



ST. BERNARD'S

SCHOOL OF THEOLOGY
AND MINISTRY

The 2023 Security Report for St. Bernard's School of Theology and Ministry Security Policies and Crime Statistics 01.01.2022—12.31.2022

In Compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (in section 485(f) of the Higher Education Act with amendments to the Clery Act as introduced through the Violence Against Women Reauthorization Act of 2013 (VAWA) (Public Law 113-14)

Security Procedures

If anyone sees what they think is a crime taking place on campus, they are encouraged to call the police immediately (911). When a crime takes place on campus, the school will notify the Police Department in the immediate area. If there is loss of personal property without entry, it is the responsibility of the individual to report the loss. If this occurs during business hours (Main Campus: Monday through Friday, from 8:30am – 4:30pm; Albany Campus: Monday through Thursday, from 8:30am-7:00pm), a staff member will assist in the making of the call and be present when the police arrive to investigate. Reports of any police investigation and reports related to a crime are kept by the School. Whenever the police are called to campus, the School indicates this in a report.

The School takes no responsibility for lost, stolen or damaged property.

Automobiles should be locked when unoccupied. Campus burglaries do occur. Preventive measures are your best insurance against such an action happening.

It is important to report all incidents, especially thefts. Although you may think it is too late to retrieve your particular loss, such information may help prevent other occurrences. The School is private property and reserves the right to evict persons from the premises, if deemed appropriate.

Your cooperation is needed in maintaining security on campus.

Crime Prevention

Annual seminars are given by the Monroe and Albany County Sheriff's Offices about campus and neighborhood safety. Presentations are given by the Monroe and Albany County Sheriff's Offices on campus, which include campus security, bias-related crime, domestic violence and rape prevention. A Crime Prevention Officer tours both campuses on an annual basis to make security recommendations, should any be necessary.

Reporting Crimes and Emergencies

At the Main Campus, the Nazareth College security staff makes regular rounds to the campus in the evenings on the weekdays, weekends, and holidays.

Security staff on site at the Albany Campus monitor the campus on the weekday, weekend, and holidays. Any problems are reported to the Executive Assistant to the President.

During business hours (Main Campus: Monday through Friday, from 8:30am – 4:30pm; Albany Campus: Monday through Thursday, from 8:30am-7:00pm), and at any other times that the buildings are open, all crimes or emergencies are reported to the Executive Assistant to the President (Kelly.Brunacini@stbernards.edu or 585-271-3657 ext. 290) who then will report to the President. The office of the President will inform the School community in writing of all criminal or emergency activity on and/or around the campus.

Security of and Access to the Campus

The School facility on the Main Campus is kept locked after 9 p.m. and monitored by a security system. The Monroe County Sheriff's Office will respond if the alarm system is activated.

The Albany Campus building describes a third of the first floor in the Pastoral Center for the Diocese of Albany at 40 North Main Street, Albany, NY. Access to the building in which the Campus is contained is secured at all times and can only be entered through the main lobby of the Pastoral Center, at which point anyone who enters must sign in before they are admitted.

Access to both buildings is provided only until 7:00pm after which admittance is prohibited. Both buildings are closed on the weekends. All students and staff are required to follow the COVID-19 protocols that have been promulgated at each campus.

Campus Law Enforcement

The Monroe and Albany County Sheriff's Offices investigate any criminal activity that occur on campus. The School staff does not detain or arrest. The Monroe and Albany

County Sheriff's Offices are prompt in responding to alarms, crimes or dangerous situations.

All reported crimes or matters that a student or employee deems to be of importance are documented and forwarded immediately to the President's office, in addition to police intervention, when appropriate.

Information Regarding Campus Security Procedures

Each fall as part of the School's orientation, students are informed about matters of campus security. Security policies and procedures are contained in the *Student Handbook* which is available on the school's website. The community is informed at the start of every Fall semester that the *Student Handbook* has been updated.

Employees receive information on the proper methods of safeguarding valuables while at work.

Students and employees are encouraged to report any suspicious persons or activity to any staff member, the President's office, and/or police if necessary.

Following any illegal activity in the surrounding area or on campus, the incident information is distributed to the School's community as well as any positive actions that can be and/or have been taken.

