POLICY PROHIBITING DISCRIMINATION, HARASSMENT AND RELATED MISCONDUCT
Including Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence and Stalking

I. GENERAL POLICY ON PROHIBITED DISCRIMINATION AND HARASSMENT

a. Notice of Non-Discrimination
St. Olaf College is committed to providing an inclusive and welcoming environment for all students, faculty, staff and visitors to our community. The College prohibits all forms of discrimination, and harassment based upon an individual’s legally protected status including race, color, creed, national origin, gender, gender identity, gender expression, sexual orientation, age, religion, disability, marital status, veteran status, or status with regard to public assistance. Failure to respond appropriately to a request for reasonable accommodations from a qualified person with a disability or when based upon an individual’s bona fide religious beliefs is another form of prohibited discrimination. Harassment based upon an individual’s legally protected status is a form of prohibited discrimination. Retaliation against an individual who opposes practices prohibited by this policy, or against an individual who assists the College or other authorities in investigating an alleged violation of this policy is also strictly prohibited.

b. What is “Prohibited Discrimination”?
Prohibited discrimination means treating individuals differently based on the individual’s legally protected status in a manner that significantly interferes with or limits the individual’s ability to participate in St. Olaf programs or activities. For an employee or applicant for employment, prohibited discrimination would be any action that interferes with an individual’s hiring, promotion, job duties, or other terms and conditions of employment. For a student, prohibited discrimination would be any action that interferes with the student’s access to or benefits from educational programs or activities such as admission into programs or activities, grades, assignments and coursework, housing, participation on a team, program or activity, or other adverse actions. Discrimination against volunteers, guests, visitors and any other participants in College programs or activities is also prohibited when based upon an individual’s protected class status.

c. What is “Harassment”? 
Harassing behavior based upon an individual’s legally protected status is another form of prohibited discrimination. Harassment includes verbal, physical, electronic, or other conduct directed at an individual that substantially interferes with the individual’s participation in a College program or activity, including a student’s educational environment and a staff or faculty member’s work environment.

When submission to or rejection of harassing behavior is used, explicitly or implicitly, as the basis for decisions affecting an individual’s participation in a College program or activity (including a student’s educational opportunities or a staff or faculty member’s work), this is one form of prohibited harassment. This type of harassment is commonly referred to as “quid pro quo” harassment.

Another form or prohibited harassment is often referred to as “hostile environment” harassment. This type of harassment involves unwelcome conduct based on an individual’s legally protected status, when such conduct is severe or pervasive enough to substantially interfere
with the individual’s participation in a College program or activity. For students, a hostile environment would interfere with their ability to learn or other aspects of their educational environment. For faculty or staff members, a hostile environment would interfere with their work environment.

St. Olaf strives to provide a welcoming, respectful and healthy workplace and educational environment for all students, faculty, staff and visitors to the College. The College is committed to promptly, impartially, and equitably addressing and resolving all reports of prohibited discrimination and harassment. When the College is notified of behavior in violation of this Policy, it is committed to taking prompt action to stop it, prevent it from recurring, and correct its effects.

d. **What are the different groups that are legally protected from discrimination and harassment?**

Consistent with the Minnesota Human Rights Act and federal laws including Title VII, Title IX, the Rehabilitation Act and the Americans with Disabilities Act, St. Olaf College prohibits discrimination and harassment based upon race, color, creed, national origin, gender, gender identity, gender expression, sexual orientation, age, religion, disability, marital status, veteran status, or status with regard to public assistance.

The following is additional information on the legal protections provided to each of these groups of individuals:

- **Race**: An individual’s actual or perceived racial or ethnic ancestry or physical characteristics associated with a person’s race, such as a person’s color and physical features.
- **Color**: An individual’s skin complexion, shade or tone.
- **Creed**: An idea or set of beliefs (or non-beliefs) that guides the actions of an individual or group.
- **National Origin**: An individual’s actual or perceived country or ethnicity of origin.
- **Gender**: The range of characteristics pertaining to and differentiating between masculinity or femininity, typically related to one’s assigned sex at birth.
- **Gender Identity**: The gender with which an individual identifies psychologically regardless of what gender was assigned at birth.
- **Gender Expression**: How someone expresses gender through appearance, behavior or mannerisms. A person’s gender expression may or may not be identical to the individual’s gender identity or assigned gender sex at birth.
- **Sexual Orientation**: The inclination to develop intimate/sexual relationships with people of the same or different gender or irrespective of gender.
- **Age**: The number of years a person has lived. Under the federal Age Discrimination in Employment Act, employees who are 40 years old and older are legally protected from prohibited discrimination and harassment. Minnesota law protects employees 18 years old and older from prohibited discrimination and harassment.
is no age threshold for students or other participants in the College’s educational programs or activities.

- Religion: All aspects of an individual’s bona fide religious observances or practices. In addition to prohibiting different treatment based upon an individual’s religious beliefs, the College will provide reasonable accommodations of religious beliefs and practices.

- Disability: A person with a physical or mental impairment that substantially limits one or more major life activities; or who has a record of such impairment; or who is regarded as having such impairment is protected from discrimination and harassment under state and federal laws. With regard to employees, the College will provide reasonable accommodations to aid employees with a disability in performing the functions of their jobs. With regard to academic accommodations for students with disabilities, the College will provide auxiliary aids and services to assist a student in participation in the College’s programs and activities. Reasonable accommodations and auxiliary aids and services are not required if they would cause an undue burden on the College or if they would fundamentally alter the nature of the College’s program or activity.

- Marital Status: Marital status refers to whether a person is single, married, remarried, divorced, separated or a surviving spouse. With regard to staff and faculty, this includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of an employee’s spouse or former spouse.

- Veteran Status: Certain individuals who have served in the United State military are protected from prohibited discrimination and harassment. Covered veterans include disabled veterans, veterans of the Vietnam era, and other veterans under state and federal laws.

- Status with Regard to Public Assistance: This means the condition of being a recipient of federal, state or local assistance, or of being a tenant receiving federal, state or local subsidies including rental assistance or supplements.

II. SEXUAL HARASSMENT, SEXUAL VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING

a. Policy Statement on Prohibited Conduct
St. Olaf College prohibits all forms of discrimination and harassment based upon an individual’s legally protected status. In conformity with the College’s General Policy on Prohibited Discrimination and Harassment, the College expressly prohibits all forms of sexual assault, sexual violence, sexual exploitation, and any other forms of sexual harassment. The College also prohibits all forms of dating violence, domestic violence, and stalking. Retaliation against a person who in good faith reports suspected Prohibited Conduct, or against an individual who assists in an investigation into a report of Prohibited Conduct is also strictly prohibited.

For ease of reference throughout this Policy sexual assault, sexual violence, sexual exploitation, sexual harassment, dating violence, domestic violence, stalking, and retaliation are collectively referred to as “Prohibited Conduct.”
St. Olaf students who violate this Policy on Prohibited Conduct will face disciplinary sanctions up to and including suspension or expulsion.

