a decision is made. If the university proceeds with an investigation, the Complainant is under no obligation to proceed as a part of the investigation.

All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

Retaliation

Retaliation is prohibited by university policy and law. The university will not tolerate Retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a Complainant or participates in an investigation of discrimination or harassment.

Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or suspension or dismissal of a student, independent of the merits of the underlying allegation.

Allegations of Retaliation should be reported to the Title IX Coordinator.

Investigation and Resolution Options

Initial Assessment

- Under this policy, the Office of Student Life reviews all reports of Sexual Harassment under the direction of the Title IX Coordinator or designee for an initial assessment of the reported information. The available resolution options will be guided by the availability of information or evidence suggesting that a policy violation may have occurred; the university's obligation to investigate and provide appropriate remedies to eliminate, prevent and address the effects of the prohibited conduct; and the desire of the Complainant to participate in an investigation or other resolution.
- Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate the options to the parties.

Informal Resolution

- Informal resolution may be utilized in some circumstances if the university deems it appropriate and both parties agree to it.

Investigative Resolution

- The Office of Student Life may resolve a report of Sexual Harassment through investigative resolution when the alleged Sexual Harassment, if true, would be prohibited under applicable university policy. In instances when informal resolution is inappropriate, when the party requests or when the university requires formal investigation, the university will consider the concerns and rights of all parties and provide a prompt, fair, impartial and equitable process.

Remedies

When the university makes a finding of a policy violation, it will take steps, whether individual or systemic, to stop the alleged Sexual Harassment, prevent its recurrence and remedy the discriminatory effects on the Complainant and others, as appropriate.

Corrective Actions/Sanctions

- When the Respondent is a student, potential sanctions include formal reprimand, disciplinary probation, suspension, dismissal and other appropriate educational sanctions.
- When the Respondent is an employee, corrective actions may be taken pursuant to the Corrective Action/Termination Policy, Student Employment Policy and/or Faculty Rules. Disciplinary corrective actions include coaching, development

plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination and other appropriate corrective actions.

- Student employees may be subject to corrective action and sanctions under student and/or employee policies depending on the nature of the complaint. For instance, a student employee who is dismissed from the university may also be subject to termination or other corrective actions.

Any corrective actions or sanctions will not take effect until any appeals have been completed.

Interim Supportive Measures

- Supportive measures will be made available to both the Complainant and Respondent, whether or not a formal complaint is filed, to ensure equal access to the university's education and employment programs and activities. The Title IX Coordinator or designee will conduct an individualized assessment and will review requests from Complainant and Respondent to determine supportive measures that are appropriate and reasonably available at no cost to the Complainant or Respondent. Supportive measures may include, but are not limited to:

a. No-contact directives.

b. Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance or disability services.

c. Academic support, including extensions of time and other course-related adjustments.

d. Modification of work or class schedules.

e. Change in work or housing locations.

f. Change in reporting relationship.

g. Consideration of leave requests.

h. Assistance with academic petitions.

- During the period of any investigation a Respondent can be put on administrative leave if they are an employee of the university. If the Respondent is a student of the university, they may be removed from educational activities following an individualized safety and risk analysis if it is determined that the Respondent poses an imminent threat to the physical health or safety of anyone due to the allegations made. If a student is removed from educational activities

in this way, they have the right to challenge the determination of the safety and risk analysis.

- The Title IX Coordinator or designee will coordinate the provision of interim supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty and other university employees with a need to know.

Other Remedial Measures

- When the university is unable to proceed with investigative resolution, such as lack of information in the report or request by the Complainant that an investigation not move forward, the university may take other remedial measures as appropriate to remedy the effects of the alleged Sexual Harassment and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a policy violation.
- Remedial measures may include, but are not limited to:
 - a. Providing training on Sexual Harassment.
 - b. Increasing security in a designated space.
 - c. Changing policy or procedure.
 - d. Conducting climate checks.

False Allegations

It is a violation of this policy for anyone to make a false allegation of Sexual Harassment in bad faith. Corrective action/sanctions may be imposed on individuals who in bad faith make false allegations of Sexual Harassment.

The absence of a finding of a policy violation is not equivalent to finding that the Complainant acted in bad faith.

Process Abuse

No member of the University Community may:

- Obstruct, prohibit, exert improper influence over or interfere with any individual making a report, participating in a process or carrying out a responsibility covered by this policy.
- Make, in bad faith, materially false statements in or related to a process covered by this policy.
- Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy.
- Fail to comply with any directive, sanction or corrective action issued pursuant to this policy.

Training

All faculty, staff, student employees, graduate associates and students are required to take annual Sexual Harassment training as directed by the university.

Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to Campus Security regarding the type of incident and its general location (on or off campus, in the surrounding area), but no addresses are given for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include student/conduct affairs, campus security, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, location of the incident (using Clery location categories) and Clery crime category. This reporting protects the identity of the Reporting Party and may be done anonymously.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware the university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a Reporting Party's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are the same as detailed at the end of the above paragraph.