Criminal Offenses

The Clery Act cites the criminal offenses that this report must include. The definitions for these offenses can be found in Chapter 3 of the U.S. Department of Education publication entitled *The Handbook for Campus Safety and Security Reporting* (2016 edition). This publication can be found at

<https://www2.ed.gov/admins/lead/safety/campus.html#handbook>

In addition to these criminal offenses, please note the following three *Violations Against Women Act* offenses as again cited by *The Clery Act* for reporting purposes in this report:

Definition of Domestic Violence

Domestic violence means causing or attempting to cause physical or sexual assault or abuse, placing another in reasonable fear of bodily injury, restraining another's liberty or freedom of movement, or stalking, whether such conduct be a felony or a misdemeanor, and where such conduct is committed by:

1. A current or former spouse or intimate partner of the victim;

2. A person with whom the victim shares a child;
3. A person who is cohabiting or has cohabited with the victim as a spouse or intimate partner;
4. A person similarly situated to a spouse of the victim; or
5. Any other person against an adult or youth victim who is protected from that person's acts under New York State's domestic or family violence laws.

Definition of Dating Violence

Dating violence means 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 shall be determined based on such factors as the length of the relationship, the type of relationship and the frequency of the interaction between the persons involved. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse by one of the individuals to the other.

Definition of Stalking

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward or repeatedly communicates to another person with the intention of placing that other person in reasonable fear of bodily injury or to cause substantial emotional distress in the other person. Stalking may include repeatedly following, monitoring, harassing, threatening, intimidating or communicating to or about another person by phone, mail, electronic communication, social media, or any other action, device or method.

(The definitions above, are based on definitions of these concepts found in The Violence against Women Reauthorization Act of 2013, 42 U.S.C. §§ 13925(a) and 40002(a). Chapter 3 of the U.S. Department of Education publication previously mentioned above entitled *The Handbook for Campus Safety and Security Reporting* (2016 edition) also supplies definitions of these and other criminal offenses).

Alcohol and/or Drug Use Amnesty

The health and safety of every student at St. Bernard's School of Theology and Ministry is of utmost importance. St. Bernard's recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. St. Bernard's strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to St. Bernard's officials or law enforcement will not be subject to St. Bernard's code of conduct action for violations

of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Students' Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Crime Statistics – Main Campus

Criminal Offenses Reporting Table

OFFENSE	YEAR	NUMBER OF INCIDENTS
Murder/Non-Negligent Manslaughter	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Manslaughter by Negligence	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0

Rape	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Fondling	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Incest	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Statutory Rape	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Robbery	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Aggravated Assault	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Burglary	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Motor Vehicle Theft	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Arson	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Larceny-Theft	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Simple Assault	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Intimidation	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Destruction/Damage/ Vandalism of Property	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0

VAWA Offenses Reporting Table

OFFENSE	YEAR	NUMBER OF INCIDENTS
Domestic Violence	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Dating Violence	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Stalking	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0

Arrests and Disciplinary Referrals Reporting Table

OFFENSE	YEAR	NUMBER OF INCIDENTS
Arrests: Weapons: Carrying, Possession, etc.	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Disciplinary Referrals: Weapons: Carrying, Possession, etc.	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Arrests: Drug Abuse Violations	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Disciplinary Referrals: Drug Abuse Violations	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Arrests: Liquor Law Violations	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Disciplinary Referrals: Liquor Law Violations	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0

Hate Crimes Reporting

There were no hate crimes for the years 2020, 2021, and 2022.

Unfounded Crime Reporting

There were no unfounded crimes in 2020, 2021, and 2022.