St. Olaf employees who violate this policy will face sanctions up to and including termination of employment.

Other individuals who are not employees or students of St. Olaf and who commit Prohibited Conduct will be subject to all sanctions St. Olaf is able to impose including prohibiting such individuals from trespassing upon the St. Olaf campus or from attending College-sponsored events.

b. St. Olaf and Governmental Resources
In accordance with Title IX of the Educational Amendments of 1972 this Policy defines Prohibited Conduct and the College’s process for responding to it. Prohibited Conduct is not only a violation of this Policy, but an offense to our community. It is also prohibited by various federal and state laws, including Title IX, the Violence Against Women Act (VAWA), and the Minnesota Human Rights Act. Certain types of Prohibited Conduct may also constitute a crime under Minnesota criminal laws.

Questions or concerns regarding Prohibited Conduct may be directed to the St. Olaf College Title IX Coordinator or Title IX Case Manager or any member of the College’s Title IX Team.

ST. OLAF TITLE IX TEAM

Title IX Coordinator Jo Beld: 507-786-3632, Tomson Hall 259
Title IX Case Manager Kari Ogorowski: 507-786-3465, Tomson Hall 148
Director of Public Safety Fred Behr: 507-786-3666, Tomson Hall 10D
Director of Student Wellness Jamie Cathcart: 507-786-3487, Buntrock Commons 112A
Dean of Students Rosalyn Eaton-Neely: 507-786-3615, Tomson Hall 144
Associate Dean of Students Justin Fleming: 507-786-3615, Tomson Hall 147
Vice President for Human Resources Michael Goodson: 507-768-3068, Tomson Hall 180
Vice President for Student Life Greg Kneser: 507-786-3503, Tomson Hall 148
Director of Residence Life Pamela McDowell: 507-786-3011, Tomson Hall 148B
Associate Dean of Students Tim Schroer: 507-786-3615, Tomson Hall 146

Questions or concerns may also be directed to United States Department of Education’s Office for Civil Rights or the Minnesota Department of Human Rights.

The Office for Civil Rights may be contacted at the following:

U.S. Department of Education Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
800-421-3481 (phone)
202-453-6012 (fax)
800-877-8339 (TDD)
http://www2.ed.gov/aout/offices/list/ocr/index.html
OCR@ed.gov
The Minnesota Department of Human Rights may be contacted at the following:

Minnesota Department of Human Rights
Freeman Building
625 W. 2nd Street North
Saint Paul, MN  55155
800-657-3704  (phone)
800-627-3529  (fax)
800-627-3529 (TDD)
http://mn.gov/mdhr/
Info.MDHR@state.mn.us

St. Olaf College is committed to providing a respectful, safe, and healthy environment. The College does not tolerate Prohibited Conduct, and strives to promptly, impartially, and equitably address and resolve all reports of Prohibited Conduct. The College is also committed to administering its process in a manner that is fair and impartial; that treats all parties and witnesses with dignity and respect; and that avoids treating individuals who report having been a victim of Prohibited Conduct in a manner that suggests they are at fault or that they should have acted differently to avoid becoming a victim. When the College determines that a violation of this Policy has occurred, the College will take prompt and appropriate measures aimed at stopping Prohibited Conduct, preventing its recurrence and remedying its effects.

c. Scope of Policy
The College will apply this Policy to address Prohibited Conduct occurring under any one or more of the following circumstances:

- Prohibited Conduct occurring on campus or on other property owned by St. Olaf College;
- Prohibited Conduct committed in connection with any College program or activity, whether on or off campus, including affiliated domestic and international off-campus programs;
- Prohibited Conduct occurring in connection with any other academic, educational, co-curricular, athletic, residential and other College program or activity;
- Prohibited Conduct occurring on-line or electronic conduct such as emails, text messages, and social media that is committed by or directed to any St. Olaf student, employee, or other individual participating in a St. Olaf program or activity; and
- Any other off-campus Prohibited Conduct that is deemed to have the potential of adversely impacting the educational and or workplace environment of any St. Olaf student, employee, or other individual participating in a St. Olaf program or activity.

St. Olaf College is both obligated and committed to addressing Prohibited Conduct, and the College strongly encourages any individual who knows of or has been subject to Prohibited Conduct to report the incident to appropriate college authorities in accordance with the College’s Reporting procedures. Individuals who are uncertain whether an incident involving Prohibited Conduct falls within the scope of this policy are encouraged to contact the Title IX Coordinator or Title IX Case Manager.

d. Responsibilities of Title IX Coordinator; Title IX Case Manager and COordinated REsponse (CORE) Team
i. Title IX Coordinator
St. Olaf College has a designated Title IX Coordinator who oversees the Title IX Team, and who is responsible for coordinating all aspects of the College’s Title IX compliance efforts, including the college’s efforts to prevent Prohibited Conduct based on gender;
dating violence, domestic violence, and stalking; and retaliation in relation to a report of any of these types of Prohibited Conduct. The Title IX Coordinator is:

- Knowledgeable and trained in St. Olaf’s policies and procedures, as well as the College’s legal obligations under state and federal laws including Title IX, the Violence Against Women Act and the Minnesota Human Rights Act;
- Available to advise individuals about St. Olaf’s policy and reporting options;
- Available to provide assistance to employees of the College about how to respond to reports of Prohibited Conduct based on gender; and
- Responsible for overseeing training, prevention and education efforts and periodic reviews of the campus climate and culture.

ii. Title IX Case Manager

The Title IX Case Manager reports to the Title IX Coordinator and oversees the College’s response to reports of Prohibited Conduct based on gender; dating violence, domestic violence, and stalking; and retaliation in relation to a report of any of these types of Prohibited Conduct. The Title IX Case Manager is a resource to the individuals involved in the grievance process by ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping and deadlines imposed by this Policy. The Title IX Case Manager’s duties include communicating with the complainant and respondent about available support services, both on and off campus; answering questions about the College’s investigation and adjudication process; providing periodic status updates throughout the grievance process; and communicating College determinations. The Title IX Case Manager also assists the College with its education and prevention efforts aimed at decreasing the incidence of Prohibited Conduct.

iii. Title IX COordinated REspone (CORE) Team

The Title IX COordinated REspone (CORE) Team is a small “need to know” group comprised of the Title IX Coordinator, Title IX Case Manager, Dean of Students, and Director of Public Safety. The CORE Team conducts an initial assessment of reports to determine whether the alleged conduct is Prohibited Conduct under this Policy, and whether additional action is warranted. The CORE Team evaluates whether and how the College will proceed under this Policy in a manner that provides a prompt, thorough, fair and equitable process for the individuals involved. The CORE Team strives to protect and safeguard the privacy of all individuals involved in the process while performing a careful assessment of and response to reports of Prohibited Conduct.

