

INSTITUTIONAL POLICY AND PROCEDURES ON CAMPUS SAFETY AND PUBLIC ORDER

Purpose

Christ the King Seminary is committed to providing a safe environment for students. Students who use obscene, abusive or threatening language or gestures, or display any violence or threaten violence on campus are subject to disciplinary action up to and including expulsion.

Violence on campus includes, but is not limited to, physically harming others, shoving, pushing, explicit or implicit threats or talk of committing violence. Weapons, whether licensed or not, are strictly prohibited while on CKS property, CKS business, or CKS events.

Everyone at Christ the King Seminary is responsible for preventing violence in the workplace. Any perceived violation of this policy must be reported to the Campus Safety Officer. All reports will be promptly and thoroughly investigated. This policy does not create any duty or obligation on the part of Christ the King Seminary to take any actions beyond those required of an employer by law.

Authority

The trustees of Christ the King Seminary have adopted this written policy for the maintenance of safety and public order on campus and any other properties used for educational or formational purposes, and for the enforcement thereof. This policy applies to all students, clients, employees, and to other members of the CKS community, including contractors, consultants, and vendors doing business or providing services to CKS.

Dissemination

A copy of this policy will be included in the Faculty-, Employee- and Graduate Student Handbooks which are given to all employees and students enrolled at Christ the King Seminary and shall be deemed to be part of the by-laws of all organizations operating on campus, which organizations shall review annually with the individuals affiliated with such organizations.

Title IX Coordinator and CRC Officer

The Seminary's Title IX coordinator also serves as the civil rights compliance officer. The Title IX coordinator is responsible for implementing and monitoring compliance with this policy on behalf of the seminary. This includes coordination of training, education, communications, and administration and investigation of any complaint, alleged violation and/or grievance procedures for the handling of suspected or alleged violations of this policy.

Campus Safety Officer/Campus Security Committee

The seminary does not maintain its own campus security or law enforcement department and encourages

the accurate and prompt reporting of all crimes and suspicious activity to the campus safety officer, or his designee, and/or the East Aurora Police Department (716-652-1111).

The president-rector will annually appoint a campus safety officer and may appoint an advisory committee on campus security. The campus safety officer and/or committee shall annually review current campus security policies and procedures and make recommendations for their improvements, especially in regards to:

1. Educating the campus community about sexual assault, personal safety and crime prevention;
2. Reporting sexual assaults and dealing with victims during investigations;
3. Referring complaints to appropriate authorities;
4. Counseling victims; and
5. Responding to inquiries from concerned persons.

Definitions

Accused

Accused shall mean a person accused of a violation that has not yet entered the seminary's investigation and resolution process described in this policy.

Affirmative Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Principles regarding consent:

1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
6. When consent is withdrawn or can no longer be given, sexual activity must stop.

Bystander

A bystander is a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.

Code of Conduct

The code of conduct is the written policies adopted by an institution governing student behavior, rights, and responsibilities while such a student is matriculated in the institution.

Dating Violence

Dating violence refers to includes harmful and demeaning incidents that involve current or former spouses, boyfriends, or girlfriends.

Domestic Violence

Domestic violence is any kind of behavior that a person uses to control an intimate partner through fear and intimidation. It includes physical, sexual, psychological, verbal, and economic abuse.

Institution

Institution refers to Christ the King Seminary.

Prohibited Conduct

Prohibited conduct includes activity which violates federal, state or local law, as well as all forms of sexual misconduct, domestic violence, dating violence and stalking.

Reporting Individual

A reporting individual shall encompass the terms victim, survivor, complainant, claimant, witness with victim status or a bystander who brings forth a report of a violation.

Respondent

Respondent shall mean a person accused of a violation that has entered the seminary's investigation and adjudication process described in this policy.

Sexual Assault

Sexual assault is any type of sexual contact or behavior that takes place without the explicit consent of the recipient.

