

# SAGRADO

Universidad del Sagrado Corazón

## Procedure for the Resolution of Sexual Misconduct/Title IX

### Complaints Against Students

#### Introduction

At Universidad del Sagrado Corazón, we educate people in intellectual liberty and moral conscience, willing to participate in building a community in justice and peace. The dignity of every human being and the Christian values are the center of our academic project.

Committed to our mission, Universidad del Sagrado Corazón rejects all types of discrimination based on sex and all types of sexual misconduct including, sexual harassment, sexual assault, relationship (dating and domestic) violence, and stalking. Sagrado provides the resources and reporting options to students, faculty, and staff to address complaints related to sexual misconduct and Title IX in a serious and responsible.

#### I. Applicability

This Procedure will be used to investigate and resolve all complaints of sexual misconduct against Sagrado students (undergraduate, graduate, full-time, and part-time).

#### II. Rights of the Complainant and Respondent

Sagrado's procedures for the investigation, adjudication, and resolution of sexual misconduct complaints brought against students are designed to be accessible, prompt, equitable, and impartial. Throughout this process, the Complainant and Respondent have the following rights:

1. To be treated with respect, dignity, and sensitivity;
2. To receive appropriate support from the University;
3. Privacy to the extent possible, consistent with applicable law and University policy;
4. Information about the University's *Policy on Sexual Misconduct/Title IX*;
5. The presence of an Companion throughout the process;
6. To participate or to decline to participate in the investigation or complaint resolution process. However, a decision not to participate in the process either in whole or in part will not impede the University from proceeding with the investigation and the resolution of the complaint;
7. A prompt and thorough investigation of the allegations;
8. To refrain from making self-incriminating statements;
9. Notification in writing of the case resolution;
10. To report the incident to Sagrado's Office of Integrated Security and Risk Management, or a law enforcement agency at any time.

Sagrado will disclose information about its investigation and resolution of sexual misconduct complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. The Complainant or the Respondent may obtain the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

### **III. Preliminary Matters**

#### **A. Timing of Complaints**

If the Respondent is a current Sagrado student (undergraduate or graduate, full-time or part-time), there is no time limit for filing a complaint. However, students are encouraged to report sexual misconduct in a timely manner to maximize the University's ability to gather evidence and conduct a thorough, impartial, and reliable investigation. If the Respondent is a second semester senior (or in the final semester of a graduate program), the University may withhold that student's degree pending conclusion of the complaint resolution procedure.

#### **B. Effect of Criminal Proceedings**

The filing of a complaint of sexual misconduct is separate from and independent of any criminal investigation or proceeding. Sagrado will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation although the University may delay temporarily the fact-finding component of the investigation while law enforcement agencies are gathering evidence. The law enforcement's determination as to whether or not to prosecute a Respondent or the outcome of any criminal prosecution is determinative of whether sexual misconduct occurred under the University's *Policy on Sexual Misconduct/Title IX*.

#### **C. Effect of a Pending Complaint on the Respondent**

If the Respondent is a current Sagrado student, no notation will be placed on the Respondent's transcript of a complaint or pending disciplinary action prior to the conclusion of the complaint resolution process. If the Respondent withdraws from Sagrado while a sexual misconduct complaint is pending, the Respondent's transcript will reflect a withdrawal and a notation of pending disciplinary action subject to modification to reflect the outcome of the disciplinary action.

#### **D. Companion**

The Complainant and Respondent may choose to be accompanied to any meeting or interview related to these Procedures by an Companion who may provide support during such meeting or interview. The Companion may not intervene in a meeting or interview, or address the Title IX Coordinator. Consistent with the University's obligation to promptly resolve sexual misconduct complaints, the University reserves the right to proceed with any meeting or interview regardless of the availability of the party's selected Companion.

#### **E. Declining to Participate**

A Complainant or Respondent may decline to participate in the complaint resolution process and the University may continue the process without the Complainant's or Respondent's participation.

#### **F. Students Who Report Sexual Misconduct**

Sagrado encourages the reporting of all concerns regarding sexual misconduct. In some instances, students may be hesitant to report sexual misconduct because they fear they may be charged with other policy violations, such as alcohol consumption or drugs. Because Sagrado's primary interest is in protecting the well-being of its community and remedying sexual misconduct, a person who reports sexual misconduct, either as a Complainant, Informant, or a witness, will not be subject to disciplinary action by the University for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk.

Information on the abuse of alcohol or the use of drugs that may arise during or as a result of a sexual misconduct/Title IX complaint resolution process will not preclude an investigation for a violation to the *Policy on alcohol abuse and the use of controlled substances, narcotics and other drugs*.

#### **G. Time Frame for Complaint Resolution**

The University will seek to resolve every report of sexual misconduct within sixty (60) calendar days of the start of an investigation. Time frames may vary depending on the complexity of a case, the availability of witnesses, and at certain times of the academic year (for example, during breaks, study periods or final exams). The University may extend any time frame for good cause with a written explanation to the Complainant and Respondent.

### **IV. Initiating a Complaint**

Any person who believes to have experienced a sexual misconduct as defined in the *Policy on Sexual Misconduct/Title IX* (Complainant) may file a complaint against the Sagrado student responsible for that conduct (Respondent). A person who has information that sexual misconduct may have been committed by a University student or a participant in a University activity may also file a complaint (Informant). A Complainant or Informant may include any member of the Sagrado community including students, faculty, administrators, and staff members, visitors, applicants for employment or admission, participants in a Sagrado activity, or a person with knowledge of an incident of sexual misconduct.