e. Definitions of Prohibited Conduct and Related Terms

While St. Olaf forbids all forms of prohibited discrimination based upon an individual’s legally protected status, this Policy is focused upon the College’s prohibitions against gender discrimination and sexual harassment and related forms of misconduct. The following are the forms of Prohibited Conduct under this Policy:

- Gender discrimination;
- Sexual harassment;
- Sexual assault;
- Sexual violence;
- Sexual exploitation;
- Dating violence;
- Domestic violence;
• Stalking; and
• Any retaliation directed toward an individual who reports Prohibited Conduct or against any individual who assists in an investigation/adjudication of allegations of Prohibited Conduct

i. Gender Discrimination
Gender discrimination is any distinction, preference, or detriment to an individual that is based upon the individual’s gender. It is conduct motivated by an individual’s gender that excludes an individual from participation in, denies the individual benefits of, treats the individual differently or otherwise adversely affects a term or condition of, an individual’s participation in a St. Olaf program or activity.

Examples of gender discrimination include:
• Treating an employee or job applicant because of gender in decisions involving hiring, promotion, and job assignments;
• Treating a prospective or enrolled student adversely because of gender in decisions involving admissions, financial aid or scholarships, grades, academic assignments, or campus housing decisions;
• Denying or limiting volunteers or visitors from participating in programs or activities because of their gender.

Because sexual harassment, sexual violence and sexual exploitation can adversely affect an individual from participating in programs and activities, these are additional forms of gender discrimination.

ii. Sexual Harassment
Sexual harassment is a form of sex discrimination. It includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal, nonverbal or physical conduct or communication of a sexual nature when:
• submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s educational experience or employment, or the individual’s submission or rejection of such conduct is used as the basis of an educational program or activity decision or employment decision affecting such individual (“quid pro quo harassment”); or
• such conduct has the purpose or effect of substantially and unreasonably interfering with an individual’s education or employment or creating an intimidating, hostile, or offensive educational or work environment (“hostile environment harassment”).

Sexual harassment includes gender-based harassment. Gender-based harassment is non-verbal, verbal or physical harassment directed at an individual or a group of individuals solely on the basis of gender, whether or not such conduct is sexual in nature. It may include harassment based on stereotypical notions of what is female/feminine and male/masculine or a failure to conform to those gender stereotypes.

Actions that can constitute sexual harassment include:
• Unwelcome sexual flirtations, advances, or propositions;
• Requests for sexual favors;
• Verbal abuse of a sexual nature, obscene language, off-color jokes, verbal commentary about an individual’s body, sexual innuendo, and gossip about sexual relations;
• The display of derogatory or sexually suggestive posters, cartoons, drawings, objects, notes, letters, emails, or text messages;
• Visual conduct such as leering or making obscene gestures;
• Recording video or photographs of a sexual nature without consent;
• Cyber harassment, including but not limited to disseminating information, photos, or video of a sexual nature without consent;
• Engaging in conduct of a sexual nature which creates an intimidating, hostile, or offensive academic or work environment (e.g., sexual assault, sexual exploitation, offensive physical contact, obscene messages and gestures); and
• Punishing or threatening to take adverse action against a subordinate or student for refusing to comply with sexual demands.

How Does this Policy Differ From The College's Consensual Relations Policy?

This Policy prohibits all unwelcome conduct of a sexual nature. Because sexual and romantic relationships between persons of unequal status are inherently problematic, even when they are or appear to be entirely consensual, St. Olaf has a separate Consensual Relations Policy which:

• “strongly discourages” romantic or sexual relationships between staff and faculty members where there is a disparity in power or reporting relationships; and
• “prohibits” any and all romantic or sexual relationships between a faculty or staff member and any student enrolled at the College.

If a report is brought to the College’s attention indicating that a prohibited relationship exists, the College would review such allegations under its Consensual Relations Policy and, if the report included allegations of sexual assault or some other form of Prohibited Conduct, the matter would also be reviewed under this Policy. Even in instances where a relationship appears to be completely consensual and does not involve allegations of Prohibited Conduct, a violation of the Consensual Relations Policy is a serious breach of community standards and of College policy, and will result in disciplinary action up to and including termination of employment.

iii. Sexual Assault

Sexual assault is a form of sexual harassment and sexual violence. Sexual assault is any sexual contact with another person who does not or cannot give consent. This may or may not include force. Sexual assault includes, but is not limited to:

• Rape (the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of any person, without the consent of the victim);
- Fondling (the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim);
- Incest (sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law);
- Statutory rape (sexual intercourse with a person who is under the statutory age of consent).

iv. Sexual Violence
Sexual violence is a severe form of sexual harassment. It includes sexual assault, dating violence and other forms of nonconsensual sexual violence. Depending upon the circumstances, other forms of sexual violence may include domestic violence and stalking (although it is important to note that all forms of domestic violence and stalking are prohibited under this Policy regardless of whether they also constitute sexual violence).

v. Sexual Exploitation
Sexual Exploitation is a form of sexual harassment that involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit:
- taking sexual advantage of another person without consent;
- taking advantage of another’s sexuality; or
- extending the bounds of consensual Sexual Contact without the knowledge of the other individual.

Examples of Sexual Exploitation include, but are not limited to: threatening to disclose an individual’s sexual orientation, gender identity, or gender expression; observing another individual’s nudity or sexual contact, or allowing another to observe the same, without the knowledge and consent of all parties involved; non-consensual streaming of images, photography, video, or audio recording of sexual contact or nudity, or distribution of such without the knowledge and consent of all parties involved; prostituting another individual; knowingly exposing another individual to a sexually-transmitted infection, without the individual’s knowledge; knowingly failing to use contraception without the other party’s knowledge; and inducing incapacitation for the purpose of taking sexual advantage of another person.

vi. Dating Violence
Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the statement of the individual alleging the dating violence occurred, and based upon a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

vii. Domestic Violence
Domestic Violence is violence committed by an individual who is:
- a current or former spouse or intimate partner of the victim;
- a person with whom the victim shares a child in common;
- cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- considered to be similar to a spouse under Minnesota’s domestic or family violence laws; or
• any other person subject to Minnesota’s domestic or family violence laws.

Minnesota law defines domestic violence to include violence committed between parents and children, blood relatives, persons who are presently residing together or who have resided together in the past, and persons involved in a significant romantic relationship. The following are examples of conduct that can constitute domestic violence: physical harm, bodily injury or assault; the infliction of fear of imminent physical harm, bodily injury, or assault; terroristic threats; criminal sexual conduct; or interference with an emergency call.

viii. Stalking
Stalking means engaging in two or more acts directed at a specific person that would cause reasonable people to:
• fear for their safety;
• fear for the safety of others; or
• suffer substantial emotional distress.