Sexual Contact

Sexual contact means the intentional touching, either directly or through the clothing, of any person with intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual Harassment

Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature where:

- ◆ submission to such conduct by the individual is made a term or condition of employment or scholastic status, either explicitly or implicitly.
- ◆ submission to, or rejection of, such conduct by the individual influences personnel or scholastic decisions concerning that individual.
- ◆ such conduct has the purpose or effect of interfering with the individual's work or academic performance or of creating an intimidating, hostile, or offensive working or scholastic environment for the individual.

Specific forms of behavior that Christ the King Seminary considers sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below should not be interpreted in any way as being all-inclusive.

- ◆ Verbal—abusive verbal language including jokes, comments, teasing or threats related to an individual's sex, sexual activity and/or body parts whether or not said in that person's presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes of a sexual nature, sexual propositions, threats, comments on a person's appearance that make the person feel uncomfortable because of his or her sex; continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; sexually-oriented comments about an individual's anatomy that are unwelcome, unreasonably interfere with an individual's educational or performance, or create an intimidating, hostile or offensive learning environment; and unwelcome sexual advances or demands for sexual favors.
- ◆ Nonverbal—abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries; luring or obscene gestures in the workplace; staring at a person's body in a sexually suggestive manner; sexually-related gestures or motions; sending sexually graphic material through Christ the King Seminary's email system or other electronic communication devices (e.g. voice mail) or using CKS email or computers to view such material.

- ◆ Physical—unwelcome physical conduct, including, but not limited to: petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, assault, persistent brushing up against a person’s body, unnecessary touching and flashing or other unwelcome physical conduct.
- ◆ Sexual Misconduct and/or Activity—sexual misconduct/activity are used to describe unwanted or unwelcome conduct of a sexual nature that is committed without affirmative consent, including sexual contact, sexual harassment, and sexual violence.
- ◆ Sexual Violence —sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including but not limited to rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.
- ◆ Stalking —stalking refers to a course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Students’ Bill of Rights

Christ the King Seminary is committed to providing support and assistance to students, faculty, staff and other members of the Seminary community who report incidents of sexual misconduct, domestic violence, dating violence, stalking and/or any other violation of statutory law.

All reporting individuals, regardless of race, color, national origin, religion, creed, age, disability, sex, sexual orientation, familial status, military status, criminal conviction, or any other status protected by law, have the following rights, regardless of whether an offence occurs on or off campus:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;

8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Reporting

The seminary strongly encourages the prompt reporting of sexual misconduct, domestic violence, dating violence, stalking and/or any other violation of statutory law to the Title IX coordinator. The report may be made by any reporting individual, which includes:

1. A person covered by this policy who believes they experienced sexual misconduct, domestic violence, dating violence, stalking and/or any other violation of statutory law; or
2. A person who has information that sexual misconduct, domestic violence, dating violence, stalking and/or any other violation of statutory law may have been committed by a person covered by this policy.

Any member of the seminary community who believes he or she has been subjected to any violation of statutory law is encouraged to report it and may request that an investigation be conducted. Unless the report is made to an office or individual who has been designated as a confidential resource (as described below), reporting individuals should assume that a seminary office, official or employee to whom a report is made will share that report with the Title IX coordinator for review and handling in accordance with this policy.

The following seminary employees with knowledge of unreported conduct that violates this policy (or which could potentially be deemed to violate this policy) are considered “responsible employees” who are required to report such alleged conduct to the Title IX coordinator: (i) the president-rector, (ii) the vice rector, (iii) and all other seminary faculty members. However, reporting individuals should assume that a seminary employee to whom a report is made will share that report with the Title IX coordinator for review and handling in accordance with this policy.

Upon receiving a report of alleged conduct, the Title IX coordinator will provide the reporting individual with information regarding the importance of preserving evidence and, where applicable, the importance of obtaining a sexual assault forensic examination as soon as possible.