Title IX Procedures

The University of Saint Francis process for handling allegations of sexual misconduct involves an immediate initial investigation to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the university will initiate a prompt, thorough and impartial investigation. This investigation is designed to provide a fair and reliable determination about whether the university nondiscrimination policy has been violated. If so, the university will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

Initial Assessment

Upon receiving a complaint, the Title IX Coordinator will provide information to the reporting individual on the availability of supportive measures, the right to file a formal complaint and how to file such a complaint.

The Office of Student Life reviews all reports of Sexual Harassment under this policy under the direction of the Title IX Coordinator or designee for an initial assessment of the reported information. Available resolution options will be guided by the availability of information and evidence suggesting that a policy violation may have occurred; the university's obligation to investigate and provide appropriate remedies to eliminate, prevent and address the effects of the prohibited conduct; and the availability or desire of the Complainant to participate in an investigation or other resolution.

Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate these options to the parties.

If the reporting individual (or the university) elects to file a formal complaint, the Title IX Coordinator will provide written notice to the Respondent within ten days including:

- The actual allegations of facts that constitute Sexual Harassment and any evidence that supports this.
- That there is a presumption of innocence in their favor.
- That all parties are entitled to an advisor of their choice.
- That all parties can inspect and review evidence.
- Information regarding any code of conduct provisions that prohibit false statements made in bad faith.

Dismissal of Complaint

In the event that prior to, or in the course of, an investigation, the university determines the allegations fail to meet the definition of Sexual Harassment or did not occur while in the United States, and under the university's educational program or activity, the investigation and formal complaint will be dismissed. Such complaints may still be resolved through an informal resolution process as outlined above or according to procedures set forth in the Student Code of Conduct.

The university reserves the right to dismiss the complaint and stop the investigation if:

- The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw their complaint.
- The Respondent is no longer enrolled in or employed by the university.
- Specific circumstances prevent the school from gathering sufficient evidence to reach a determination about allegations (e.g. lack of participation in the investigative process by parties or witnesses).

If the university dismisses the complaint for any reason, either party may appeal the decision as outlined in this policy's appeals process.

Informal Resolution

Informal resolution may be utilized in some circumstances if a formal complaint is filed.

The usage of an informal resolution process is limited in a number of ways:

- Informal resolution is unavailable if the Respondent is an employee of the school.
- Informal resolution may only be used if any and all parties to an investigation agree to it.

In all cases, the university will inform the parties of the right to end the informal resolution process at any time. If a party chooses to end the informal resolution process, the university will inform the Complainant of options, including the option to begin the investigative resolution process.

The university will provide a facilitator, mediator or decision-maker that is free from conflicts of interest and has received special training in order to facilitate resolution of the complaint.

Informal resolution can take any form that the parties agree upon. The Title IX Coordinator or designee will work with the parties to develop a form of resolution that adequately resolves the needs of the parties.

Depending on the form chosen, it may be possible for a Complainant to maintain anonymity throughout the informal resolution process.

As part of the resolution process, additional measures (including, but not limited to educational programming, training, regular meetings with an appropriate university individual or resource, extensions of no-contact orders or counseling sessions) may be agreed upon.

Formal Resolutions and Hearings

The Office of Student Life may resolve a report of Sexual Harassment through its formal resolution process when the alleged Sexual Harassment, if true, would be prohibited under applicable university policy. In instances when informal resolution is inappropriate, when any party requests or when the university requires formal investigation, the university will consider the concerns and rights of all parties and provide a prompt, fair, impartial and equitable process.

Investigation

- Following the filing of a Formal Complaint, an Investigator will be assigned to the complaint by the Title IX Coordinator. During the investigation, the Investigator will seek to meet separately with the Complainant, Respondent and any relevant witnesses who may have information relevant to the incident. The Investigator may also gather or request other relevant information or evidence when available and appropriate. Both the Complainant and Respondent will be asked to identify witnesses and provide other relevant information in a timely manner to facilitate prompt resolution of the complaint.
- Although both the Complainant and Respondent are advised to participate in the investigation process to enable a fair and equitable resolution to any complaint, neither

the Complainant nor the Respondent is required to participate in the investigation process.

- During the investigation process, parties have an equitable right to:
 - a. Receive notice before participating in an interview with sufficient time to prepare for meaningful participation.
 - b. A process with reasonably prompt timeframes, with extensions for good cause, as described in the Procedure section below.
 - c. Present relevant information to the Investigator, including evidence and witnesses.
 - d. Receive timely and equal access to any relevant information, documentation and evidence gathered during the investigation.
 - e. Have an advisor of their choosing, or through appointment by the university, including an attorney, advocate or other support person who is not a potential witness in the investigation or could otherwise compromise the investigation, who provides support throughout the formal resolution process, including being present for any meetings or hearings.
 - f. Investigators who are adequately trained to resolve cases of alleged Sexual Harassment, are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party.
 - Following the completion of the investigation, the Investigator will complete an investigative report on the allegations contained in the Formal Complaint. This report will be given to all parties, who have ten days to respond to the Investigator's findings before the report is finalized. The finalized report is then circulated for no less than ten days before a hearing is held.