### **V. How to File a Complaint**

A Complainant or Informant may submit a complaint using the *Report Form* in paper or electronic format to the Vice-president of Student Affairs or Title IX Coordinator. Although the Report Form should contain sufficient information to permit the Respondent to understand and respond adequately to the charges being brought, it may not reflect every detail related to the allegations in the complaint, as additional information may be discovered during the investigation. A Complainant may also call or meet with the Vice-president of Student Affairs or the Title IX Coordinator to initiate a complaint.

## **VI. Interim Measures**

Upon the filing of a sexual misconduct complaint, the Title IX Coordinator will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. The range of interim measures may include, but are not be limited to:

1. If the Complainant and the Respondent are residents in the University Residences, move either one or both to different dormitories
2. Adjusting the Complainant's or Respondent's work schedule, assignment, or location for University employment
3. Changing the Complainant's academic schedule, allowing the Complainant to take an incomplete in one or more courses
4. Providing an escort to ensure safe movement between classes and other activities
5. Reassigning the Respondent to another section, if the Complainant and Respondent are enrolled in the same lecture, discussion class, academic team, or project group
6. Issuing an administrative "stay-away" (no contact) order
7. Temporary suspension of the Respondent.

An individual's failure to comply with restrictions imposed by interim measures is a violation of the *Policy on Sexual Misconduct/Title IX* and a basis for disciplinary action up to and including expulsion from the University.

## **VII. Withdrawal of a Complaint**

Prior to the conclusion of a sexual misconduct investigation, the Complainant may withdraw his or her complaint. Generally, withdrawal of the complaint will end the complaint investigation and resolution process. However, the University reserves the right to proceed with the complaint, even after the Complainant withdraws it in order to protect the best interests and the safety of the Sagrado community.

## **VIII. Complainant Requests for Confidentiality**

If the Complainant or the Informant requests confidentiality or asks that the report of sexual misconduct not be pursued, the University will evaluate the Complainant's or the Informant's request. The evaluation will be conducted by the Title IX Coordinator in consultation with a small number of University administrators as deemed necessary and appropriate under the circumstances.

Even absent a request for confidentiality, every reasonable effort will be made to protect the privacy of all parties during the complaint investigation and resolution process. Sagrado will disclose information about the investigation and the resolution of sexual misconduct complaints only to those who need to know the information to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation that they are expected to maintain the privacy of the process. This does not prohibit either a Complainant or Respondent

from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

## **IX. Responding to a Complaint**

### **A. Notification to Respondent**

The person alleged to have committed sexual misconduct is called the “Respondent”. Unless the Complainant requests and is granted confidentiality, the Respondent will be notified in writing that a complaint alleging sexual misconduct has been filed against him or her. The Respondent will be advised that he or she may have an Companion accompany him or her to any meeting or interview related to the complaint resolution process.

### **B. Acceptance of Responsibility**

After reviewing the complaint and meeting with the Title IX Coordinator, the Respondent may choose to end the complaint resolution process by accepting responsibility for the conduct alleged in the complaint. If the Respondent accepts responsibility for the conduct alleged in the complaint, the Vice-president of Student Affairs will determine an appropriate sanction for the Respondent. If the Respondent disputes the allegations of the complaint, the complaint resolution process will proceed.

## **X. Investigation of a Complaint**

### **A. Investigator**

The Title IX Coordinator will conduct a prompt, thorough, and equitable investigation.

### **B. Investigation Process**

The investigation will include one or more interviews with the Complainant, the Respondent, the Informant, and any witnesses. The investigation will include the gathering of physical, documentary, or other relevant and available evidence including law enforcement reports. As part of the investigation, the University will provide an opportunity for all parties to present written statements, identify witnesses, and submit other evidence.

### **C. Standard of Proof**

The University will use a “preponderance of the evidence” standard which is whether the evidence gathered and information provided during the investigation supports a finding that it is more likely than not that the Respondent violated the *Policy on Sexual Misconduct/Title IX*.

### **D. Investigation Finding**

At the conclusion of the investigation, the Title IX Coordinator will prepare a report (“Investigation Report”) summarizing and analyzing the relevant facts from the investigation with reference to any supporting documentation or statements. The Investigative Report will provide

a recommendation to the Vice-president of Student Affairs. The parties will be provided with a copy of the Investigative Report simultaneously.

#### **E. Determination & Notice**

The Vice-president of Student Affairs will provide the Complainant and Respondent with a written notice of the outcome of the University's resolution of the sexual misconduct complaint (the "Letter of Determination"). If the Respondent is found responsible for violating the *Policy on Sexual Misconduct/Title IX*, the Vice-president of Student Affairs will impose a sanction on the Respondent.

#### **F. Preservation of Records**

A confidential record of all complaints including their disposition will be maintained by the Title IX Coordinator and the student file.

### **XI. Disciplinary Actions**

Universidad del Sagrado Corazón reserves the right to interpret this Procedure in its administration, implementation and application.

Any disciplinary action that involves a student will be conducted in accordance with the Student Regulations and, if the Respondent is a resident of the University Residences, according to the University Residences Handbook, or other applicable policy or procedure.

If there is ambiguity in any provision of this Procedure, the University reserves the discretion to interpret it according to the purpose for which it was established, the impact on the operations of the University and good faith, unless any law provides otherwise.

Approved by: 

Gilberto J. Marxuach Torrós, Presidente