Crime Statistics – Albany Campus

Criminal Offenses Reporting Table

OFFENSE	YEAR	NUMBER OF INCIDENTS
Murder/Non-Negligent Manslaughter	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Manslaughter by Negligence	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Rape	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Fondling	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Incest	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Statutory Rape	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Robbery	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Aggravated Assault	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Burglary	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Motor Vehicle Theft	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Arson	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Larceny-Theft	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Simple Assault	01.01—12.31.2022	0
	01.01—12.31.2021	0

	01.01—12.31.2020	0
Intimidation	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Destruction/Damage/ Vandalism of Property	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0

VAWA Offenses Reporting Table

OFFENSE	YEAR	NUMBER OF INCIDENTS
Domestic Violence	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Dating Violence	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Stalking	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0

Arrests and Disciplinary Referrals Reporting Table

OFFENSE	YEAR	NUMBER OF INCIDENTS
Arrests: Weapons: Carrying, Possession, etc.	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Disciplinary Referrals: Weapons: Carrying, Possession, etc.	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Arrests: Drug Abuse Violations	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Disciplinary Referrals: Drug Abuse Violations	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Arrests: Liquor Law Violations	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0
Disciplinary Referrals: Liquor Law Violations	01.01—12.31.2022	0
	01.01—12.31.2021	0
	01.01—12.31.2020	0

Hate Crimes Reporting

There were no hate crimes for the years 2020, 2021, and 2022.

Unfounded Crime Reporting

There were no unfounded crimes in 2020, 2021, and 2022.

Criminal Activity by Students at Off-Campus Locations:

Since St. Bernard's does not have fraternity or sorority houses associated with the student body of this School, this reporting requirement does not apply.

Missing Student Policy:

Since St. Bernard's School of Theology and Ministry does not offer campus housing, the missing student policy requirements does not apply.

Alcohol and Drug Policy

St. Bernard's School of Theology and Ministry is in compliance with the federal regulation from the Department of Education regarding "Drug-Free Schools and Campuses." This includes a prohibition of the unlawful possession, use, or distribution of illicit drugs or alcohol. Violators risk disciplinary action from the School and from law enforcement agencies. St. Bernard's is committed to maintaining a drug-free environment. In accordance with the Drug-Free Schools and Communities Act Amendments of 1989 and the Higher Education Reauthorization Act of 1987, the School is providing you with this notice. **The Unlawful Possession, Use, or Distribution of Illicit Drugs or Alcohol is prohibited.** Such activities violate the School's standards of conduct and may subject the violator to disciplinary action. Alcohol may not be consumed on the school premises unless it is part of a school-sponsored function.

Sanctions for Violations of the School's Alcohol and Drug Policy

Violators risk disciplinary actions up to and including expulsion or termination from the School and referral for prosecution by Federal, State, and local law enforcement agencies. Federal, State and Local Laws Make Illegal Use of Alcohol and Drugs Serious Crimes. Conviction can lead to fines, imprisonment, assigned community services, and permanent criminal records.

For further information concerning alcohol laws in New York State, visit:

https://en.wikipedia.org/wiki/Alcohol_laws_of_New_York

For further information concerning controlled substance laws in New York State, visit:

<https://www.health.ny.gov/professionals/narcotic/>

Drug and Alcohol Counseling, Treatment, and Rehabilitation Programs

If you think you have a substance or alcohol abuse problem, you are encouraged to seek professional help. Referrals and a list of available community resources are available from the Director of Admissions (Matthew.Brown@stbernards.edu or 585-271-3657 ext. 289) with confidentiality assured for all inquiries. Presentations on these topics will be made available by the Director of Admissions to students at the beginning of the academic year.

For further information, please consider the following:

<https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/preface>
<https://www.drugabuse.gov/drugs-abuse>
<https://www.oasas.ny.gov/>

Serious Health Risks

Alcohol and drug abuse interfere with a person's physical and emotional health and social functioning. Federal regulations require that as a condition of employment, employees will notify the institution of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

Disability Accommodation Policy

It is the policy of St. Bernard's to provide students who have disabilities with reasonable educational accommodation based upon relevant law, the School's educational standards, and sound ethical practice in disability services. The accommodations should maintain the academic integrity of the courses and the academic program as a whole while attempting to meet students' needs. St. Bernard's does not waive academic requirements for students with disabilities. Rather, our policy is to assist the student in his or her efforts to meet the School's requirements by making reasonable accommodations. Educational accommodations are defined as any reasonable adjustment required for a student to participate fully in the life of the community, inside or outside the classroom. Decisions about what constitutes reasonable accommodation for an individual student are made by the Academic Dean using information provided by the student and occasional consultation with faculty and/or Rochester Diocesan HR personnel. Accommodations are considered on a case-by-case basis. Accommodations not provided by St. Bernard's include personal assistive devices and specialized transportation.