Reports to Police/Criminal Investigation

The reporting individual is encouraged to report criminal concerns to the local law enforcement for the jurisdiction where the incident took place. Local law enforcement agencies do not necessarily notify the

seminary when a crime has occurred in their jurisdiction, so the seminary will not have notice of an incident unless a report is also made to the seminary. A criminal investigation is separate from a seminary's process and will not be coordinated through the seminary.

Prohibition Against Retaliation

No individual who makes a complaint alleging an offence or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Retaliation exists when action is taken against a reporting individual or participant in the complaint process that (i) adversely affects the individual's opportunity to benefit from the seminary's programs or activities, and (ii) is motivated in whole or in part by the individual's participation in the complaint process.

Alcohol and/or Drug Use Amnesty

The health and safety of every student at the seminary is of utmost importance. Christ the King Seminary recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Christ the King Seminary strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institutional officials.

Bystander

A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to institutional officials or law enforcement will not be subject to violations against Christ the King's alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Institutional Crime Reporting

Reports of certain crimes will be included in the Seminary Clergy Act Annual Security Report in a manner that neither identifies the specifics of the crime (personal identifiers) nor the identity of the reporting individual.

CKS is obligated to issue timely warnings of Clergy Act crimes that represent a serious or continuing threat to students and employees (subject to exceptions, such as when potentially compromising law enforcement efforts and when the warning itself could potentially identify the reporting individual). A reporting individual will never be identified in a timely warning.

Further, the Family Educational Rights and Privacy Act (FERPA) allows covered schools to share information with a student's parents when (a) there is a health or safety emergency, or (b) when the student is a dependent on either parent's prior year federal income tax return. However, in general, the seminary will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the impacted party.

Protection and Accommodations

When the seminary has notice of an allegation of conduct prohibited by this policy, the seminary will afford

all reasonable and available protections and accommodations. These protections and accommodations will generally remain in effect throughout the duration of the investigation, any appeal process and beyond should it be deemed necessary. Any accommodations or protective measures provided to the reporting individual will be kept confidential to the extent possible. Protections and accommodations may include:

1. housing reassignments;
2. course reassignments;
3. alterations of course schedules, assignments or tests;
4. temporary suspension or revision of seminary policies or practices;
5. no-contact orders (such an order serves as a notice to both parties that they must not have verbal, electronic, written, or third party communication with one another); and
6. removal from the seminary community.

In all cases where the accused or respondent is a student, the seminary will issue a “no-contact order” whereby continued intentional contact with the reporting individual would be a violation subject to additional conduct charges. If the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. The seminary may establish an appropriate schedule for the accused and respondent to access applicable seminary buildings and property at a time when such buildings and property are not being accessed by the reporting individual.

When the accused or respondent is a student or other member of the seminary community and is determined to present a continuing threat to the health and safety of the community, the seminary will subject the accused or respondent to interim suspension or similar action pending the outcome of the investigation and appeal processes described in this policy.

Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution’s policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any protection or accommodation afforded under this policy that directly affects him or her, and shall be allowed to submit evidence in support of his or her request. The promptness of any such review is determined by the seminary in view of the circumstances of the case, personnel availability, complexity of the request, and evidence/information submitted favoring or arguing against a modification. There is no requirement in this provision for a full, in person hearing to review the order.

Assistance in Obtaining Order of Protection

The reporting individual has the right to seek an order of protection from the local law enforcement agency. The reporting individual (or other protected individual) may seek the assistance of local law enforcement in effecting an arrest when the accused or respondent violates an order of protection.

Resources

CKS wants students to get the information and support needed regardless of whether they would like to

move forward with a report to campus officials or police of sexual misconduct, domestic violence, dating violence, stalking, and/or any other violation of statutory law. Students may want to talk with someone about something they observed or experienced, even if they are not sure that the behavior constitutes any of the aforementioned.

At a minimum, at the first instance of disclosure by a reporting individual to a seminary official, the following information shall be presented to the reporting individual: “You have the right to make a report to the seminary’s Title IX coordinator and/or campus safety officer, local law enforcement, and/or State Police or choose not to report; to be protected by the seminary from retaliation for reporting an incident; and to receive assistance and resources from the seminary.”