Stalking can be committed directly by the individual engaging in the stalking behavior, or indirectly through third parties. It includes actions such as following, monitoring, observing, surveilling, threatening, or unreasonably communicating to or about a person, or interfering with a person’s property.

When the behavior is serious enough to cause reasonable fear for safety or substantial emotional distress, examples of stalking behavior can include:
• Repeated, unwanted, intrusive, or frightening communications by phone, mail, text, email and/or social media;
• Repeatedly leaving or sending unwanted items or gifts;
• Following or lying in wait for the victim at places such as the victim’s residence hall, school activities, work, or recreational places;
• Making direct or indirect threats to harm the victim or the victim’s relatives, friends, or pets;
• Damaging or threatening to damage the victim’s property;
• Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; or
• Unreasonably obtaining personal information about the victim for no legitimate purposes.

Stalking behavior can also be a crime. Minnesota law defines stalking as “engag[ing] in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.”

ix. Retaliation
St. Olaf College strictly prohibits retaliation against individuals who report Prohibited Conduct or against individuals who assists in an investigation or adjudication of a report of Prohibited Conduct. Encouraging or assisting others to engage in retaliation also violates this Policy.
Retaliation means any materially adverse words, actions or threats against an individual who engages in protected activity that would discourage a reasonable person from engaging in such protected activity. Protected activity includes an individual’s good faith:

- reporting of Prohibited Conduct;
- participation in an investigation or adjudication of reported Prohibited Conduct; or
- opposition to policies, practices or actions that the individual reasonably believes are in violation of this Policy.

Retaliatory acts may include, but are not limited to: adverse changes in employment status or opportunities; adverse academic action; adverse changes to academic, educational and extra-curricular opportunities; harassment or intimidation; acts or comments intended to embarrass the individual; or seeking out or attempting to discover the parties and witnesses involved in a report for the purpose of influencing their participation or statements, or taking adverse action against them.

Retaliation may be found even when an underlying report of Prohibited Conduct made in good faith was not substantiated. Retaliation may be committed by either of the parties to the College’s complaint process, their friends or representatives, or any other individuals.

Retaliatory conduct by community members and third-parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other form of communication.

x. Sexual Contact

Sexual contact is defined under Minnesota law as the intentional touching by an individual of another’s intimate parts (including an individual’s breasts, inner thighs, buttocks, genitals and/or groin area, whether clothed or unclothed); or the coerced touching by an individual of another’s intimate parts. Sexual contact also includes the intentional removal or attempted removal of clothing covering an individual’s intimate parts.

xi. Consent

Consent is words or overt actions by a person clearly and affirmatively communicating a freely-given present agreement to engage in a particular sexual contact. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in the mutually agreed-upon sexual contact. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent.

All parties to a particular sexual contact must provide consent, and such consent must be present throughout the activity. It is the responsibility of the individual who is initiating each sexual contact to obtain consent before proceeding to engage in the sexual contact.

Even when consent is given, it may be retracted at any time. When consent is withdrawn, the sexual contact for which consent was initially provided must stop immediately. Any words or overt actions can communicate withdrawal of consent. As is the case with communicating the existence of consent, verbal communication is a clear way of communicating withdrawal of consent.
A person can only provide consent when that person:

- Acts freely and voluntarily, without coercion or force or otherwise feeling unduly pressured, threatened, intimidated;
- Is informed about the nature of the sexual contact involved;
- Is not incapacitated, whether from alcohol, other drugs, or other causes, such that he or she cannot understand the fact, nature, or extent of the sexual contact;
- Is conscious;
- Is of legal age to consent (16 years old in Minnesota).

These requirements for consent mean that sexual contact with someone who is threatened, coerced, intimidated, uninformed, incapacitated, asleep or otherwise unconscious, or not of legal age, is by definition sexual assault.

In addition, consent to a particular sexual contact cannot be inferred from:

- Consent to a different form of sexual contact;
- An existing or prior dating, sexual, romantic or marital relationship;
- Silence that is not otherwise accompanied by overt actions indicating consent;
- An absence of physical resistance or verbal protest; or
- Prior sexual activity with other individuals.

xii. **Coercion or Force**

Coercion or force includes conduct, intimidation, and express or implied threats of physical or emotional harm, that would reasonably place an individual in fear of immediate or future harm and that is used in order to persuade or compel someone to engage in sexual contact.

Examples of coercion or force include causing the deliberate incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the sexual contact; threatening to harm oneself if the other party does not engage in sexual contact; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual contact.

xiii. **Incapacitation or Incapacitated**

Incapacitation means the physical and/or mental inability to make informed, rational judgments that is known or reasonably should have been known to the individual initiating sexual contact. An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact.

Alcohol or drug use is a common cause of incapacitation. The mere use of drugs or alcohol, or even intoxication from drugs or alcohol is not proof of incapacitation. Where alcohol or drug use is involved, incapacitation is a state beyond intoxication, impairment in judgment, or drunkenness. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is incapacitated, and therefore unable to give consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:
• Making decisions about the potential consequences of sexual contact;
• Appraising the nature of one’s own conduct; or
• Ability to communicate consent or unwillingness to engage in sexual contact.

There are common signs that should alert a reasonable person as to whether an individual might be incapacitated. Typical signs include slurred or incomprehensible speech, clumsiness, difficulty walking, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know who I am?” If there is any doubt as to the level or extent of one’s own or the other individual’s intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact.

Regardless of their level of intoxication, individuals who are initiating sexual contact are always responsible for obtaining consent before proceeding. Intoxication is never an excuse for or a defense to committing sexual assault or any other Prohibited Conduct. Use of drugs or alcohol does not diminish one’s responsibility to obtain consent, or reduce one’s personal accountability or criminal liability. The issue is whether the individual initiating sexual contact knew, or a reasonable sober person in the position of the individual initiating sexual contact should have known, that the other person was incapacitated.

f. Reporting Options
i. Confidential Resources
In times of distress, it may be confusing to determine how best to obtain personal support and clear information about options and resources. In making a decision about whom to contact for support and information, it is important to understand when communications may remain confidential and when individuals with whom you speak may have an obligation to report information to the College. At St. Olaf, employees including faculty and staff are either confidential resources or responsible employees.

Most St. Olaf employees are not confidential resources, and are therefore “responsible employees” who are obligated to report to the College any information they receive about Prohibited Conduct.

Confidential communications are those communications which legally cannot be disclosed to another person without the consent of the individual who provided the information, except under very limited circumstances, such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person.

The College recognizes that some individuals who experience Prohibited Conduct may wish to keep their concerns confidential. As a result, the College has designated specific persons as confidential resources for individuals who prefer to talk with someone confidentially about their concerns. These confidential resources include the following:

Sexual Assault Resource Network (SARN)
Buntrock Commons 113
sarn@stolaf.edu
507-786-3777 or 507-786-3062
Individuals may discuss concerns in complete confidence with a confidential resource, so long as the allegations do not involve the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. In addition, the College’s Counseling Services staff can assist individuals with obtaining medical, emotional, and other support resources whether or not they decide to report their concerns to the College.