Persons eligible for accommodation under this policy include graduate students seeking various degrees at St. Bernard's whether full time or part-time, matriculated or unmatriculated during the period of their enrollment at the School. Only students who identify themselves as having a disability and seek accommodation using the procedures described in this policy are eligible.

Request and Documentation for Disability Accommodation

A student seeking disability accommodation must submit the *Disability Accommodation Request Form* (available either on St. Bernard's website under the tab "Student Resources", or upon request from the Director of Admissions, Mr. Matthew Brown at 585-271-3657 ext. 289 or by email at Matthew.Brown@stbernards.edu). The student assumes full responsibility for providing all necessary documentation to sufficiently support the existence of disability and/or the need for reasonable accommodation. The documentation should include a recent professional evaluation which identifies the disability, challenges to the process of learning due to the condition, and, if possible, recommendations for specific accommodations. Reports must be provided by a qualified professional, most often a physician, educational diagnostician, learning disability specialist, or mental health professional who is not a blood relative. When tests or measurements have been instrumental in the diagnosis of a disability, a written report thoroughly describing testing procedures followed, instruments used, and test results/interpretation is expected. Except for documentation of permanent physical and sensory disabilities, the information provided should be based on diagnostic work no older than three calendar years. All documentation must contain the name, title, and professional credentials of the evaluator. The information contained in the report is kept confidential unless the student specifically authorizes disclosure. The student will be expected to authorize the release of information before accommodation requests are shared with faculty or other appropriate personnel.

Examples of Specific Accommodations

Accommodations for hearing impairments can include note takers and/or copies of lecture notes, written assignments, and instructions for practicum.

Accommodations for visual impairment include seating near the front of the class, large print handouts, class assignments made available in electronic format, and computer equipment to enlarge screen characters and images.

Accommodation for specific learning disability can include note takers and/or copies of lecture notes, alternative exam formats, extended time and/or a private test area, part-time enrollment, and use of a computer for writing.

Accommodations for mobility impairment can include locating classrooms and other venues for student activities in accessible locations.

Policy on Non-Discrimination

St. Bernard's School of Theology and Ministry (hereafter St. Bernard's), a Roman Catholic graduate school, is committed to ensuring that educational and employment decisions are based on a person's abilities and qualifications. It is St. Bernard's policy not to discriminate in offering access to educational programs and activities or employment on the basis of race, color, sex, national origin, age, religion, creed, disability, or veteran's

status. This policy ensures that only relevant factors are considered and equitable standards for conduct and performance are applied to each person.

Individuals Covered by this Policy

This policy covers all St. Bernard's students and employees. This policy applies to St. Bernard's Rochester, NY campus as well as to its Campus in Albany, NY.

Definition of Discrimination

Discrimination is defined as treatment or consideration of making a distinction for or against a person based on their race, color, sex, national origin, age, religion, creed, disability, or veteran's status. This distinction may take the form of but is not limited to negative comments about a person's race, color, sex, etc., and/or decisions about admission or grades that take into account a person's race, color, sex, etc.

Complaint Resolution Process

Individuals who believe they are being discriminated against are urged to seek assistance promptly. The Title IX officer is the person who will supply information concerning St. Bernard's policy and procedures for resolution. This officer shall be appointed by the President and shall serve at the discretion of the President.

Informal and Formal Resolution

The process for resolving a complaint informally or formally shall follow the same process as making a sexual harassment complaint (see *Policy on Sexual Discrimination and Harassment* below).

Title IX Compliance

Title IX of the Education Amendment of 1972 protects people from discrimination on the basis of sex in educational programs and activities at institutions of learning that receive federal financial assistance. St. Bernard's School of Theology and Ministry is committed to providing a safe environment free from discrimination on the basis of sex. The School will make resources available to students, faculty, and staff members to educate and address concerns relating to discrimination on the basis of sex including sexual harassment, misconduct and assault.

The Director of Admissions and Student Services serves as the Title IX Officer and assists in carrying out investigations, compliance-related duties and reporting. You can reach him by calling (585) 271-3657 x 289, or by email to Matthew.Brown@stbernards.edu.