Local law enforcement (to which a reporting individual may choose to make a report) include the following:

- ◆ East Aurora Police Department, 571 Main Street, East Aurora, New York 14052, phone (716) 652-1111
- ◆ State police 24-hour hotline to report sexual assault on a New York campus: (844) 845-7269

In the event of a sexual assault or other violent assault, in addition to making a report to the seminary, law enforcement or another resource, individuals may also choose to simultaneously utilize one or more of the options below for medical treatment and/or medical-legal evidence collection. To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

For medical-legal evidence collection, individuals should contact:

- ◆ Crisis Services, www.crisisservices.org, 716-834-3131, available 24/7
- ◆ Catholic Health System: <http://www.chsbuffalo.org/>, (716) 706-2112
- ◆ Kaleida Health: <http://www.kaleidahealth.org/>, (716) 859-5600
- ◆ Erie County Medical Center: <http://www.ecmc.edu/>, (716) 898-3000

Confidentiality and Confidential Resources

Confidentiality may be offered by an individual who is not required by law to report known or alleged incidents to Seminary officials, in a manner consistent with state and federal law.

Confidentiality is a statutorily defined term, and the obligation to keep information in confidence is inherent for certain professionals on and off campus such as health care providers, licensed social workers, licensed mental health counselors, medical providers and pastoral and professional counselors. Many off-campus resources such as rape crisis centers are also confidential and, with the exception of certain child abuse and imminent threats, individuals working in such organizations have no obligation to report information back to the reporting individual’s campus. Note, however, that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him- or herself or others and the mandatory reporting of child abuse.

Off-campus options to disclose sexual or domestic violence confidentially include:

- ◆ New York State Coalition Against Sexual Assault: <http://nyscasa.org/>, (800) 942-6906
- ◆ Office for the Prevention of Domestic Violence: <http://www.opdv.ny.gov/help/index.html>, (800) 942-6906
- ◆ New York State Coalition Against Domestic Violence: <http://www.nyscadv.org/>, (518) 482-5465
- ◆ GLBTQ Domestic Violence Project: <http://www.glbtqdv.org/>; and
- ◆ Safe Horizons: <http://www.safehorizon.org/>, (800) 621-4673

These hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the seminary. Reporting Individuals are encouraged to additionally contact a campus resource so that the seminary can take appropriate action in these cases.

Non-Confidential Resources

“Privacy” may be offered by an individual when such individual is unable to offer confidentiality under the law. This individual will not disclose information learned from a reporting individual more than necessary to comply with applicable laws, including informing appropriate seminary officials.

Most employees at the seminary are required to report known incidents of sexual violence, as well as some other crimes, so they are not confidential resources. Reporting individuals should assume that a seminary employee to whom a report is made will share that report with the Title IX coordinator for review and handling in accordance with this policy. While seminary employees likely cannot offer confidentiality, they can offer “privacy.”

Privacy is the default. It means that a seminary employee may have to share information pursuant to federal or state law or seminary policy with certain other seminary employees, but they will not share the private information beyond what is required or needed to comply with law and policy, and will otherwise limit re-disclosure as much as possible. They may not however, offer true confidentiality.

The following designated seminary officials can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. These officials will also provide the information contained in the Students’ Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These seminary officials will disclose that they are private and not confidential resources and they may still be required by law and seminary policy to inform one or more seminary officials about the incident, including but not limited to the Title IX Coordinator.

- ◆ Title IX Coordinator, Rev. John Adams, (716) 655-6406
- ◆ Campus Safety Officer, Rev. John Adams, (716) 655-6406
- ◆ Vice Rector, Rev. Robert Wozniak, (716) 805-1439
- ◆ Director of Business Affairs, Ms. Nancy Ehlers, (716) 572-3975

- ◆ Academic Dean, Michael Sherry (716) 861-0526

Investigation and Resolution

Reports will be investigated in accordance with this policy. The president-rector will determine, based upon the nature of the alleged incident, who will conduct the investigation as outlined in this policy, normally the Title IX coordinator. If the accused or respondent is the Title IX coordinator, the president-rector will appoint someone else to assume responsibility for this policy and its procedures. If the accused is the president-rector, the chair of the board of trustees will determine who will conduct the investigation.

