



## **SEXUAL MISCONDUCT POLICY**

In accordance with Title IX of the Educational Amendments Act of 1972 and its implementing regulations, Concordia University, St. Paul prohibits discrimination on the basis of sex, including Sexual Harassment, in its education programs or activities. This prohibition on sex discrimination includes, but is not limited to, admission and employment.

Other forms of sex- and gender-based discrimination are addressed by separate University policies, including, but not limited to, Equal Employment Opportunity and Anti-Discrimination and Non-Harassment. All Covered Persons are expected to strictly adhere to all applicable policies.

The policy below defines the forms of Sexual Misconduct and Sexual Harassment prohibited by Concordia University, St. Paul, describes options for reporting, and identifies the process Concordia University, St. Paul will use to investigate and respond to reports of alleged violations.

The policy which follows is not intended, nor implied, to be a contract and is solely a policy for addressing grievances of sex discrimination or Sexual Harassment.

### **Scope and Applicability**

This policy applies to all Concordia University, St. Paul students, employees (faculty, staff, and student employees), members of the Board of Regents, contracted partners, volunteers, visitors, and participants in University-sponsored activities and/or events.

This policy governs conduct by or against a Covered Person on the Concordia University, St. Paul campus or at a University-sponsored event.

### **Definitions**

Terms used in this policy have the following meanings:

**“Advisor”** means a person selected by the Complainant or Respondent, or appointed by Concordia University, St. Paul, who may be present during the Formal Complaint Resolution Process and meetings related thereto. An Advisor may be an attorney.

**“Alternative Resolution Process”** is the process outlined herein for resolving a Formal Complaint with the voluntary written consent of both the Complainant and Respondent and consistent with the other conditions and procedures set out in the Resolution Process.

**“Appellate Officer”** means the individual designated by Concordia University, St. Paul to decide Appeals.

**“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

**“Coercion”** is conduct, including intimidation and express or implied threats of physical, emotional, or other harm, that is employed to compel someone to engage in sexual activity and may be either physical or verbal. Consent may not be obtained through Coercion.

**“Confidential Resource Persons”** are campus members who provide confidential assistance and support to individuals who have experienced or witnessed an event that falls under the

University's definition of Sexual Misconduct Prohibited. Confidential Resource Persons are not required to notify the Title IX Coordinator or law enforcement about alleged sexual misconduct unless the allegations involve the physical or sexual abuse of a child or a vulnerable adult or there is imminent danger to the life of any person. Confidential Resource Persons may be available off campus through community resources or via agreement with a contracted partner agency of the University. The Confidential Resource Persons available at Concordia University, St. Paul include members of the campus ministry team and Student Counseling Services employees.

**“Consent”** is knowing, voluntary and clear permission, by word or action, to engage in mutually agreed upon sexual activity by a party of legal age to provide consent per state law. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. A current or previous relationship is not an indication of consent nor is silence or failing to resist a sexual act. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. Consent can be withdrawn by words or actions at any time during sexual activity.

**“Covered Person”** means a student, employee (faculty, staff, or student employee), member of the Board of Regents, contracted partner associate, volunteer, visitor, or participant in University-sponsored activities and/or events.

**“Force”** means the infliction, attempted infliction, or threatened infliction of bodily harm or the act or threat of any other crime, violent activity, or wrongdoing. Force may include the use of physical violence, threats, or intimidation (implied threats).

**“Hearing Officer”** means the individual designated by Concordia University, St. Paul that hears and reaches a determination regarding a Formal Complaint alleging Sexual Harassment. The Hearing Officer is responsible for managing the conduct of a hearing on a Formal Complaint of Sexual Harassment.

**“Hearing Panel”** is comprised of the Hearing Officer and at least one member of the Title IX committee. The hearing panel attends and observes the live hearing and is responsible for determining sanctions when the Hearing Officer determines that a Title IX violation has occurred.

**“Incapacitation”** is defined as 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 definition also applies to parties whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of, or being administered, incapacitating drugs.

**“Formal Complaint”** means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting investigation of the allegations.

**“Formal Complaint Resolution Process”** is the process outlined in the Resolution Process section.

**“Investigative Report”** is a written report prepared by the Investigator that fairly summarizes relevant evidence gathered in an investigation and relating to a Formal Complaint. **“Investigator”**

means the individual designated by Concordia University, St. Paul to gather information in response to a Formal Complaint.