1. **Responsible Employees**
All employees of St. Olaf College who are not confidential resources are responsible employees, and are required by the College to immediately share all known details about any incident of Prohibited Conduct with the Title IX Coordinator, Title IX Case Manager or other member of the Title IX CORE Team. Before obtaining information from a reporting party, responsible employees should apprise the reporting party of the responsible employee’s reporting obligations, and inquire whether the reporting party would rather speak with a confidential resource.

The information to be reported by a responsible employee to the College should include all known details including the date, time and location of the incident; the names of individuals involved and other individuals who may have witnessed the incident; and a brief description of the incident. Although responsible employees are expected to provide all information they have learned from a reporting party, responsible employees should not attempt to investigate or gather any details about the incident beyond the information that the reporting party seeks to share.

Prompt and complete reporting will assist the College in providing timely support that will enable an effective, consistent and fair institutional response. While responsible employees are obligated to report information regarding Prohibited Conduct to the College, responsible employees should respect the confidentiality of the individuals involved by not further disclosing information without the reporting individual’s authorization.

2. **Students**
Students are strongly encouraged to report known or suspected incidents of Prohibited Conduct to the Title IX Coordinator, Title IX Case Manager, or any other members of the Title IX Team. Students are not required to report information to the College unless they are also a student-worker and become aware of Prohibited Conduct as a result of performing their job for the College. Student workers who
learn about *Prohibited Conduct* during the course and scope of their employment with the College are *responsible employees*.

3. **Reports to Public Safety**

Public Safety Officers are *responsible employees* of the College, and are therefore required to report known or suspected *Prohibited Conduct*. Individuals are strongly encouraged to notify St. Olaf’s Public Safety Office of instances of *Prohibited Conduct*. Public Safety provides 24-hour security services, patrol and response throughout the year. Public Safety is dedicated to the safety and protection of the entire St. Olaf community. Public Safety is not a division of the Northfield Police Department, and information provided to Public Safety will not be reported to the Police unless authorized by the reporting party (or such reporting is mandated under Minnesota’s child or vulnerable adult abuse and neglect statutes).

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24-Hour Assistance:  507-786-3666
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ii. **Reporting to the College**

St. Olaf is committed to providing reporting options through multiple avenues which are broadly accessible to all members of the St. Olaf community. Reports may be made by contacting the *Title IX Coordinator*, the *Title IX Case Manager*, or another member of the *Title IX Team*. Reports may occur in person, by telephone, in writing, by e-mail, or electronically. Reports may be made anonymously; however, depending upon the information provided in a report, the College may be limited in its ability to respond.

St. Olaf recognizes that deciding whether to report and how to proceed are difficult decisions. When a report is received, a reporting party does not have to decide on particular course of action or whether to initiate the College’s *Complaint Process*. These decisions often unfold over time. The College will make every effort to respect an individual’s choices about whether and how to proceed. Support resources and *interim protective measures* are available regardless of the course of action chosen.

Individuals who have experienced sexual assault or another form of sexual misconduct can initiate the *Complaint Process* by reporting to the *Title IX Coordinator*, the *Title IX Case Manager*, or another member of the *Title IX Team*. Even if reporting parties are not interested in or uncertain about initiating the *Complaint Process*, they are strongly encouraged to make such reports so that they can better understand the support services and *interim protective measures* available, and gain a deeper understanding of their options under this Policy. Reporting to the College does not mean that the *Complaint Process* must be pursued. The College is committed to honoring a reporting party’s decision as to whether and when to initiate the *Complaint Process*.

1. **Commitment to Privacy**

The College will strive to make every effort to respect and safeguard the privacy of individuals who report *Prohibited Conduct*, and the privacy of all other individuals involved in the process. Consistent with the College’s need to carefully assess allegations of *Prohibited Conduct*, information will be shared with College officials who have a “need to know” in order to assist in the review, investigation, adjudication or resolution of a report. For matters that are reviewed under the *Complaint Process*, information will also be shared as part of the investigation and adjudication process as is required by law and as is deemed necessary for conducting a fair, impartial and thorough investigation.
2. **What Will Occur When a Report is Made?**

Following receipt of a report, the *Title IX Case Manager* will confer with the reporting party on the following:

- Assess the reporting party’s safety and well-being and identify available support and assistance;
- Inform the reporting party of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- Inform the reporting party of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- Inform the reporting party about resources available at the College and in the community, and the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures;
- Inform the reporting party of the right to seek *Informal Resolution* (when available) or to initiate an investigation under the *Complaint Process*, seek to obtain the reporting party’s consent to initiate the *Complaint Process*, and discuss with the reporting party any concerns or barriers to participating in the *Complaint Process*;
- Explain the College’s prohibition against *retaliation* and that the College will take prompt action in response to any act of *retaliation*;
- Notify the *Title IX CORE Team*.

The *Title IX CORE Team*’s will perform an initial assessment of reports of *Prohibited Conduct* to assure prompt, fair and consistent application of this Policy. The *Title IX CORE Team* will perform an initial assessment of:

- the incident or behavior reported;
- any risk of harm to the parties, any other individuals, or the broader campus community;
- the effectiveness of any support resources and *interim protective measures* offered to protect the safety of the reporting party, any other individuals, or the community;
- the appropriate manner of resolution, giving deference to the reporting party’s desired course of action; and
- whether additional measures should be taken to comply with the Clery Act or other obligations.

Individuals who report *Prohibited Conduct* have the right to access their description of the incident as it was reported to the College. To request access to this information, the individual should contact the *Title IX Coordinator* or *Title IX Case Manager*.

3. **Responding to Requests for Confidentiality and/or Non-Action**

Upon receiving a report of *Prohibited Conduct*, the College strives to take prompt and appropriate measures to eliminate misconduct, prevent its recurrence and remedy its effects. In so doing, the College strives to honor requests that the College keep the matter confidential and/or not pursue disciplinary action through the *Complaint Process*.

In the vast majority of cases the College will honor a reporting party’s request to decide whether and when to initiate a complaint under the College’s *Complaint Process*. While St. Olaf strives to honor all such requests, in some cases the College
may determine that overriding risk factors warrant proceeding with the Complaint Process. This assessment will be performed by the Title IX CORE Team and the risk factors reviewed will include:

- Whether the accused individual has prior arrests, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any known history of violent behavior;
- Whether the accused individual has a history of failing to comply with any no-contact order imposed by the College, and/or any judicial protective order/harassment restraining order;
- Whether the accused individual has threatened to commit violence or any form of Prohibited Conduct;
- Whether the Prohibited Conduct involved multiple accused individuals;
- Whether the Prohibited Conduct involved physical violence (e.g., hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon);
- Whether the report reveals a pattern of Prohibited Conduct (e.g., by an individual or a particular group or organization, around a particular recurring event or activity, or at a particular location);
- Whether the Prohibited Conduct was facilitated through the use of “date-rape” or similar drugs or intoxicants;
- Whether the Prohibited Conduct occurred while the reporting party was unconscious, physically helpless or unaware that the Prohibited Conduct was occurring;
- Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and/or
- Whether any other aggravating circumstances or signs of predatory behavior are present.