When the accused is an employee of an affiliated entity or vendor of the seminary, the seminary will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a *persona non grata* letter, subject to legal requirements and seminary policy.

The reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy.

Privacy versus Confidentiality

All Christ the King Seminary offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify, as appropriate, the Title IX Coordinator who is responsible under the law for tracking patterns and spotting systemic issues. The seminary will limit the disclosure as much as possible, even if a determination is made that the request for confidentiality cannot be honored.

Requesting Confidentiality: How CKS Will Weigh the Request and Respond

If a student discloses an incident to a CKS designated official who is responsible for responding to or reporting incidents of sexual misconduct, domestic violence, dating violence, stalking, and/or any other violation of statutory law, but wishes to maintain confidentiality, the request must be weighed against the seminary's obligation to provide a safe, non-discriminatory environment for all members of the community, including that of the disclosing student. We may seek consent from the disclosing student prior to conducting an investigation. The student may decline to consent to an investigation, and that determination will be honored unless the seminary's failure to act does not adequately mitigate the risk of harm to the student or other members of the CKS community. The student may withdraw the complaint or involvement from the seminary process at any time. Student declination, withdrawal or confidentiality request may limit the seminary's ability to meaningfully investigate and pursue conduct action against an accused individual. If the seminary determines that it must move forward with an investigation, both the disclosing student and any actual or potential reporting individuals will be notified and the seminary will take immediate action as necessary to protect and assist the student and institution.

CKS will consider many factors to determine whether to proceed despite a request for confidentiality. These factors include, but are not limited to:

- ◆ Whether the accused or respondent has a history of violent behavior or is a repeat offender;

- ◆ Whether the incident represents escalation, such as a situation that previously involved sustained stalking;
- ◆ The increased risk that the accused or respondent will commit additional acts of violence;
- ◆ Whether the respondent used a weapon or force;
- ◆ Whether the reporting individual is a minor; and
- ◆ Whether the institution possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

Informal Resolution

Allegations involving acts of violence may not be resolved using an informal resolution process (i.e. mediation). However, other alleged violations of this policy, including some allegations of sexual harassment, may be resolved using an informal resolution process overseen by one or more seminary representatives if (i) the seminary determines, in its discretion, that such a process would be appropriate; and (ii) all parties agree to participate. The parties to any such informal process will not be required to deal directly with one another without the seminary's involvement. Instead, one or more seminary representatives may arrange for or facilitate mediation between the involved parties and coordinate other informal resolution measures. Any party may request that the informal resolution process be terminated at any time, in which case the formal resolution process (described below) would commence. In addition, any party can pursue formal resolution if he or she is dissatisfied with a proposed informal resolution.

Formal Resolution

1. Time Frame of Investigation and Sanctions—An investigation conducted pursuant to this policy, the investigator's preparation of his/her report and recommendation, and the imposition of sanctions should normally be completed within 60 calendar days after the Seminary has notice of an allegation. The Title IX coordinator or his designee may extend this time frame for good cause, including Seminary breaks. If the time frame is extended, notice of the extension and the reasons for such extension will be provided to the reporting individual and respondent.
2. Impact of Criminal Investigation—When the reporting individual has also reported the alleged incident to local law enforcement, resulting in the commencement of a criminal investigation; the seminary may need to delay temporarily the fact-finding portion of its investigation under this policy while law enforcement is gathering evidence. During this time however, the seminary will still take any necessary interim accommodation and safety measures. The seminary will promptly resume and complete its investigation once it learns that the local law enforcement has completed its evidence gathering stage of the criminal investigation. During any delay in the seminary's investigation process caused by a criminal investigation, the Seminary will update the parties on the status of its investigation and inform the parties when the Seminary resumes its investigation pursuant to this policy.
3. Investigation Process