**“Non-Consensual Sexual Intercourse”** is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a man or a woman upon a man or a woman, without consent and/or by force.

**“Non-Consensual Sexual Contact”** is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, without consent and/or by force.

**“Official with Authority”** means a University official who is authorized to institute corrective measures on behalf of Concordia University, St. Paul related to sexual misconduct prohibited in this policy. Positions considered to be “Officials with Authority” are identified as follows:

1. Title IX Coordinator
2. Director of HR Operations
3. Associate Vice-President for Student Life
4. Housing Officers including Graduate Assistants for University Housing
5. Security Director and Officers
6. President
7. Vice-Presidents
8. College Deans
9. Athletic Director and Coaches;

All Officials with Authority must promptly report any information regarding a potential report of sexual misconduct in violation of this policy to the University’s Title IX Coordinator.

**“Reporting Party”** means an individual who experiences conduct that they believe is or may be sexual misconduct prohibited by this policy.

**“Responding Party”** means an individual who has been alleged to be the perpetrator of conduct that could constitute Sexual Harassment.

**“Sexual Harassment”** is conduct on the basis of sex that meets conditions further defined in the Sexual Misconduct Prohibited section of this policy.

**“Sexual Exploitation”** occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

**“Sexual Misconduct”** includes sexual harassment, sexual assault (including actual or attempt non-consensual sexual contact and actual or attempted non-consensual sexual penetration), sexual exploitation, dating violence, domestic violence, and stalking. Each is further defined in the Sexual Misconduct Prohibited section of this policy.

**“Stalking”** is (1) a course or pattern of unwelcome and unwanted conduct (2) that a person knows or has reason to know (3) would cause the victim under the circumstances to feel frightened, threatened, oppressed, or intimidated or to suffer substantial emotional distress.

**“Supportive Measures”** means non-disciplinary, non-punitive, individualized services designed to restore or preserve equal access to Concordia University, St. Paul’s educational programs or activities to include a right to assistance from the Crime Victims Reparation Board and the commissioner of public safety. Supportive Measures may be offered to a Complainant or

Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive Measures may include, but are not limited to:

- Counseling
- Coursework adjustments
- Modifications of schedules
- Campus escort services
- Mutual restrictions on contact
- Changes in work or housing locations
- Leaves of absence
- Increased security or monitoring

Supportive Measures provided to a Complainant or Respondent will be kept confidential to the extent feasible.

**“Third-Party Reporter”** means an individual, other than a Reporting Party, who notifies an Official with Authority that they have received information from a community member who believes they have experienced conduct that the individual believes is or may be sexual misconduct prohibited by this policy.

**“Title IX-Based Sexual Misconduct”** means sexual misconduct as defined under federal Title IX regulations and is described in more detail in the Sexual Misconduct Prohibited section of this policy.

### **Jurisdiction**

This policy addresses Concordia University, St. Paul’s response to reports of Sexual Harassment, as defined herein, in an education program or activity of Concordia University, St. Paul occurring against a person in the United States. The Title IX Coordinator is responsible for determining whether matters fall under the jurisdiction of this policy. Alleged conduct that may violate Concordia University, St. Paul’s prohibition on sex discrimination, sexual misconduct that does not constitute Sexual Harassment, or conduct that may violate other Concordia University, St. Paul policies will be addressed under procedures applicable to those policies.

### **Behavior Considered to be Prohibited Title IX-Based Sexual Misconduct**

Title IX is a federal law that prohibits certain kinds of discrimination based on sex. Federal regulations required universities to address Title IX-based sexual misconduct in specific and prescribed ways that do not apply to non-Title IX-based sexual misconduct prohibited by Concordia University, St. Paul. Specifically, federal regulations stipulate the requirement of live hearing to adjudicate Title IX-based sexual misconduct under certain circumstances. Title IX-Based Sexual Misconduct is defined under federal Title IX regulations as behavior or actions that satisfy one or more of the following:

- (1) An employee of Concordia University, St. Paul conditioning the provision of an aid, benefit, or service of Concordia University, St. Paul on an individual’s participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Concordia University, St. Paul’s education programs or activities;

- (3) Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the [Federal Bureau of Investigation](#). [Relevant elements of the definition include the following:](#)

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object, without the consent of the victim. This includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical capacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent. This definition includes assaults or attempts to commit rape. Victims and offenders may be individuals of any gender;
- (4) Dating violence, meaning violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship;
- (5) Domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Minnesota or Oregon, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Minnesota or Oregon; or
- (6) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

### **Title IX Coordinator**

Concordia University, St. Paul has designated Milissa Orchard to serve as its Title IX Coordinator. Their contact information is:

Milissa Orchard  
Associate Vice-President of Human Resources & Compliance and Title IX Coordinator  
Ries Tower, Suite 900  
651.641.8268  
TitleIX@csp.edu

Inquiries about the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator.