If a reporting party asks the College not to disclose the reporting party’s name or other identifiable information during an investigation, or the reporting party requests that no investigation be conducted at all, the College will evaluate the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all community members. If the College decides that it has an obligation to initiate a Complaint Process regarding the alleged policy violation, it will notify the reporting party before proceeding.

4. **Anonymous Reports**
The college maintains an online anonymous reporting form (http://wp.stolaf.edu/title-ix/report-sexual-violence/) for any member of the St. Olaf community to anonymously report Prohibited Conduct that the reporter has either experienced or witnessed. The information provided is forwarded to the Title IX Coordinator and utilized for reporting purposes to state and federal authorities. The information is also used by the College to better understand the incidence of sexual violence in our community, and to aid St. Olaf in its education, prevention, and response efforts. The provision of an anonymous report is not used to initiate the Complaint Process under this Policy.

5. **Crime Alerts to the Campus Community**
To achieve a safe and secure campus environment, all members of the campus community are encouraged to report promptly any suspicious or criminal activity observed directly to Public Safety at 507-786-3666 and the Northfield Police
Department. Employees (including student employees) designated as Campus Security Authorities as defined by the Crime Awareness and Campus Security Act (Clery Act), including advisors to student organizations, athletic team coaches, members of the Public Safety Department, members of the Dean of Students Office, personnel working for Residence Life, and other community members who have significant responsibility for student and campus activities are required to report all known or suspected crimes to Public Safety for inclusion in the college’s annual campus security report pursuant to the Clery Act.

When serious crimes are reported on campus, Public Safety will issue a timely warning (Crime Alert) notifying the campus community that an incident has been reported, general information surrounding the incident and how incidents of a similar nature might be prevented in the future. The criteria for issuing timely warnings include crimes that are considered to represent a continuing threat to students and employees. When a Crime Alert is issued, the names of individuals involved and information that could lead someone to identify the individuals involved will not be released. Alerts are sent by electronic mail directly to students, faculty and staff of the college.

While the College is obligated to provide the College community with general information regarding incidents of sexual assaults and certain other crimes occurring on campus, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify individuals. A member of the Title IX CORE Team will review descriptions of alleged incidents to confirm that names and any other identifiers that would enable others to identify individuals will be removed from any incident reports. The College will also maintain as confidential any accommodations or protective measures provided to an individual, to the extent that maintaining such confidentiality will not impair the ability of the College to provide the accommodations or protective measures. The College will only disclose information necessary to provide the accommodations or protective measures in a timely manner. The Title IX Case Manager will determine what information should be disclosed and to whom this information will be disclosed based on the facts and circumstances of the of the specific situation and the accommodation to be provided. The Title IX Case Manager will inform individuals before sharing personally identifying information that is necessary to provide an interim protective measure.

iii. Reporting to Law Enforcement

Sexual violence (including sexual assault and sexual exploitation), dating violence, domestic violence and stalking are also crimes prohibited under Minnesota’s criminal laws. Institutions like St. Olaf are often criticized for not reporting such incidents to law enforcement and for internally addressing matters that some believe should be dealt exclusively through our criminal process. St. Olaf has an independent obligation to address reports of Prohibited Conduct, regardless of whether such conduct is also reported to the police. Furthermore, legal guidelines preclude the College from reporting incidents of Prohibited Conduct to law enforcement without the authorization of the reporting party (unless such reporting is mandated under Minnesota’s child or vulnerable adult abuse and neglect statutes).

Individuals who believe they have been subject to sexual violence (including sexual assault and sexual exploitation), dating violence, domestic violence and stalking are strongly encouraged
to notify the Northfield Police Department. If desired, the College through a member of the Title IX Team will accompany individuals to meetings with law enforcement. Meetings can normally be arranged on campus or at the Northfield Police Department depending upon the wishes of the reporting party. Reporting provides individuals the opportunity to better understand their options and to assess whether the individual wishes to seek the filing of criminal charges, initiate a complaint under St. Olaf’s process under this Policy, or both. In most instances, reporting to the police does not require filing criminal charges, and the individual reporting to the police maintains control over whether and when criminal charges will be pursued.

In instances where the police have been contacted about a matter involving reported Prohibited Conduct, the College will cooperate with the Northfield Police in obtaining, securing, and maintaining evidence. The College and the Northfield Police Department are parties to a Memorandum of Understanding that addresses cooperation, communication and collaborative efforts between the College and the Northfield Police Department in our joint efforts to prevent and respond effectively to sexual violence (including sexual assault and sexual exploitation), dating violence, domestic violence and stalking.

Sexual misconduct may be reported to law enforcement by contacting the Northfield Police Department:

   Emergency Number: 911
   Non-Emergency Number: 507-645-4475

1. **Rights of Crime Victims**

   Minnesota law provides individuals who report crimes to law enforcement with certain rights. These rights pertain to the process used by the police and prosecutors when a crime is reported. This is separate and apart from the process St. Olaf uses under when such a report is made to the College. The following is a brief description of the rights guaranteed to individuals who report crimes to law enforcement:

   **Notification.** By law, individuals who report crimes are entitled to notification of their rights including the following:
   - the process for prosecuting crimes and the ability to participate in this process;
   - the final results of a criminal report (including whether the accused will be charged with a crime and prosecuted, any plea agreement reached with the accused, the outcome of a criminal trial, whether the decision at trial is being appealed, and the results of any appeal);
   - the details of any plea agreement that may have been reached with the accused;
   - the schedule for trial and any appeal hearings;
   - any changes sought to the sentence imposed against the offender and the right to provide input in these proceedings;
   - information regarding the offender’s release or escape from custody or transfer to a lower security facility;
   - any petition by the offender for expungement of the offender’s criminal records;
   - the right of a victim of crime to request restitution and reparations; and
- information on the nearby crime victim assistance resources.

**Protection.** Individuals who report crimes are entitled to:

- a secure waiting area during any court proceedings;
- request that their identity and personal information (including home and employment address, telephone number, and birth date) not be disclosed publicly or in open court;
- protection against retaliation by their employer for taking reasonable time off to testify, assist with the prosecution, and to attend court proceedings; and
- protection from any harassment, intimidation or other tampering with a witness.

