

Sacred Heart Seminary and School of Theology

Title IX Rights and Responsibilities

The Parties in a Title IX complaint process are the Complainant and the Respondent. The Complainant is the person for whom a Title IX civil rights violation complaint is filed at Sacred Heart Seminary and School of Theology (SHSST). The Respondent is the person against whom the complaint is made. The Recipient is SHSST. Definitions of other terms can be found at <https://www.shsst.edu/wp-content/uploads/2020/08/Definitions.pdf>.

I. Rights

The Complainant and Respondent in a Title IX complaint process at SHSST enjoy the following rights.

A. Supportive Measures

Supportive Measures are available to the Complainant whether a Formal Complaint is filed or not. Supportive Measures are available to Respondent if a Formal Complaint is filed.

Supportive Measures are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to SHSST's Education Programs and Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or SHSST's education environment, or to deter Sexual Harassment. Supportive Measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

B. Rights of Respondent

1. Presumption of not responsible

The Respondent is presumed not responsible for a Title IX civil rights violation until a judgment is made to the contrary by the decision-maker or appeals officer after the completion of the entire Title IX process. Prior to such a judgment, no action can be taken by SHSST that is punitive or presumes responsibility.

2. Know the name of your accuser

After the filing of a Formal Complaint, the Respondent has a right to know the name of the Complainant.

C. Formal grievance process

As articulated in the SHSST Title IX Policy and Procedures. See <https://www.shsst.edu/title-ix/>.

1. Reasonable timeframe

Each step of the process shall be accomplished within a reasonable timeframe.

2. Advisor

The Complainant and the Respondent have the right to the presence of an advisor of their choice at any meeting or hearing specified in the grievance procedures. The advisor will cross-examine the other party and witnesses at the hearing. The advisor may, but is not required to be, an attorney. If the Complainant or Respondent does not provide their own advisor, SHSST will provide one for them at no cost for the sole purpose of conducting cross-examination at the hearing.

3. Accommodation

A party who requires a reasonable accommodation for any aspect of SHSST's grievance procedures may submit a request for accommodation to the Title IX Coordinator. Such requests will be evaluated and acted on consistent with SHSST's obligations under applicable law, including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

4. Written notice of:

- allegations, including names, dates, locations, and conduct
- additional allegations
- resumption of formal process
- dismissal of complaint

5. Evidence

Both parties have a right to equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the Recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

6. Informal resolution

If the offending behavior is student-student or employee-employee. At any time after the parties are provided written notice of a Formal Complaint, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution, the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties.

7. Live Formal Hearing

The Complainant and the Respondent have a right to a Formal Hearing, whether in-person or remote, at which the advisors of the Complainant and the Respondent can make statements and cross-examine the evidence and witnesses.

8. Appeal

The Complainant and the Respondent have a right to appeal in writing to the initial decision of the hearing officer after the live hearing. To object to the decision of the appeals officer.

9. File a complaint with the Department of Education

The Complainant has a right to file a complaint of Sexual Harassment with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or by calling 1-800-421-3481.

D. Other rights

1. First amendment protection

A Complainant's, Respondent's, or witness's first amendment rights are protected, subject to the prohibition of retaliation and the prohibition of disseminating materials generated by SHSST in the Title IX process (see below). Any statement a Complainant or Respondent makes to another party inside or outside the Title IX process may be used as evidence against them in the Title IX process.

2. Confidentiality

SHSST will generally maintain as confidential the identity of any individual who has made a report of Sexual Harassment, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment, and the identity of any witness. SHSST will also maintain the confidentiality of its various records generated in response to reports of Sexual Harassment, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, hearings records, and appeal records.

3. Confidentiality of protected professional records.

During the grievance processes, SHSST must obtain a party's voluntary, written consent prior to accessing, considering, disclosing, permitting questioning, or otherwise using:

A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or

Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege.

4. Freedom from Retaliation

No participant in the Title IX process may be subject to retaliatory behavior. Anyone who engages in retaliatory behavior in relation to a Title IX complaint is subject to the same procedures as enumerated in the SHSST Title IX Procedures. "Retaliation" is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

II. Responsibilities

A. False statements

All persons involved in the Title IX process are prohibited from making a report of Sexual Harassment that the person knows to be false at the time the report is made. In addition, all persons are prohibited from making knowingly false statements or providing knowingly false evidence during any phase of the grievance process. A person who violates this provision is subject to the full range of discipline, up to and including termination.

B. Dissemination of Title IX materials

Parties and advisors are prohibited from disseminating any materials generated by SHSST in the course of an investigation, hearing, and appeal, including but not limited to the Formal Complaint, preliminary and final investigation reports, the written determination, and appeal determination.