### **Reporting**

Any person—regardless of whether the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment—may report act of sex discrimination and/or Sexual Harassment to the Title IX Coordinator. Reports may be made in person,

by mail, by telephone, by email, or by filing a confidential report located on the CSP website (<https://www.csp.edu/student-life/title-ix/>). Reports may be made at any time.

In addition, the following resources are available to Covered Persons as follows:

- University Security: Emergency and non-emergency reports may be made to Campus Security by dialing 8777.
- Individuals who have experienced sexual misconduct and wish to keep the details of the incident confidential but wish to seek supportive measures are encouraged to contact a Confidential Resource as soon as possible after the incident.
- Reporting parties have the right to report to law enforcement all misconduct that may violate criminal laws. Parties wishing to seek this option have the full support of Concordia University, St. Paul who will promptly assist with making such a support.
- Anonymous complaints may be filed by using the reporting form on the University's Title IX page at [www.csp.edu/student-life/title-ix/](http://www.csp.edu/student-life/title-ix/). Please note that, per state law, CSP is not obligated to investigate anonymous reports and such reports often hinder the University's ability to investigate and respond appropriate to such incidents.

Upon the receipt of a report, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (with or without the filing of a Formal Complaint), consider the Complainant's wishes with respect to Supportive Measures, and explain the process for filing a Formal Complaint.

If the Complainant chooses not to file a Formal Complaint, the Title IX Coordinator may choose to do so. The Title IX Coordinator may also advise the Complainant about other available procedures and Supportive Measures.

If the Complainant or the Title IX Coordinator chooses to file a Formal Complaint, such Formal Complaint will be handled in accordance with the following Formal Complaint Resolution Process.

### **Confidentiality**

Reporting and Responding Parties have the right to speak or otherwise share information about reports and allegations by or against them and the related response and resolution process. However, both parties must ensure their communications are consistent with the non-retaliation provision of this policy and other applicable University policies. Other individuals involved in the resolution process, including witnesses, support persons, University employees, and other Covered Persons who are not parties in the complaint are expected to maintain the confidentiality of information related to reports, response, and the resolution process.

### **Formal Complaint Resolution Process**

Concordia University, St. Paul's response to a Formal Complaint of Sexual Harassment will treat Complainants and Respondents equitably and provide a process in which the Title IX Coordinator, Investigator, Hearing Officer, Appellate Officer, and any facilitator of an Alternative Resolution Process are free from conflicts of interest or bias against the Complainant or Respondent (or against complainants and respondents generally).

These individuals will receive training on the definition of Sexual Harassment, the scope of Title IX, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. These individuals will also receive training regarding their specific roles in the process.

Concordia University, St. Paul will strive to complete the Formal Complaint Resolution Process within a reasonable time after the receipt of a Formal Complaint. The Title IX Coordinator may allow for the

temporary delay of all or part of the Formal Complaint Resolution Process for good cause and will provide written notice to the Complainant and Respondent of the delay and the reasons therefor.

### **Presumption**

Respondents in a Formal Complaint are presumed not responsible for the alleged conduct until a determination is made regarding responsibility at the conclusion of the Formal Complaint Resolution Process.

### **Written Notice**

Within a reasonable period following receipt of a Formal Complaint, Concordia University, St. Paul will provide written notice to known parties:

- Of this Formal Inquiry and Resolution Process
- Of the allegations potentially constituting Sexual Harassment, including details then-known regarding:
  - the identities of the parties involved in the incident
  - the conduct allegedly constituting Sexual Harassment
  - the date and location of the alleged incident(s)
- That the Respondent is presumed not responsible
- That a determination regarding responsibility is made at the conclusion of the Formal Complaint Resolution Process
- Of their right to an Advisor
- Of their ability to inspect and review evidence in connection with the Formal Complaint
- Of their obligation to promptly notify the Title IX Coordinator if at any time they believe the Title IX Coordinator, Investigator, facilitator of any Alternative Resolution Process, Hearing Officer, or Appellate Officer has a conflict of interest or bias
- Of any other provision in a policy or code of conduct (student or employee) that may be implicated by the allegations in the Formal Complaint
- Of any Alternative Resolution Process

If, during the course of an investigation, Concordia University, St. Paul decides to investigate allegations about the Complainant or Respondent that were not included in a previous written notice, it will provide notice of the additional allegations to known parties.