When should I contact the Title IX officer?

Contact this officer if you

- Have encountered sex discrimination or sexual misconduct or assault;
- Know of a situation that may warrant an investigation by the School;
- Need help in handling a situation that indirectly may have affected you;
- Seek guidance on informal ways to resolve or alleviate a difficult situation; or
- Have questions regarding the School's policies and procedures.

Confidentiality:

Conversations with the Title IX officer will be kept as confidential as possible but information about incidents of sexual misconduct may be shared with relevant administrators if there is need for appropriate action for the safety of the community.

Policy on Sexual Discrimination and Sexual Harassment

St. Bernard's School of Theology and Ministry (hereafter St. Bernard's), a Roman Catholic graduate school is committed to:

- a) maintaining a collegial environment in which all individuals are treated with dignity and respect; and
- b) prohibiting discriminatory practices, including sexual harassment.

Sexual discrimination and harassment of any kind, whether physical, verbal or visual, whether in faculty offices, classrooms, at School-sponsored functions or in the context of School-related functions outside the School, is unacceptable and will not be tolerated.

Individuals Covered by this Policy

This policy covers all St. Bernard's students, full-time and adjunct faculty, pastoral formation supervisors, administrators, staff and trustees. This policy applies to St. Bernard's Campuses in Rochester and Albany, NY, and to all extension sites and distance learning. Where cross-registration exists (involving different schools) the complainant shall pursue the complaint in accordance with policies of the school of primary affiliation of the person against whom the complaint is made.

Sexual Discrimination

Sexual discrimination creates a hostile environment that can interfere with or limit a student's ability to participate in or to benefit from all of the School's programs. If faculty, administrators, staff, or third parties suffer any of these forms of discrimination, they can also be subjected to a hostile campus environment that is not conducive to the enjoyment of their work and work productivity. In accord with Title IX, the School will respond immediately to reports of sex discrimination and will conduct a thorough and impartial investigation to protect any victims of the discrimination, to end any discriminatory

conduct, to correct the circumstances which led to it, to apply discipline when necessary and to take all steps to ensure that the School is safe and welcoming.

Definition of Sexual Harassment

Sexual harassment is a form of sexual discrimination. It is defined as unwelcome conduct, communication or physical contact which is sexual in nature and which has the purpose or effect of:

- 1) influencing decisions concerning grades, evaluation, retention, hiring or other aspects based on the submission to or rejection of this conduct;
- 2) interfering with an individual's work, academic activities or life at St. Bernard's, or
- 3) creating an intimidating, hostile or abusive environment for an individual at St. Bernard's.

Examples of unwelcome behaviors that might be considered sexual harassment include but are not limited to:

- 1) Comments about an individual's body, clothing or lifestyle which have sexual implications or which demean that individual's sex;
- 2) Repeated sexual flirtations, leering or ogling;
- 3) Sexual advances and propositions;
- 4) Display of sexually explicit and/or demeaning objects, pictures or cartoons;
- 5) Implied or direct threats or insinuations that an individual's refusal to submit to sexual advances will adversely affect the individual's status, evaluation, grades, wages, advancement, duties or career development;
- 6) Solicitation of sexual activity or behavior by promise of rewards to the individual's performance, evaluation, grades, wages, advancement, assigned duties or career development;
- 7) Unnecessary touching, patting, pinching, or brushing another individual's body or clothing;
- 8) Stalking, telephone, or computer harassment;

For further information concerning sexual discrimination and sexual harassment, please see the U.S. Department of Education, *The Handbook for Campus Safety and Security Reporting*:

<https://www2.ed.gov/admins/lead/safety/campus.html#handbook>

Affirmative Consent

(The following paragraph is included here as mandated by the New York State Education Law, Title 7, Section 6641)

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

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

- a. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- b. Consent may be initially given but withdrawn at any time.
- c. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- d. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- e. When consent is withdrawn or can no longer be given, sexual activity must stop.

Resolution Process

Individuals who believe that they have been sexually harassed are free to engage in either an informal or formal resolution of this harassment.