- a. Assigning an Investigator—When a determination is made to proceed with an investigation pursuant to this policy, the appropriately designated seminary official will investigate. At any point during this process, the investigator may, in his/her discretion, be accompanied by a qualified individual to assist in the documentation of the investigation.
- b. Standard of Review—This investigation procedure will determine findings of fact using the “preponderance of the evidence” standard (i.e., it is more likely than not that the offence occurred). There is a presumption that the Respondent is “not responsible” until a finding of responsibility is made utilizing this standard. The criminal justice process utilizes different standards of proof and evidence than this investigation procedure. Any questions about whether a specific incident violated the penal law should be addressed to law enforcement or the district attorney.
- c. Cooperation—All CKS faculty, staff, students, community members, and third parties (including contracted service providers and vendors) are expected to cooperate in the investigation process. As early as possible in this investigation process, the investigator will direct the reporting individual, respondent, witnesses, and other involved individuals to preserve any relevant evidence.
- d. Notice of Investigation—At the outset of the investigation, the investigator will advise the respondent in writing of the allegations against him or her (“Notice of Investigation”). A copy of this Notice of Investigation will also be provided to the reporting individual, as appropriate. Each will have an opportunity to respond to the Notice of Investigation in writing at any time during the investigation. The respondent will also be advised of the possible sanctions against him or her.
- e. Notifications Generally—Notification and/or delivery to the reporting individual or Respondent, whether during this investigation process or at any other stage of a case being handled pursuant to this policy, shall be by personal delivery or registered mail or, if agreed upon by all parties, by electronic mail or facsimile. The reporting individual and respondent will receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend.
- f. Fact Finding—In most cases, the investigation will involve conducting a thorough fact-finding investigation, which includes meeting separately with the reporting individual (if participating), respondent, and pertinent witnesses, and reviewing other relevant information. O
- g. Right to Exclude Certain Evidence—The reporting individual has the right to exclude his/her own prior sexual history with persons other than the respondent from consideration by the investigator. The respondent likewise has the right to exclude his/her own prior sexual history with persons other than the reporting individual from consideration by the investigator. The parties also have the right to exclude their own mental health diagnosis

or treatment from consideration by the investigator.

- h. **Support Persons**—The reporting individual and respondent may have a support person accompany him or her through the process. A support person may not speak for the reporting individual or respondent, present evidence or question witnesses. The reporting individual and respondent are responsible for presenting evidence on their own behalf. Support persons may speak privately to their advisee during the investigation process. Either party may request a recess from an investigatory meeting to consult with their support person which will be granted at the discretion of the investigator or his/her designee.
- i. **Investigation Outcome**—After the seminary has notice of an alleged offence, the assigned investigator or his/her designee will prepare a written investigation report at the conclusion of an investigation. The investigator's written report will generally contain, at a minimum:
 - i. a summary of the investigation;
 - ii. the investigator's findings, including whether the investigator determined the respondent to be responsible for the alleged offence;
 - iii. if the respondent is found responsible, a recommendation regarding the appropriate sanctions for the respondent as well as any actions the seminary will take to provide accommodations to the reporting individual or safety measure(s) for the seminary community; and
 - iv. a summary of the investigator's rationale in support of the findings and recommendations.

Notification of Outcome

After the conclusion of the investigation, the seminary will provide written notification to the reporting individual and the respondent of the outcome, including the investigator's findings with respect to responsibility for the alleged offence, within ten (10) calendar days after the conclusion of the investigation, unless the seminary determines that additional time is required. This notice shall be issued contemporaneously to both parties.

Information regarding any individualized accommodations or safety measures offered or provided to the Reporting Individual will not be included in the copy of the notification that is provided to the respondent. The seminary neither encourages nor discourages the subsequent disclosure or sharing of the notification of outcome by either the reporting individual or the respondent.