Hearings

- All hearings are overseen by a Decision-Maker. All Decision-Makers have received special training on how to be impartial and are assigned to cases by the Title IX Coordinator to avoid any bias and present an objective analysis of the evidence. In no case is the Investigator for a given case also the Decision-Maker.
- Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. During any hearings, each party must have an advisor present to ask questions to the other party. This advisor does not need to be licensed to practice law and may be a person of the party's choice or, if they do not have an advisor, the university will provide an advisor for them.
- Questioning and cross-examinations.
 - a. The Decision-Maker may question individual parties and witnesses.

b. Parties will have the opportunity to cross-examine the party or witness. Parties may never ask questions directly; and questions must be asked to the other party through the use of a party's advisor. All questions asked must be relevant. Any questions determined not to be relevant by the Decision-Maker are not required to be answered.

c. If a party or witness is absent from the live hearing or refuses to answer cross-examination or other questions, the Decision-Maker may not rely on any statement of that person in reaching a determination of responsibility. The Decision-Maker may not draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions.

- If, at any point during the hearing, the Decision-Maker determines that unresolved issues exist that could be clarified through additional investigation time, the Decision-Maker may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.
- Hearings may be conducted virtually through the use of technology if agreed to by both parties.
- All hearings will be memorialized through an audio or audiovisual record or transcript of the live hearing. The recording or transcript will be made available for parties to inspect and review following their completion. The record shall be the property of the university and housed in the Office of Student Life.

Resolution

- The Decision-Maker will communicate his or her decision to both parties, concurrently. The Decision-Maker will communicate the decision in writing and orally as soon as possible after the hearing. In all cases, the Decision-Maker will send the parties a final Notice of Outcome letter within ten days of the conclusion of the hearing.
- The Decision-Maker bases all conclusions on the examination of all evidence from the investigation and the hearing. The conclusion is based on the Preponderance of the Evidence standard: If the evidence indicates that it is more likely than not that Respondent committed the alleged act(s), then the Respondent will be found responsible for violating this policy.
- If the Respondent is found responsible for violating this policy, the Decision-Maker will consult with the appropriate individuals in order to determine the corrective actions and/or sanctions to resolve the complaint. Any such corrective actions and/or sanctions will be outlined in the Decision-Maker's written decision.

Appeals Process

If either party disagrees with the outcome of the Decision-Maker's determination, they must file a written appeal with the Title IX Coordinator within ten working/business days.

Appeals may be filed due to:

- A procedural irregularity that affected the outcome.
- New evidence being discovered that was not reasonably available at the time of the determination or dismissal.
- A conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter of the Investigator or investigator(s), or Decision-Maker(s).

The Title IX Coordinator will examine all evidence to determine if the appeal has merit. If the Title IX Coordinator was previously an Investigator or Decision-Maker in the case, a new Decision-Maker will make this determination. In either case, the Title IX Coordinator or new Decision-Maker will make an unbiased objective conclusion as to the appeal's merit and issue a written decision describing the result of the appeal and the rationale for the result, and will provide the written decision simultaneously to both parties.

Title IX Resources

Counseling and Assistance

The violations described in this policy can affect a student in many ways. In light of this, the university offers professional counseling to assist in overcoming the effects and provide ongoing support and assistance. To set up an appointment, the student should call the USF Health & Wellness Center at 260-266-8060. These counseling services are provided for students at no charge.

Other Resources

Fort Wayne Women's Bureau Rape Crisis Hotline – phone: 260-426-7273
 Fort Wayne Sexual Assault Treatment Center at 1420 Kerrway Ct – phone: 260-423-2222
 Fort Wayne Women's Bureau at 2417 Fairfield – phone: 260-424-7977
 University of Saint Francis Health & Wellness Center: 260-266-8060

Title IX Team

Sister Maria Gemma Salyer, Vice President for Catholic Culture and Student Life, Title IX Coordinator
msalyer@sf.edu
 260-399-7700, ext. 6743
 Trinity, room 105

Ryan Hawkins, Associate Dean of Students for Student Engagement, Deputy Coordinator (Student Life)
rghawkins@sf.edu
 260-399-7700, ext. 6748
 Trinity, room 102

Carol Coffee, Director of Human Resources Deputy Coordinator (Human Resources)
ccoffee@sf.edu
260-399-7700, ext. 6901
North Campus 159

Trish Bugajski, Associate Vice President for Academic Affairs (Academic Affairs)
tbugajski@sf.edu
260-399-7700, ext. 6008
JP II 302E

Individuals experiencing harassment or discrimination, or feel as though the university has not fulfilled its Title IX obligations, always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR)