1. Informal Resolution

If an individual believe that he/she have been sexually harassed and if he/she is comfortable in proceeding informally to resolve the situation, then he/she is encouraged to discuss the situation promptly and firmly with the offender. If, due to power or status disparity or for whatever reason, informal, direct communication between the two individuals is ineffective or impossible, the complainant may request that the Title IX officer assist with informal resolution of the matter. This officer may arrange for a mediation of the matter, for counseling and/or education of the offender or for any other

appropriate means to informally resolve the matter. In so doing, this officer may enlist the services of a faculty advisor, dean or supervisor, depending on the status of the parties involved. A written complaint is not required in order to invoke the informal resolution process.

If the individual does not wish to proceed informally, or if, having addressed the matter informally the situation is not resolved, the complainant may file a written complaint with the Title IX officer to commence the formal resolution process. Use of the informal resolution process is not a prerequisite to filing a written complaint under the formal process. The individual is free to choose the way by which he/she wishes to proceed.

2. Formal Resolution

A. Complaint

The complainant shall commence the formal resolution process by filing a written complaint with the Title IX officer. The complaint shall identify the alleged sexual harasser and provide a detailed description of the offensive conduct or behavior. The complaint shall be dated and signed by the complainant.

B. Investigation by the Title IX officer

Upon receipt of a written complaint, the Title IX officer shall investigate the complaint by, at a minimum, discussing the allegations with the complainant and the subject of the complaint. This officer may interview witnesses to the alleged harassment. This officer shall keep a written record of the investigation and his/her determination. Upon completing the investigation, this officer shall:

- 1) determine that the complaint is meritless and advise the parties in writing of the same. The complainant shall have fourteen days from the date of the determination to file a written appeal with the Sexual Harassment Committee.

or

- 2) determine that the complaint has merit and that an informal resolution is not practical or feasible. The Title IX officer shall then refer the complaint to the Sexual Harassment Committee for a hearing.

C. Sexual Harassment Committee

The Sexual Harassment Committee (hereinafter "the Committee") shall consist of three members appointed by the Academic Dean. They shall serve at the discretion of the

Academic Dean. The Academic Dean shall select one member from the administrative staff, one member from the faculty and one student.

The Committee shall review the written record of the investigation conducted by the Title IX officer and his/her determination. The Committee shall conduct a hearing to determine whether the complaint has merit and shall make recommendations concerning sanctions in the event it is determined that the complainant was sexually harassed. The Committee shall provide the subject of the complaint with a copy of the written complaint and advise him/her in writing of the date, time and place of the hearing. The hearing shall be scheduled at least one week after notice thereof.

D. Hearing

The hearing shall be conducted in private session. The Committee shall maintain a record of the hearing (i.e. tape recording or video recording) which shall be provided to the Academic Dean along with any exhibits and a complete report. The complainant and the subject of a complaint shall be present during the entire hearing. Each party may be accompanied by a personal advisor, who may or may not be an attorney. The personal advisor shall not be permitted to participate in the hearing process other than to communicate with the party he/she is advising.

At the beginning of the hearing, the hearing process shall be described to the parties and the allegations of the complaint shall be read. The complainant shall have the opportunity to explain the basis of the complaint and present his/her witnesses. The Committee and the subject of the complaint shall then have the opportunity to question the complainant and his/her witnesses. The subject of the complaint shall have the opportunity to refute the allegations in the complaint and present his/her witnesses. The Committee and the complainant shall then have the opportunity to question the subject of the complaint and his/her witnesses. Each party may be given the opportunity to present additional evidence. After each party has had a reasonable opportunity to present their case, the Committee shall adjourn and/or end the hearing.

E. Findings and Recommendation

Within fourteen days from the completion of the hearing, the Committee shall provide the Academic Dean with a written Report. The Report shall state the Committee's factual findings and make a recommendation concerning the merit of the complaint and the sanctions to be imposed. The decision of two of the three committee members shall bind the Committee. Upon review of the Committee's report, the Academic Dean shall:

- 1) determine that sexual harassment has occurred and impose sanctions upon the offender as stated below. The Academic Dean shall notify the parties in writing of the determination and sanctions imposed.

or

- 2) determine that sexual harassment has not occurred and advise the parties in writing accordingly.

or

- 3) determine that there was insufficient evidence to support the Committee's recommendation or that the process outlined by this Policy was not followed, and remand the matter to the Committee. If the matter is remanded, the Academic Dean has the discretion to appoint new committee members.