### **Grounds for Dismissal**

If, at any time subsequent to the filing of a Formal Inquiry and Resolution Form, Concordia University, St. Paul determines that the conduct alleged, even if proved, would not constitute Sexual Harassment, or does not otherwise fall under the jurisdiction of this policy, Concordia University, St. Paul will dismiss the formal inquiry with regard to that conduct. Such a dismissal does not preclude disciplinary action under other provisions of Concordia University, St. Paul's policies.

If, at any time subsequent to the filing of a Formal Inquiry: (1) Concordia University, St. Paul is notified by the Complainant that they wish to withdraw the Formal Complaint or any allegations therein; (2) the Respondent is no longer enrolled or employed; or (3) specific circumstances prevent Concordia University, St. Paul from gathering evidence sufficient to reach a determination; then Concordia University, St. Paul may, in its discretion, dismiss the Formal Complaint or a portion thereof.

In the event of the dismissal of a Formal Complaint (or a portion thereof) under this section, Concordia University, St. Paul will promptly notify the Complainant and Respondent in writing.

### **Alternative Inquiry and Resolution Process**

A Formal Inquiry that does not involve allegations of an employee engaging in Sexual Harassment of a student may be resolved by Alternative Resolution Process which may occur any time between the filing of a Formal Inquiry and a determination of responsibility.

Prior to any Alternative Resolution, both the Complainant and Respondent will be given written notice of: (1) the allegations; (2) the circumstances under which Alternative Resolution precludes them from resuming the Formal Inquiry Resolution Process, such as voluntarily agreeing to resolution of the Formal Inquiry through the Alternative Resolution Process; (3) their right to withdraw from the Alternative Resolution Process and resume the Formal Inquiry and Resolution Process at any time prior to agreeing to a resolution; and (4) consequences resulting from participating in the Alternative Resolution Process, including records that will be maintained or could be shared.

Concordia University, St. Paul will facilitate an Alternative Resolution Process only after the Complainant and Respondent have received such written notice and provided voluntary, written consent to participate in Alternative Resolution. If an Alternative Resolution is agreed upon, the Title IX Coordinator (or the Title IX Coordinator's designee) will attempt to facilitate a resolution that is agreeable to the complainant and the respondent. Any Alternative Resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of Concordia University, St. Paul to stop, remedy, and prevent policy violations. The Complainant and Respondent equally have the option to discontinue the Alternative Resolution Process at any time and request a formal investigation. The University reserves the right to initiate a formal investigation should the situation warrant it. If at any point during the Alternative Resolution Process, the Complainant or Respondent or Concordia University, St. Paul wishes to cease the Alternative Resolution Process and to proceed through the Formal Inquiry and Resolution Process, the Alternative Resolution Process will stop and the Formal Inquiry and Resolution Process will be invoked.

### **Investigation**

Following the filing of a Formal Inquiry, the Title IX Coordinator shall designate an Investigator for the matter. The Investigator will conduct a prompt, thorough, and impartial investigation and prepare a written Investigative Report. The Investigator will typically meet individually with the Complainant and Respondent at least once during an investigation. The Complainant and Respondent will receive written notice of the date, time, location, and individuals who will be present for any investigative interview or meeting and will be given sufficient time to prepare. The Complainant and Respondent may be accompanied by one Advisor at any investigative interview or meeting.

The Complainant and Respondent may advise the Investigator of any witnesses they believe should be interviewed and any inculpatory or exculpatory evidence including, for example, e-mails, text messages, photographs, video surveillance, and/or other physical, documentary, or other evidence.

The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University. After the Investigator has gathered evidence, both the Complainant and Respondent (and any Advisor) will be given the opportunity to inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal



Complaint. Within 10 days, the Complainant and Respondent may submit a written response to such evidence. Any written response(s) will be considered by the Investigator before completing the Investigative Report.

### **Investigative Report**

The Investigative Report will fairly summarize the relevant evidence. In the event a Formal Inquiry proceeds to a hearing, the Investigative Report will be sent to both the Complainant and Respondent (and any Advisor). Within 10 days of receiving the Investigative Report, the Complainant and Respondent may provide a written response.