National Headquarters
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline: 800-421-3481
Fax: 202-453-6012
TDD: 877-521-2172
Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

Chicago Office
U.S. Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: 312 730-1560
Fax: 312 730-1576
Email: OCR.Chicago@ed.gov

Title IX Statement of Rights

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to University of Saint Francis officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by University of Saint Francis officials.
- The right to have University of Saint Francis policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by University of Saint Francis officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by University of Saint Francis officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by University of Saint Francis authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by all University of Saint Francis officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; healthcare; legal, student financial aid, visa and immigration assistance; or other services, both on campus and in the community.
- The right to a University of Saint Francis-implemented no-contact directive (or a no-trespass order against a non-affiliated third party) when a person has engaged in or threatens to engage in stalking, threatening, harassing or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, living and/or working situations after an alleged incident of discrimination, harassment and/or retaliation, if such changes are reasonably available. No formal report or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Relocating an on-campus student's housing to a different on-campus location.
 - Assistance from University of Saint Francis staff in completing the relocation.
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation).
 - Transportation accommodations.
 - Visa/immigration assistance.
 - Arranging to dissolve a housing contract and a pro-rated refund.
 - Exam, paper and/or assignment rescheduling or adjustment.
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive).
 - Transferring class sections.

- Temporary withdrawal/leave of absence (may be retroactive).
 - Campus safety escorts.
 - Alternative course completion options.
- The right to have the University of Saint Francis maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the University of Saint Francis's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-Maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-Maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-Maker(s) who have received relevant annual training.
- The right to a Hearing Panel that is not single sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews and/or hearings that are closed to the public.
- The right to petition that any University of Saint Francis representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-Maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.

- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by the University of Saint Francis is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University of Saint Francis.
- The right to a fundamentally fair resolution as defined in these procedures.

Title IX Policy Questions and Answers

Here are some of the most commonly asked questions regarding the University of Saint Francis Sexual Misconduct Policy and Grievance Procedures:

Does information about a complaint remain private?

The privacy of all parties to a complaint of sexual misconduct must be respected, except insofar as it interferes with the university's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the Reporting Party (alleged victim) or the Responding Party (accused individual) may lead to conduct action by the university. In all complaints of sexual misconduct, all parties will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the Reporting Party. Certain university administrators are informed of the outcome within the bounds of student privacy (e.g., the President, Vice President for Catholic Culture and Student Life, Director of Campus Security). If there is a report of an act of alleged sexual misconduct to a conduct officer of the university and there is evidence that a felony has occurred, Campus Security will be notified. This does not mean charges will be automatically filed or that a Reporting Party must speak with Security, but the institution is legally required to notify law enforcement authorities. The institution also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

Will my parents be told?

Whether you are the Reporting Party or the Responding Party, the university's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary or academic jeopardy, students are strongly encouraged to inform their parents. University officials may directly inform parents when requested to do so by a student; and/or:

- If a health or safety emergency involves the student.
- If the student, under the age of 21, has violated any law or policy concerning the use and/or possession of alcohol or a controlled substance.
- If the student is at risk of being removed from university housing or suspended or dismissed from the university.
- If the student has been found responsible for a serious violation of the Student Code of Conduct or University Housing Policies.
- If the Catholic Culture and Student Life (or designee) deems there are special circumstances that are in the best interest of the student and university to notify the parent.
- If the student has signed the “Authorization to Release Information” form at registration which allows such communication.
- In other situations, as allowed by law.

Will the Responding Party know my identity?

Yes, if you want formal disciplinary action to be taken against the alleged Responding Party. Sexual misconduct is a serious offense, and the Responding Party has the right to know the identity of the Reporting Party. If there is a hearing, the university does provide options for questioning without confrontation.

Do I have to name the perpetrator?

Yes, if you want formal disciplinary action to be taken against the alleged Responding Party. No, if you choose to respond informally and do not file a formal complaint (but you should consult the complete confidentiality policy above to better understand the university’s legal obligations depending on what information you share with different university officials). Reporting Parties should be aware that not identifying the perpetrator may limit the institution’s ability to respond comprehensively.

What do I do if I am accused of sexual misconduct?

DO NOT contact the Reporting Party. You may immediately want to contact a staff or faculty member of your choosing who can act as your advisor. You may also contact the Office of Student Life which can explain the university’s procedures for addressing sexual misconduct complaints. You may also want to talk to a confidential counselor or seek other community assistance.

Will I (as a victim) have to pay for counseling/or medical care?

No. The university provides these services through the University of Saint Francis Health & Wellness Center. If a Reporting Party is accessing community and non-institutional services, payment for these will be subject to state/local laws, insurance requirements, etc.

How can the University of Saint Francis help remedy the effects of discrimination?