**Rights in Criminal Cases Involving Allegations of Domestic Violence, Sexual Assault, or Harassment.** Individuals who report crimes involving allegations of domestic violence, sexual assault or harassment are entitled to:

- be informed of the prosecutor’s decision to decline prosecution or dismiss the case along with information about seeking a harassment restraining order at no fee;
- protections against any retaliation from an employer in response to taking reasonable time off to attend a court proceeding relating to a request for an order for protection or harassment restraining order;
- terminate a lease without penalty;
- make a confidential request for HIV testing of a convicted offender in cases of sexual assault;
- a sexual assault medical examination at no cost; and
- to have an investigation and prosecution of a sexual assault case proceed without having to be subjected to a polygraph examination.

**Other Rights.** Individuals who report crimes are also entitled to:

- request a speedy trial;
- provide input in plea agreements and to object to a plea agreement, orally or in writing, before the court;
- object orally or in writing to a proposed disposition or sentence;
- inform the court, either orally or in writing, of the impact of the crime at the sentencing hearing; and be present at the sentencing and plea presentation hearings; and
- to be informed of any discharge or release of the offender from civil commitment, and submit a statement regarding this decision.

For further information, consult the [Crime Victims Bill of Rights](#), a publication of the Minnesota Department of Public Safety, or [Minnesota Statute 611A](#).

g. **Interim Protective Measures**

At any time after a report of a *Prohibited Conduct* has been received, the College will impose reasonable and appropriate interim protect measures aimed at protecting the safety of the parties or witnesses involved. Interim protective measures are temporary actions taken to facilitate equal access to educational services, and to foster a more comfortable and safe educational and living environment throughout the process of reporting and, if applicable, investigation and adjudication of a complaint. Interim measures may be requested by a party or witness, or
imposed by the College. Interim protective measures are available regardless of whether a report proceeds to the Complaint Process.

Appropriate interim protective measures will vary depending upon the particular circumstances and based on a party’s confidentiality preferences. The range of available interim protective measures include:

- Access to counseling or medical services and assistance in setting up initial appointments on and off campus.
- A College-imposed “no-contact order” prohibiting contact between individuals.
- Assistance in petitioning a court for an order for protection / harassment restraining order.
- Prohibiting an individual from being on campus or at college events.
- Providing security escorts to assure safe movement between classes and activities.
- Rescheduling of exams or assignments.
- Providing alternative course completion options.
- Providing other academic support services, such as tutoring.
- Changing a student’s class schedule.
- Changing an employee’s work schedule or job assignment.
- Changing campus housing arrangements, and assistance with housing relocation.
- Limiting access to certain College residence halls, facilities or activities pending resolution of the matter.
- Voluntary leave of absence.
- College-imposed leave, suspension or separation for individuals accused of committing Prohibited Conduct where there is a credible threat of serious disruption to the College’s operations or a danger to the St. Olaf community.
- Making information available about and providing assistance with respect to orders for protection and harassment restraining orders, including enforcement of such orders.
- In cases where the individual is or becomes enrolled at a different educational institution either because of a transfer, on-going studies after graduation from St. Olaf, or temporary enrollment at a different institution, the College will provide information about resources available at the student’s current institution.
- Any other measure deemed appropriate for fostering a more comfortable and safe educational and living environment.

Interim protective measures are initiated by the College based upon the information gathered during the report or made available to the College thereafter. They are not intended to be punitive. Such measures will vary based on the particular facts and circumstances, including but not limited to the specific need expressed by the complainant, the age of the student[s] involved, the severity or pervasiveness of the allegations, any continuing effects on the reporting party, whether the reporting party and the accused share the same residence hall or job location, and whether other measures have been taken to protect the reporting party. The Title IX CORE Team will be responsible for determining what measures will be put in place.

The Title IX Case Manager will maintain on-going contact with the parties involved in a report of Prohibited Conduct. Where interim protective measures impact another party, the Title IX Case Manager will inform that party and provide an opportunity to respond to such actions. The Title
IX Coordinator retains the discretion to impose and/or modify any interim protective measures based on all available information. A party may challenge interim protective measures, or failure to impose interim protective measures or take other actions, by contacting the Title IX Coordinator to address any concerns.

h. Options for Avoiding Contact with Other Individuals Involved In a Report of Prohibited Conduct

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a harassment restraining order or protective order from a civil court or requesting a no-contact order from the College.

i. Order for Protection / Harassment Restraining Orders

Harassment restraining orders and orders for protection are legal orders issued by a state court which forbid someone from harassing and/or making contact with another. A harassment restraining order is a civil court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member. The College does not issue harassment restraining orders or orders for protection, but one can be obtained through making an application to the Rice County District Court. Paperwork to petition the court for an order for protection or harassment restraining order is available from the Public Safety Office or the Northfield Police Department. These forms may be submitted to the Court Administrator in the Rice County Courthouse, 218 3rd Street NW, Faribault, MN 550221 during business hours.

An order of protection and/or harassment restraining order can be enforced by contacting local law enforcement. St. Olaf is committed to ensuring that any such order issued by a court is fully upheld on the College’s campus and at any St. Olaf-sponsored event.

ii. St. Olaf No-Contact Order

A no-contact order is a College-issued directive that prohibits one or both parties from communication or contact with another. To request a no-contact order from the College, individuals should contact the Title IX Coordinator or the Title IX Case Manager.

The College is responsible for honoring requests for information about available options for orders for protection, restraining orders, and no-contact orders and will comply with and enforce such orders.

i. Forensic Sexual Assault Investigations / SANE Nurse Examinations

For their health and safety, to preserve their options and for other reasons, victims of sexual assault are strongly encouraged to immediately obtain medical attention and a sexual assault examination. Sexual assault examinations are available to anyone who is a victim of sexual assault regardless of gender or gender identity. Sexual assault examinations are conducted up to 120 hours after commission of a sexual assault; however, there may be circumstances that warrant an examination even after that period of time has expired.

A forensic exam is an exam performed by a specially-trained forensic nurse, called a Sexual Assault Nurse Examiner (or “SANE Nurse”). SANE Nurses work with physicians in the Emergency Department at the Northfield Hospital.
The purpose of a forensic exam is to (1) assess the patient for injuries that need treatment, (2) provide medical care (including medications to prevent infections and pregnancy), and (3) document and collect evidence of sexual contact or physical trauma (including injuries on the body and genitals), trace evidence, and identifiable DNA from the perpetrator of a sexual assault. When there is suspicion or concern that a victim may have been incapacitated by drugs or alcohol during a sexual assault, the forensic exam may include the collection of urine and/or blood samples for toxicology testing.