F. Appeal

Within twenty days from the date the parties are notified of the Academic Dean's decision, either party may appeal the decision by submitting a written appeal to the President. Both parties may submit a written statement to the President concerning the grounds for the appeal. The President shall review the statements received from the parties, the record maintained by the Title IX officer, the record and exhibits maintained by the Committee, and may conduct further investigation if necessary. The President shall issue his/her written decision concerning the appeal within four weeks from the date the appeal was received. The decision by the President shall be final.

Sanctions

Individuals found to have engaged in sexual harassment shall be disciplined at the discretion of the Academic Dean. At a minimum, the offender shall be reprimanded and a written record of the reprimand shall be kept in the offender's personnel or student file. Possible sanctions include, but are not limited to, referral to educational programs, counseling, withholding promotion, reassignment, suspension without pay, financial penalties, expulsion and termination from employment.

Sanctions shall not be imposed on an individual making a complaint of sexual harassment unless the accusation is determined to be intentionally false or made with malice.

Complaints Involving Those Responsible for Implementing this Policy

If the Title IX officer receives a verbal or written complaint of sexual harassment made by, or against, the Title IX officer or a Committee member, the Academic Dean shall appoint a new Title IX officer and/or Committee member. If the Title IX officer receives a verbal or written complaint of sexual harassment made by, or against the Academic Dean, the complaint shall be referred to the President. If the Title IX officer receives a verbal or written complaint of sexual harassment made by, or against the President, the complaint shall be referred to the Executive Committee of the Board of Trustees.

Conclusion

This policy has been developed to ensure that all members of the St. Bernard's community can work and study in an environment free from sexual harassment. Toward that end, St. Bernard's will make every effort to a) provide periodic training and educational programs about sexual harassment for members of the St. Bernard's community and b) ensure that all members of its community are familiar with this policy and know that any complaint received will be resolved in a prompt and thorough manner.

Response to Reports

St. Bernard's School of Theology and Ministry will advise all students of their rights in reporting as defined by Section 6444 of NYS Education Law 129-B and the provisions of *The Clery Act*, 20 U.S.C. 1092.

Information Regarding Registered Sex Offenders

This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000. In New York State you may call 1-800-262-3257 to determine if someone is on the New York State Sex Offender Registry. You will need the name of the offender and one of the following: an exact address, a complete date of birth, a driver's license number or a social security number.

You may also access the Subdirectory of Level 3 Sex Offenders at the following web site:

http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp

This registry and its website are maintained by the New York State Division of Criminal Justice Services.

Transcript Notation

If a student of St. Bernard's School of Theology and Ministry is found responsible, after a process (or takes responsibility) for a code of conduct violation that is equivalent to the definitions for *The Clery Act*, Part I Primary Crimes, and is consequently expelled, suspended and/or withdraws with conduct charges pending, a notation will be made in the student's transcript records. Under Education Law §6444(6), violations requiring transcript notation include: murder; manslaughter; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson irrespective of whether violation occurred on campus, off-campus or while traveling domestically or abroad. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed. For example, if a court of competent jurisdiction vacates a finding of responsibility for a violation of the School's policy, it follows that vacating an underlying

finding also vacates the transcript notation memorializing that finding. In cases resulting in suspension, the notation may be removed by a written appeal to the Academic Dean one year after the period of suspension. In cases resulting in expulsions, notations will remain permanently on the student's transcript record.

Distribution of This Report

St. Bernard's complies with *The Clery Act* reporting requirements through posting this document on the School's website. Each member of the St. Bernard's community will be notified via e-mail message when the report is available online, including a direct link to the report. Upon request, printed copies will be provided to prospective students and employees, current St. Bernard's community members, and other interested persons by the Title IX officer. If there are any updates to this report, students and employees of the School will be informed through an email, and through an announcement on the School's web site.

St. Bernard's does not disclose crime victims' personally identifiable information in publicly accessible crime logs or in the reporting of crime statistics.

For Further Information

Parties with questions or comments on this report should refer them to the Title IX officer at 585-271-3657 ext. 289, or Matthew.Brown@stbernards.edu