If you want to move, you may request a room change. Room changes under these circumstances are considered emergencies. It is typically institutional policy that in emergency room changes, the student is moved to the first available suitable room. No-Contact Orders can be imposed. Other accommodations available to you might include:

- Assistance from Residential Life staff in completing the relocation.
- Arranging to dissolve a housing contract and pro-rating a refund, if appropriate.
- Assistance with or rescheduling an academic assignment (paper, exams, etc.).
- Taking an incomplete in a class.
- Assistance with transferring class sections.
- Temporary withdrawal.
- Assistance with alternative course completion options.
- Other accommodations for safety as necessary.

What should I do about preserving evidence of a sexual assault?

Physical information of a sexual assault must be collected within about 96 hours of the assault for it to be useful in a criminal prosecution. If you believe you have been a victim of a sexual assault, you should call the Fort Wayne Sexual Assault Treatment Center (260-423-2222) or go to a hospital Emergency Room before washing yourself or your clothing. A sexual assault health professional (a specially trained nurse called a SANE) is on call at the hospital and will counsel you. If you go to the hospital, local police will be called, but you are not obligated to talk to the police or to prosecute. The exam will help to keep that option open for you should you decide later to exercise it.

The SANE nurse will collect information, check for injuries and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet. (Plastic containers do not breathe and may render forensic information useless.) If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as information. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear information for the police to collect.

Will the use of drugs or alcohol affect the outcome of a sexual misconduct complaint?

The use of alcohol and/or drugs by either party will not diminish the Responding Party's responsibility. On the other hand, alcohol and/or drug use is likely to affect the Reporting Party's memory and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove his/her complaint. If the

Reporting Party does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the Responding Party without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a Responding Party.

Will a student be sanctioned when reporting an act of sexual misconduct if the student has illegally used drugs or alcohol?

No. The University of Saint Francis offers **amnesty** in such situations. The seriousness of sexual misconduct is a major concern, and the University of Saint Francis does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

What should I do if I am uncertain about what happened?

If you believe that you have experienced non-consensual sexual contact but are unsure of whether it was a violation of the University of Saint Francis's sexual misconduct policy, you should contact the Title IX Coordinator and/or Student Life staff who can advise you of your options. The University of Saint Francis also provides access to counselors at the Health & Wellness Center who can help you to define and clarify the event(s). Finally, consider calling the Fort Wayne Sexual Assault Treatment Center to see a SANE-trained nurse if you have experienced sexual assault. The Fort Wayne Sexual Assault Treatment Center is available 24 hours a day (260-423-2222).

Alcohol and Drug Policies

The University of Saint Francis supports a student life environment where the absence of alcohol is evident. The possession, consumption, serving and selling of alcoholic beverages on university premises is limited to USF-sponsored functions in restricted areas. When the university sponsors an event where alcohol is sold or served, all participants must be of legal age as governed by the laws of Indiana.

USF will not tolerate drunkenness or public intoxication on university premises or university-related premises. Consumption and/or possession of alcohol is also prohibited in Bonzel, Clare and Trinity Halls; at co-curricular events sponsored by Campus Life, Student Government Association, Student Activities Council and all other university clubs and organizations; while attending university-sponsored functions off campus; and in vehicles owned or in use by USF.

The Student Code of Conduct (available at <https://handbook.sf.edu/code-of-conduct/>) is primarily a mechanism by which clear policies and procedures are established to provide the safest and best possible living and learning atmospheres for all students. University policies regarding Alcohol and Drugs are explained below.

Alcohol Policy

The following sections describe University of Saint Francis policy regarding the sale, service, distribution and consumption of alcoholic beverages on university property or at University of Saint Francis-sponsored events in accordance with federal, state and local laws.

Basic Guidelines

The legal age to purchase, possess and/or consume alcoholic beverages in the state of Indiana is 21 years of age. USF supports all local, state and federal laws relating to the use of alcoholic beverages and strictly enforces these laws both on and off campus. The university seeks to develop good habits and responsible behavior around alcohol while allowing for moderate and appropriate drinking within the guidelines provided herein. The following policy will be adhered to regarding the use of alcohol on campus:

Individuals Under the Legal Age of 21 Years:

- May not possess, consume or transport alcohol.
- Students under the legal age of 21 ***residing in Padua Hall*** (*no alcohol is permitted in Trinity, Bonzel or Clare Halls; see Residence Hall Policies for more information*):
 - May not have alcohol present in room unless his/her roommate(s) is of legal drinking age and the alcohol belongs to the roommate(s).
 - May not allow people who are of legal drinking age to consume alcohol in the room unless they are guests of his/her roommate(s), and the roommate is of legal drinking age and is also present.
 - May not allow people who are of legal drinking age to drink in the shared space of the apartment unless the person is a guest of a suitemate who is also of legal drinking age and is present.
- May not possess paraphernalia associated with the rapid ingestion of alcohol or drinking games, e.g., funnels, beer pong tables, etc.
- May not possess or display alcohol signs or empty alcoholic beverage containers.