Evidence recovered from a forensic exam can be used to support a report under this Policy or a police report/criminal complaint; however, having a forensic exam performed does not mean that you must report the incident to either the College or the Northfield Police. That decision is entirely yours to make. Even if you are not considering initiating a complaint with either the College or the police at this time, obtaining an examination may ensure that important evidence is not lost, and may therefore be useful in the future if you decide to initiate a complaint the College or file a police report.

i. What to Do and Not Do Before Obtaining a Forensic Exam
   If possible, do not brush your teeth, bathe/shower, change your clothes, or use the bathroom. This is to ensure any/all available forensic evidence is preserved for collection. If you have already done some/all of these things, it is still worth obtaining a forensic exam. Forensic evidence may still be present for collection, and it is also important to seek health care treatment. You may wish to bring a change of clothes with you to the Hospital.

ii. What to Expect During a Forensic Exam
   You will be seen by a physician in the Emergency Department at Northfield Hospital; the physician will assess whether you have any life-threatening or urgent medical needs. The physician will ask you basic questions about your health history, the general nature of the assault, and any current pain or other symptoms to help understand what care you need. You do not have to share details of the assault with the physician.

   You will also be seen by the SANE Nurse. The SANE Nurse will ask you about:
   - your medical history;
   - any current medications you are taking;
   - your most recent consensual sexual contact;
   - the dates of your last menstrual period, if applicable; and
   - any current contraceptive methods.

   The SANE Nurse will also ask you details about the assault to help determine how best to perform the forensic exam. In order to determine where to look for forensic evidence, the SANE Nurse will ask about the types of conduct that occurred and where (in or on the body) sexual contact was made. This information will be documented in the medical record. After obtaining this information, the SANE Nurse will usually ask you to disrobe so the forensic exam may be performed. Your physical privacy will be respected throughout the forensic exam. The evidence that is collected is guided by the information you provided about the assault. The evidence may include:
   - Clothing worn at the time of the assault, including underwear. If your clothing is collected and you did not bring other clothing with
you, you will be provided clothing (such as sweatpants and a t-shirt) to wear home.

- Swabs for possible DNA evidence taken from areas of the body where you reported sexual contact occurred.
- Hair samples.
- Blood and/or urine samples (particularly if there is concern of drug-facilitated assault).
- Any external injuries or areas of pain and discomfort. Any injuries will be documented and often photographed. (Photographs become part of the medical record).
- Injuries to the genital and rectal areas.

You control the scope and duration of the forensic exam. You may refuse any part of the forensic exam, even after giving full consent at the start. You may elect to stop the forensic exam before it is completed or you may ask to take a break. The medical staff will not examine you or collect physical evidence without your permission. They need your signed consent to administer the forensic exam and/or to provide any forensic evidence that is collected to the police or the College. You may ask any questions that you have about the forensic exam or any aspect of your care. All forensic exam procedures should be explained so that you understand why and how they are done; if you have any questions, you should ask the SANE Nurse or the doctor to explain what they are doing.

iii. Support Before, During and After the Forensic Exam

The Emergency Department will call an advocate from either the HOPE Center in Faribault (http://hopecentermn.org/) or the St. Olaf Sexual Assault Resource Network (“SARN”) http://pages.stolaf.edu/sarn/. You do not have to speak to the HOPE Center or SARN advocate, but one will be available to you. You may also contact the HOPE Center or SARN yourself:

HOPE Center 24-Hour Crisis Line: 800-607-2330
SARN: 507-786-3777

HOPE Center and SARN advocates are confidential resources. As such, your interactions will be kept confidential. No reports or actions will be taken without your permission.

An advocate can provide emotional support during the forensic exam and any related report-taking. The advocate can help explain medical procedures and the process of evidence collection. The advocate may also counsel friends or family members who may be at the Hospital with you. The advocate may also assist you with follow-up medical and counseling appointments and may provide support throughout any subsequent College or criminal process initiated by you.

You may also have your own friend or other support person present with you before, during and after the forensic exam.

iv. Do I Have to Report the Incident of Sexual Assault in Order to Have This Examination?

No. You decide whether and when you wish to report the sexual assault to the College and/or the police. You do not have to make a report in order to have
forensic evidence collected. Collecting the evidence now may be critical in keeping your options open if you later decide to report.

v. The Forensic Examination is Free of Charge
A SANE Nurse examination is free regardless of whether or not you choose to report the matter to the police or the College. The following services are free of charge:

- Evidence collection after a sexual assault;
- STI prevention medications; and
- Emergency contraception.

Additional medical services, if needed, are not free but are typically covered by private insurance. If you are a dependent on your parents’ health insurance plan, be aware that your parents may learn about your visit to the emergency room through their insurance company.

vi. Release of Forensic Evidence
Forensic evidence collected at the Northfield Hospital may be released to the College or Northfield Police only with your written consent or if an authorized third party provides consent on your behalf. This forensic evidence may be used to support any subsequent criminal and/or College disciplinary action.

j. Waiver of Drug/Alcohol Violations
When St. Olaf receives a report of Prohibited Conduct our main priority is to protect the safety and well-being of the members of our community. In order to do so, we need individuals who report Prohibited Conduct and those who participate in investigations into such reports to be honest and candid about the circumstance surrounding the report. We do not want concerns about the College’s alcohol and illicit drugs policy to cause individuals to either avoid reporting or to provide incomplete or inaccurate information during an investigation into such a report. Therefore, individuals who report Prohibited Conduct, and individuals who participate as a party or witness in an investigation into allegations of Prohibited Conduct will not be disciplined by the College for any violation of its Policy on Alcohol and Illicit Drugs.

k. Annual Review / Title IX Advisory Group
This policy is maintained by the Title IX Team and subject to ongoing review and improvement. The Title IX Team will review this Policy on at least an annual basis. To assist the Title IX Team in its review of its policies and practices, St. Olaf College has established a Title IX Advisory Group that is tasked with gathering information from the St. Olaf community and providing recommendations on policy revisions and enhancements. Title IX Advisory Group is appointed by St. Olaf’s President and is comprised of student, faculty and staff representatives.

The Title IX Advisory Group will seek to identify legal compliance changes; evaluate the resources and support available to individuals involved in the College’s process; assess the effectiveness of the Complaint Process, including assessing fairness, impartiality, and thoroughness of the investigation and adjudication process; and provide feedback on the College’s education, awareness and prevention initiatives. The Title IX Advisory Group will provide opportunities for students, staff, faculty and other members of the St. Olaf community, especially individuals affected by this Policy and the Complaint Process, to provide feedback on the effectiveness of support services and the Complaint Process.
1. **External Complaints**

Nothing in this Policy or *Complaint Process* is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR). If you have made a report of *Prohibited Conduct* and/or filed a complaint under the *Complaint Process*, and believe the College’s response was inadequate, or you otherwise believe you have been discriminated against, you may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education. The OCR office that oversees institutions in Minnesota, including St. Olaf, is:

**U.S. Department of Education**
Office for Civil Rights
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Tel: **312.730.1560**
TDD: **877.521.2172**
Email: **OCR.Chicago@ed.gov**