### **Live Hearing**

A single Hearing Officer hears a Formal Inquiry that proceeds to a hearing. The purpose of the hearing is for the Hearing Officer to objectively evaluate relevant evidence to determine whether the Respondent is responsible for engaging in Sexual Harassment. If the Hearing Officer determines that the Respondent has committed Sexual Harassment, he or she is also responsible for determining appropriate sanctions.

#### **Preparation for the Hearing**

The Title IX Coordinator or a designee will arrange the administrative details for the hearing, including: (1) selecting the Hearing Officer; (2) arranging a time and place for the hearing; (3) making the Investigative Report and evidence that is directly related to the allegations raised in the Formal Complaint available at the hearing so that both the Complainant and Respondent will have equal opportunity to refer to such evidence during the hearing; and (4) arranging for a Complainant or Respondent who does not have an Advisor to be appointed an Advisor to conduct cross-examination on behalf of that party at the hearing.

The hearing will occur with the Complainant and the Respondent located in separate rooms with technology enabling the Hearing Officer, the Complainant, the Respondent, the hearing panel, any Advisor(s), and any witness(es) to simultaneously see and hear any party or witness answering questions.

#### **Conduct of the Hearing**

The Hearing Officer is responsible for managing the conduct of the hearing and ensuring that procedures are followed. The Hearing Officer facilitates all phases of the hearing and resolves all questions that arise during the hearing, including but not limited to procedural issues and issues regarding the propriety or relevance of specific questions, arguments, and information presented. The Hearing Officer will also seek to ensure an orderly and fair exchange of information during the hearing, and in the discretion of the Hearing Officer may ask questions of any party or witness. If anyone attending the hearing acts without appropriate respect or decorum, including failure to comply with the Hearing Officer's instructions, the Hearing Officer may take appropriate action, including requiring that person to leave the hearing.

At the hearing, the Hearing Officer and both the Complainant's Advisor and the Respondent's Advisor will have the opportunity to ask the other party and any witnesses relevant questions and follow-up questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or

witness answers a question, the Hearing Officer will determine whether the question is relevant. If the Hearing Officer excludes a question as not relevant, they will orally explain their decision to do so.

Questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant unless: (1) they are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (2) they concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

An audio recording, audiovisual recording, or a transcript of the hearing will be made and provided to the Complainant and Respondent for review subsequent to the conclusion of the hearing.

### **Determination & Sanctions**

Following the presentation of information at the hearing, the Hearing Officer will determine whether the Respondent engaged in Sexual Harassment. In reaching a decision, the Hearing Officer will apply a preponderance of the evidence standard and will conclude that Sexual Harassment occurred if it is "more likely than not."

If the Hearing Officer determines that the Respondent engaged in Sexual Harassment, the hearing panel (comprised of the Hearing Officer and at least one Title IX Committee member) will then determine appropriate sanctions. Concordia University, St. Paul may implement any of the Supportive Measures outlined above at any time prior or subsequent to any finding of responsibility. However, disciplinary sanctions and remedies may be implemented following a determination of responsibility. Such sanctions and remedies may range from educational sanctions to expulsion or termination of employment.

### **Written Determination**

The Hearing Officer will issue a written determination regarding responsibility. The written determination will include:

- A description of the allegations potentially constituting Sexual Harassment
- A description of the procedural steps taken from the receipt of the Formal Complaint through the written determination
- Findings of fact supporting the determination
- Conclusions regarding application of policy to the facts
- A statement of, and rationale for, the result as to each allegation, including any determination regarding responsibility and any sanctions or remedies
- The procedures and permissible grounds for appeal

The written determination will be provided to the parties simultaneously.

### **Appeals**

A Complainant, Respondent, or Title IX Coordinator may appeal: (1) a determination regarding responsibility; or (2) any dismissal of a Formal Complaint or any portion thereof. Appeals are limited to the following grounds:

- A procedural irregularity, error, or omission occurred that significantly affected the outcome.
- New evidence that was not reasonably available at the time the determination or dismissal was made that could substantially affect the outcome. A summary of this new evidence or its potential impact must be included.
- The Title IX Coordinator, Investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent and that conflict of interest or bias affected the outcome.
- The sanctions imposed fall outside the range of sanctions the University has designated for this offense and the cumulative record of the responding party.

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the written finding.