Individuals 21 Years and Older Residing in Padua Hall:

- May possess ***moderate*** amounts of alcohol for personal consumption—***if he/she resides within Padua Hall*** (*no alcohol is permitted in Trinity, Bonzel or Clare Halls*).
 - “Moderate” amounts of alcohol are defined as: one six-pack of beer or wine cooler (Seagrams, Mike’s Hard Lemonade, Hard Cider, etc.), or one 375-ml bottle of hard liquor, or one 750-ml bottle of wine.
 - Students may not possess or consume liquor in excess of 100 proof, grain alcohol, or possess/consume caffeinated alcoholic energy drinks (including, but not limited to, Four Loko, Sparks, Joose, 24/7).
- May not possess paraphernalia associated with the rapid ingestion of alcohol and/or drinking games, including, but not limited to, funnels, beer pong tables, etc.

- May not possess kegs or ponies of any size, or similar bulk or common-source containers used for mass consumption of alcohol.
- May not possess or consume alcoholic beverages in public areas, including, but not limited to, hallways, lounges, stairwells, classrooms, restrooms or anywhere on university grounds including parking lots, unless within the confines of a university-sponsored event that has been approved by the Vice President for Student Affairs (or designee).
- May not provide alcoholic beverages to any person under 21 years of age.
- Must dispose of all empty alcohol containers in a responsible manner—possession of empty containers will be considered as part of the total amount a student of legal age may possess in his/her room.

Note: An individual student's privilege to possess alcohol may be terminated or suspended at any time based upon violation of these policies, violation of law, misuse of alcohol or other failure to prove responsible use. The university reserves the right to determine the responsible use of alcohol under all circumstances.

Not Permitted Regardless of Age

- Public intoxication as indicated by the appearance or behavior such as slurred speech, unstable walk, unconsciousness, alcohol on breath, vomiting, disorderliness or offensive behavior resulting from alcohol use is prohibited.
- Off-campus guests and non-residential students are not permitted to bring alcohol onto campus regardless of age, unless within the confines of a university-sponsored event that has been approved by the Vice President for Catholic Culture and Student Life (or designee).
- Alcohol use in college-owned or contracted vehicles is prohibited.
- Possession or consumption of alcoholic beverages in public areas, including, but not limited, to hallways, lounges, stairwells, classrooms, restrooms or anywhere on university grounds, including parking lots, unless within the confines of a university-sponsored event that has been approved by the Vice President for Catholic Culture and Student Life (or designee). (*Note: any door left open of a room containing alcohol is considered a public space.*)

As stated in Section 4 of the Code of Student Conduct, "Failure to comply with the reasonable directives of university officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so," is considered unacceptable behavior for a university student.

A partial list of university alcohol policy violations and their subsequent sanctions is listed below. Sanctions are dependent upon a number of factors, including, but not limited to, hearing officer discretion, the nature and severity of the incident, a student's conduct history and a student's cooperation throughout the conduct process.

Minor in Possession/Consumption of Alcohol or Residential Life Alcohol Policy Violation

First Offense—Possible sanctions and institutional actions include, but are not limited to:

- Participation in an alcohol education course and/or activity, at the student's expense and as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
 - Authorship of a research/reflection essay.
 - Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years.
 - Written warning up through suspension or expulsion from housing and/or the University of Saint Francis.
 - Other sanctions as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
2. Second Offense—Possible sanctions and institutional actions include, but are not limited to:
- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation at the student's expense.
 - Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
 - Authorship of a research/reflection essay.
 - Eligibility and/or activity restrictions.
 - Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years.
 - Written warning up through suspension or expulsion from housing and/or the University of Saint Francis.
 - Other sanctions as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
3. Third and Subsequent Offenses—Possible sanctions and institutional actions may include, but are not limited to:
- Suspension or expulsion from university housing and/or the University of Saint Francis.
 - Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years.
 - Other sanctions as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).

Purchasing, Selling or Providing Alcohol to Minors

1. First Offense—Possible sanctions and institutional actions include, but are not limited to:

- Participation in an alcohol education course and/or activity at the student's expense and as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
 - Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation.
 - Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
 - Authorship of a research/reflection essay.
 - Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years.
 - Eligibility and/or activity restrictions.
 - Written warning up through suspension or expulsion from housing and/or the University of Saint Francis.
 - Community service hours to be performed at a specific location as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
 - Other sanctions as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
2. Second and Subsequent Offenses—Possible sanctions and institutional actions include, but are not limited to:
- Suspension or expulsion from the University of Saint Francis.
 - Notification of law enforcement authorities.
 - Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years.
 - Other sanctions as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).

Driving Under the Influence/Driving While Intoxicated

University of Saint Francis is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles. In accordance with state law, the university abides by the legal definition of intoxicated as “not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances or any other substance into the body” or 0.08 Breath or Blood Alcohol Concentration. In addition, students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol and subject to penalties under that offense.