If the investigator finds the respondent responsible for the alleged offence, the notification of outcome will advise the reporting individual and the respondent of their right to submit a written impact statement to be considered when the seminary determines the appropriate sanctions. Impact statements shall be submitted within seven (7) calendar days after the issuance of the notification of outcome.

If a reporting individual has chosen not to participate in the seminary's review of an alleged offence under this policy but desires to be notified of the outcome, the seminary will notify the reporting individual. If a reporting individual has expressed a desire, in writing, not to be notified of the outcome, the seminary will honor that decision. In such cases, the seminary will not send the notification itself to the reporting individual, but may proceed with any necessary accommodations and/or safety measures and may need to provide notification of those accommodations and/or safety measures, if appropriate.

Sanctions/Corrective Action

If the results of the investigation include a determination that the respondent is responsible for the alleged offence, then the matter will be referred to the vice rector to determine the appropriate sanctions and/or remedies. In a case involving allegations against the vice rector, the matter will be referred to the chair of the board of trustees. With the sanctions and/or remedies, the seminary will take reasonable steps to prevent the recurrence of any violations and to correct the discriminatory effects on the reporting individual (and others, if appropriate). The range of potential sanctions/corrective actions that may be imposed includes but is not limited to the following: verbal or written apology, remedial (e.g., discrimination or harassment) education, verbal or written warning, probation, suspension and dismissal.

In determining the appropriate sanctions, the vice rector (or chair of the board of trustees, if applicable) will consider the content of the investigation report, any impact statement(s) submitted by the parties, and any other information he/she deems relevant. Further, at this stage of the proceedings, the vice rector (or chair of the board of trustees, if applicable) may consider past findings of domestic violence, dating violence, stalking or sexual assault concerning the Respondent.

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Cleary Act establish in 20 U.S.C. 1092(f)(1)(F)9i)(I)-(VIII), a notation shall be made on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, a notation shall be made on the transcript of such student that they "withdrew with conduct charges pending." An appeal made be made seeking removal of a transcript notation for suspension, which suspension shall not be removed until one year after its conclusion. Notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Notice of Sanctions/Corrective Action

If applicable, notice of the determination by the vice rector (or chair of the board of trustees, if applicable) regarding sanctions/corrective action will be provided simultaneously to the reporting individual and the respondent. Information regarding any individualized accommodations or safety measures offered or provided to the reporting individual will not be included in the copy of any notice that is provided to the respondent. The seminary neither encourages nor discourages the subsequent disclosure or sharing of the determination regarding sanctions by either the reporting individual or the respondent.

If a reporting individual has chosen not to participate in the seminary's review of the alleged offence but desires to be notified of the outcome, the seminary will notify the reporting individual of the determination regarding sanctions. If a reporting individual has expressed a desire, in writing, not to be notified of the outcome, the seminary will honor that decision. In such cases, the seminary will not send the notification itself to the reporting individual, but may proceed with any necessary accommodations and/or safety measures and may need to provide notification of those accommodations and/or safety measures, if appropriate.

Right to Appeal

Once written notice of the investigation outcome and determination regarding sanctions (if applicable) has been provided, both the reporting individual and the respondent will have the opportunity to appeal the outcome (including the issue of whether there is an offence and any sanction(s) imposed). Any appeal must be submitted in writing to the president-rector within seven (7) calendar days of being notified of the outcome of the investigation or determination regarding sanctions, whichever is later. The written appeal must set forth the grounds upon which the appeal is based.

The grounds for the appeal will be limited to the following:

- ◆ There is new and compelling evidence that was not available at the time of the initial investigation that could significantly impact the outcome of the case.
- ◆ There were procedural irregularities that substantially affected the outcome of the case to the detriment of the reporting individual or the respondent.
- ◆ The sanction is substantially disproportionate to the factual findings.

The investigator's report and the investigation files will be made available for review by the reporting individual and/or the respondent during the 7-day time period for appeal. If a party wishes to review the investigator's report and/or the investigation files, he/she must contact the Title IX coordinator to schedule a time and place for him/her to do so.