An appeal panel chosen from the Title IX team will be designated by the Title IX Coordinator from those who have not already been involved in the process. The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The original findings and sanctions are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three (3) business days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) business days. These responses or appeal requests will be shared with each party.

The Title IX Coordinator will issue a written decision describing the result of the appeal and the rationale which will be provided to both parties simultaneously. A determination of responsibility or dismissal becomes final either on the date that the Complainant or Respondent receives the written determination of the result of any appeal or the expiration of the deadline for any appeal.

### **Retaliation Prohibited**

Concordia University, St. Paul prohibits retaliation against any individual who makes a report, testifies, assists, participates, or refuses to participate in any manner in an investigation, proceeding, or hearing under this policy.

### **PREGNANT AND PARENTING STUDENT'S RIGHTS UNDER TITLE IX**

At Concordia University, we want you to be successful in your educational endeavors and career goals. Under Title IX you have a right to receive appropriate support to assist you in achieving these goals. The following information will provide you, as a student with children, additional details to assure that you continue to be on track with your education during this time.

Often Title IX is seen as prohibiting discrimination on the basis of sex. However it also extends into supporting students who are pregnant, parenting, and all related conditions. This means that Concordia University is required to give all students who might be, are or have been pregnant the same access to school programs and other educational opportunities that other students have. Your professors or administrators should not tell you that you have to drop out of your classes or program or change your educational plans due to pregnancy.

Your absences due to pregnancy and or any other related condition must be excused as long as your doctor says it is necessary for you to be absent. If you take a leave of absence, you must be reinstated

to the status you were before your leave. Like other students who are requesting for an excused absence due to medical reasons, Concordia may require you to submit a doctor's note explaining this need.

We want you to be successful in the classroom and for that reason, you cannot be penalized for pregnancy and other conditions. If there is a specific "point" system for class attendance, you must be given the opportunity to earn back the credit. You also will be given the opportunity to make up the work that you missed while you were out due to pregnancy or any related conditions, including recovery from childbirth. For example, if you have a doctor's note that excuses you from class for several weeks because you were on "bed rest" before giving birth, Concordia must provide you with the appropriate assignments and information to make up all of the work that you would have been required to complete while you were out. It is important for you to be in continual contact with your instructor so that you don't fall far behind in making up this work.

Title IX requires that schools, such as Concordia, provide pregnant students with any special services that they provide to other students with temporary disabilities. This requires the coordination and support of Student Accessibility Services who are able to outline and connect you with the necessary services that are available.

During your pregnancy, you also are allowed to continue your participation in program directed requirements such as internships. However, if you are a graduate assistant, you are considered an employee and your rights are different. In this role, you may be eligible for family or medical leave, may qualify for maternity leave but this may not include leave from your classes beyond what is medically necessary. It is important for you to work with the Human Resources Director if you are a graduate assistant.

Concordia University may not be terminated or reduce your athletic, merit or need-based scholarship funds based on pregnancy. If you stay in school, you can keep your scholarship during the period of its award. At times it may seem like it would be easier to just take the semester off. This is an option but only if your doctor says it is medically necessary. If it is not medically necessary, you must comply with Concordia's non-medical leave policy.

Once you return to school, if you are nursing, you should be provided with break times for pumping breast milk. Concordia University does have a Mother's Room that allows you the privacy and space to do this. Contact the Title IX Deputy Coordinator for assistance with gaining access to this space.

Concordia University is also a harassment free school and this includes harassment based on pregnancy. If you experience this sort of treatment at school, please contact the Title IX Deputy Coordinator. The law prohibits retaliation against you for making a complaint or raising a concern. Title IX also may intersect with the American's with Disabilities Act (ADAAA). While pregnancy alone is not considered a disability, if you have complications from pregnancy that significantly limit a major life activity (e.g., ability to walk normal distances, require bed rest, etc.) you may be considered for a short term disability under the ADAAA. (Department of Justice, 2010)

If you have questions regarding your rights under Title IX or access to the Mother's Room, please contact Jason Rahn, Title IX Deputy Coordinator, at 651-641-8706 or [rahn@csp.edu](mailto:rahn@csp.edu). If you have questions and/or need accommodations while pregnant, please contact Linda Lee at [lle@csp.edu](mailto:lle@csp.edu).

Student Accessibility Services ([sas@csp.edu](mailto:sas@csp.edu)) may be contacted with questions regarding accommodations for short-term pregnancy issues.