1. First Offense—Possible sanctions and institutional actions include, but are not limited to:
- Loss of driving and/or parking privileges on campus for a specified period of time.

- Participation in an alcohol education course and/or activity, at the student's expense and as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
 - Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
 - Community services hours to be performed at a specific location as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
 - Authorship of a research/reflection essay.
 - Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years.
 - Eligibility and/or activity restrictions.
 - Written warning up through suspension or expulsion from the University of Saint Francis.
 - Other sanctions as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).
2. Second and Subsequent Offenses—Possible sanctions and institutional actions include, but are not limited to:
- Suspension or expulsion from the university.
 - Notification of law enforcement authorities.
 - Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years.
 - Other sanctions as determined by the Associate Vice President for Catholic Culture and Student Life (or designee).

Illegal Drug Policy

The following sections describe University of Saint Francis's policy regarding the sale, manufacture, distribution, possession and use of illegal drugs on or off University of Saint Francis property or at University of Saint Francis-sponsored events or programs in accordance with federal, state and local laws. Consistent with local, state and federal law, the sale, use, possession, manufacture or distribution of illegal drugs or drug-related paraphernalia, including the misuse and/or unauthorized distribution of prescribed drugs, is strictly forbidden both on and off campus. Infraction of these laws constitutes a violation of the Code of Student Conduct and shall be addressed through the university's student conduct process.

Examples of violations include, but are not limited to:

- Misuse of over-the-counter drugs.
- Misuse or sharing of prescription drugs.
- Possession of medications that are not in a properly marked container that identifies the medication and patient.
- Possessing, using, being under the influence of, distributing or manufacturing any form of illegal drug.

- Possessing paraphernalia (i.e., rolling papers, pipes, bongs, etc.) for intended or implied use of any form of illegal drug.
- Possessing paraphernalia that contains or appears to contain illegal drug residue.
- Purchasing or passing illegal drugs from one person to another.
- Using mail services to purchase, pass or distribute illegal drugs.

This policy provides flexibility for the University of Saint Francis in addressing drug-related offenses which occur on or off campus. Moreover, it permits the University of Saint Francis to address its fundamental mission of holistic education and the development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, the University of Saint Francis must address the education and well-being of all its students and employees. In addition to University of Saint Francis-imposed sanctions, students and employees are subject to all legal sanctions under federal, state and local law for any offenses involving illegal drugs on University of Saint Francis property or at University of Saint Francis activities.

Crime Statistics for Reporting Incidents

In accordance with Public Law 101-542, November 8, 1990, Crime Awareness and Campus Security Act of 1990, Section 485, disclosure of campus crime statistics, the following is the report for the calendar year 2021 and the two preceding calendar years:

Incident	Location	2020	2021	2022
Murder	<i>On-campus</i>	0	0	0
Manslaughter		0	0	0
Rape		0	1	0
Fondling		0	0	0
Incest		0	0	0
Statutory Rape		0	0	0
Robbery		0	0	0

Incident	Location	2020	2021	2022
Aggravated Assault				
	<i>On-campus</i>	0	0	0
	<i>Student housing</i>	0	0	0
	<i>Non-campus</i>	0	0	0
	<i>Public property</i>	0	0	0
Burglary		0	0	0
Motor Vehicle Theft		0	0	0

VAWA Offenses

Incident	Location	2020	2021	2022
Domestic Violence				
	<i>On-Campus</i>	0	0	0
	<i>Student Housing</i>	0	0	0
	<i>Non-Campus</i>	0	0	0
	<i>Public Property</i>	0	0	0
Dating Violence				
	<i>On-Campus</i>	0	0	0
	<i>Student Housing</i>	0	0	0
	<i>Non-Campus</i>	0	0	0
	<i>Public Property</i>	0	0	0
Stalking				
	<i>On-Campus</i>	0	0	0
	<i>Student Housing</i>	0	0	0
	<i>Non-Campus</i>	0	0	0
	<i>Public Property</i>	0	0	0
Arrests		0	0	0

Disciplinary Actions

Incident	Location	2020	2021	2022
Weapons				
	<i>On-Campus</i>	0	0	0
	<i>Student Housing</i>	0	0	0
	<i>Non-Campus</i>	0	0	0
	<i>Public Property</i>	0	0	0
Drug Abuse Violations				
	<i>On-Campus</i>	5	5	0
	<i>Student Housing</i>	5	5	0
	<i>Non-Campus</i>	0	0	0
	<i>Public Property</i>	0	0	0
Liquor Law Violations				
	<i>On-Campus</i>	14	23	22
	<i>Student Housing</i>	14	23	22
	<i>Non-Campus</i>	0	0	0
	<i>Public Property</i>	0	0	0

Annual Fire Safety Report

Residence Halls

The residence halls with common entrances, Clare Hall, Bonzel Hall and Trinity Hall, have evacuation drills once per semester. (In the event that an actual fire alarm occurs resulting in the building being evacuated, the alarm response is documented and considered as a drill for that semester.)