All materials, including the letter requesting appeal of the decision, will be promptly forwarded to an appeals panel that will be appointed by the president-rector for review. The appeals panel will schedule a meeting within ten (10) business days of receipt of the request for review/appeal. The participants at the scheduled meeting shall be, at a minimum, the party appealing and the appeals panel. The appeals panel shall conduct a prompt, thorough and impartial review of the materials. The appeals panel shall have the right to re-interview witnesses (e.g., if testimony is unclear or new evidence has been brought to light), or to interview additional witnesses if needed to ensure an equitable decision. The appeals panel will present its decision within ten (10) business days after the initial appeals meeting unless additional time is needed for good cause. If additional time is needed, both parties shall be notified and provided with an estimated date of the appeal decision. The appeals panel will inform the president-rector of its findings and the president-rector shall make the final determination in the case.

Security

Sexual Assault Prevention Information

In addition to the information provided in the Faculty-, Employee-, and Graduate Student Handbooks and Seminarian Supplement relating to the maintenance of public order and the prohibiting, among other things, of any action or situation which recklessly or intentionally endangers mental or physical health, the campus safety officer shall provide information about sexual violence, domestic violence and stalking prevention information and reporting to incoming students through programs which may include workshops, seminars, presentations, discussion groups and/or written materials in order to promote discussion, encourage reporting of actual or potential incidents, and facilitate its prevention. Such information shall include, but not be limited to:

1. The applicable laws, ordinances, and regulations of sex offenses;
2. The penalties for commission of sex offenses;
3. The procedures in effect at the seminary for dealing with sex offenses;
4. The availability of counseling and other support services for the victims of sex offenses;
5. The nature of and common circumstances relating to sex offenses on campus; and
6. The methods the seminary employs to advise and to update students about security procedures.

Campus Crime Reporting and Statistics

The means for accessing the campus crime statistics that are filed annually with the United States Department of Education as required under 20 US 1092(f) shall be indicated in the Graduate Student Handbook and the Seminarian Supplement. The information included in these handbooks shall include the United States Department of Education's web site address for campus crime statistics as well as the contact information for the campus security officer (phone number, email address) through which requests for campus crime statistics can be made. The campus security officer will provide, upon request, a hard copy of all campus crime statistics as reported to the United States Department of Education within ten business days of said request either in person or by mail. On an annual basis the campus security officer shall provide for the informing of students and prospective students about campus safety policies and procedures as well as the existence of the campus crime statistics.

Investigation of Violent Felony Offenses

All circumstances and occurrences involving the use, threatened use, or any alarm or reasonable suspicion about the actual or potential use of physical force occurring at or on seminary grounds, and any report of an actual or potentially missing residential student or employee, shall be promptly reported to the president-rector or his designee, and the campus security officer, and an investigation shall ensue. Said circumstances and/or occurrences should also be reported to and coordinated with the East Aurora (New York) Police Department if they are imminent, in process, a victim requests such, or there is cause to believe that a violent felony offence is involved as defined and enumerated in section 70.02 of the NYS Penal law.

Bias Related Crime Prevention Information

In addition to the information provided in the aforementioned handbooks, the campus safety officer shall provide information about bias-related crime prevention measures through programs which may include workshops, seminars, presentations, discussion groups and/or written materials in order to promote discussion, encourage reporting of actual or potential incidents, and facilitate its prevention. Such information shall include, but not be limited to:

1. The applicable laws, ordinances, and regulations on bias related crime, including provisions of article four hundred eighty-five of the NYS penal law;
2. The penalties for commission of bias related crimes;
3. The procedures in effect at the seminary for dealing with bias related crime;
4. The availability of counseling and other support services for the victims of bias related crime;
5. The nature of and common circumstances relating to bias related crime on campus; and
6. The methods the seminary employs to advise and to update students about security procedures.

Prohibition on the Marketing of Credit Cards

Christ the King Seminary prohibits the advertising, marketing, or merchandising of credit cards on campus to students.