All fire alarms received are responded to and result in an incident report being filed. These reports are kept in the Incident Report system.

All portable heating devices used at the university must be approved and provided by the Operations Department.

The university is a tobacco-free campus. All forms of tobacco are prohibited on the campus.

All open-flame devices are prohibited in all buildings. Cooking appliances, whether provided by the university or the student, are for use only in residence hall kitchens or lounges. Cooking is not permitted in residents' rooms.

All university fire systems are inspected annually in accordance with local and state law by licensed, qualified inspection companies.

Bonzel Hall has devices throughout the entire building that when a station is pulled or a detection device activated, the entire building goes into alarm. Simplex-Grinnell provides off-campus monitoring and notifies Campus Security in the event of an alarm. All rooms and common areas are covered by a sprinkler system.

Padua Hall suites have smoke detectors in each bedroom and all common areas, with all rooms protected by a sprinkler system. Padua Hall features a suite-style living arrangement with each suite of rooms exiting directly to the outside and having independent sounders. Due to this layout, evacuation drills are not performed for this building. Koehlinger-Kruse monitors the alarm panel, and a dialer calls Campus Security.

Clare Hall has smoke detectors in every student room and all common areas. The panel is monitored by Simplex-Grinnell to notify Campus Security directly in the event of an alarm. All rooms and common areas are covered by a sprinkler system.

Trinity Hall has devices throughout the entire building that when a station is pulled or a detection device activated, the entire building goes into alarm. Koehlinger-Kruse notifies Campus Security in the event of an alarm. Electricity and gas are automatically shut off

in the kitchen when an alarm is generated in any area. Trinity Hall is not covered by a sprinkler system.

Training for Residential Life Staff

The residential life and housing staff is trained in the use of portable fire extinguishers and evacuation procedures during fire alarms and drills.

Fire Safety Procedures

The university takes a number of precautions to prevent fire in the residence halls. Evacuation drills are held each semester and participation is mandatory. Fire extinguishers are placed on each floor and are inspected monthly by authorized safety personnel. The use of electrical appliances is regulated.

In the case of a fire:

- Call 9-911 and Security at 399-7888. Be sure to report both the building name and the address of the university.
- Activate a pull station to sound the alarm.
- Confine the fire by closing all windows and doors as you proceed to the exit.
- If the fire is small enough to use an extinguisher on and you have had proper training, do so.
- Hall Directors and Resident Assistants will direct the evacuation by making sure everyone proceeds in an orderly manner and all doors are pulled shut as people leave.

When you hear a fire alarm in the residence hall:

- 1) Leave the building. Never ignore an alarm.
- 2) If you are in your room, feel the door. If it is hot, do not open it.
 - Seal the crack at the bottom of the door.
 - Signal rescuers from the window or try to telephone for help.
 - Do not jump.
- 3) If you can leave your room:
 - Take your key.
 - Close the door when you leave.
 - Proceed to the nearest exit.
 - If you encounter heavy smoke, turn around and go to another exit.
- 4) Once outside, move away from entranceways and off driveways.
 - Bonzel Hall – wait in the parking lot, close to the Cougar Den.
 - Padua Hall – wait in the employee parking lot west of Trinity Hall.
 - Clare Hall – wait in the parking lot, close to the Cougar Den.
 - Trinity Hall – wait in the employee parking lot west of Trinity Hall.
- 5) If you suspect the alarm is false, you must still exit the building.
- 6) DO NOT GO BACK INSIDE THE BUILDING UNTIL CLEARANCE IS GIVEN FROM SECURITY OR RESIDENTIAL LIFE & HOUSING.

Report to Secretary of Education

Since 1990, institutions of postsecondary education that participate in the federal student financial assistance programs have been required by Section 485 (a) and (f) of the Higher Education Act (HEA) to provide the Secretary of Education with campus crime statistics. The Higher Education Opportunity Act (Public Law 110-315) (HEOA) was enacted on August 14, 2008, and reauthorizes the Higher Education Act of 1965, as amended. The HEOA made a number of additions to campus security reporting requirements. The university must report the statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available. This information must be reported to the Secretary of Education on an annual basis.

Number of Fires	2020	2021	2022
Bonzel Hall	0	0	0
Clare Hall	0	0	0
Trinity Hall	0	0	0
Padua Hall	0	0	0

Number of Injuries	2020	2021	2022
Bonzel Hall	0	0	0
Clare Hall	0	0	0
Trinity Hall	0	0	0
Padua Hall	0	0	0

Number of Deaths	2020	2021	2022
Bonzel Hall	0	0	0
Clare Hall	0	0	0
Trinity Hall	0	0	0
Padua Hall	0	0	0

Value of Property Loss	2020	2021	2022
Bonzel Hall	0	0	0
Clare Hall	0	0	0
Trinity Hall	0	0	0
Padua Hall	0	0	0