

St. Charles Borromeo Seminary

Policy against Title IX Misconduct

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I. Introduction

Saint Charles Borromeo Seminary (“SCS”) is committed to promoting a safe and non-discriminatory environment that is free from sex discrimination and sexual harassment. SCS considers sex discrimination and sexual harassment, and any attempt to commit such acts, to be serious misconduct that may result in disciplinary action up to and including expulsion or termination of employment. SCS does not discriminate on the basis of sex or gender in any of its Programs or Activities.

This Policy prohibits **Title IX Misconduct** (i.e., Quid Pro Quo Sexual Harassment; Severe, Pervasive and Objectively Offensive Sexual Harassment; Sexual Assault; and Sex-Based Dating Violence, Domestic Violence, and Stalking, each as defined by and within the scope of Title IX) and **Retaliation**, as defined in Section IV below.

SCS adopts this Policy with a commitment to: (1) deter, and address the effects of, Title IX Misconduct and foster an environment where all individuals are well-informed and supported in reporting Title IX Misconduct. This Policy is intended to meet SCS’s obligations under Title IX of the Education Amendments of 1972 (Title IX); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), with respect to its application to sex and gender-based misconduct; and other related and applicable law, including Pennsylvania’s Act 16 of 2019.¹

II. Policy Scope and Jurisdiction

The Policy applies to all members of the SCS community (seminarians, faculty, and staff), as well as to certain third parties (e.g., individuals who are neither seminarians nor employees, including but not limited to guests, contractors and consultants).

The Policy covers acts of Title IX Misconduct (as defined below in Section IV) committed in the United States by or against SCS seminarians, employees, and third parties, when the Title IX Misconduct occurs:

- On SCS’s campus or other property owned or controlled by SCS; or
- In the context of an SCS Program or Activity, including, but not limited to, research, internship programs, or employment.

SCS seminarians and employees who violate this Policy may face, as appropriate, disciplinary action up to and including termination and expulsion; third parties who violate this Policy also face responsive action as appropriate and available.

This Policy supersedes any conflicting information in any other SCS policy with respect to the definitions or procedures relating to Title IX Misconduct.

¹ Other forms of harassment and discrimination, not of a sexual nature, will be dealt with under other SCS policies.

III. Definitions: Key Terms

Key terms used in the Policy are defined as follows. Additional terms are defined within the text of the Policy.

1. **Complainant:** The seminarian, employee, or third party who is reported to have experienced Title IX Misconduct in violation of this Policy.
2. **Formal Complaint:** A document signed by a Complainant or by the Title IX Coordinator alleging that a Respondent engaged in Title IX Misconduct and requesting initiation of SCS's Title IX grievance process.
3. **Official With Authority (OWA):** an individual with the authority to institute corrective action on behalf of SCS and notice to whom causes SCS to respond to Title IX Misconduct. For a full list of SCS officials that meet this definition, *see* Section VII.A.3 the Policy.
4. **SCS Program or Activity:** Includes: (1) SCS's campus and any other property owned SCS; (2) any location, event, or circumstance where SCS exercises substantial control over both the Respondent and the context in which the conduct occurs, including all education programs/activities offered by SCS; and (3) any building owned or controlled by a student organization recognized by SCS. Conduct that occurs off campus in locations or at events with no connection to SCS is unlikely to occur in a SCS Program or Activity.
5. **Protected Activity:** Includes most elements of participation in SCS's processes related to this Policy, including but not limited to reporting Title IX Misconduct, pursuing resolution of a report of Title IX Misconduct, providing evidence in any investigation or hearing, or intervening to protect others who may have suffered Title IX Misconduct.
6. **Reasonable Person:** A person using average care, intelligence, and judgment in the known circumstances.
7. **Respondent:** An individual who is reported to have engaged in conduct that could constitute Title IX Misconduct in violation of this Policy.
8. **Witnesses:** Persons who have factual information about alleged violation(s) of this Policy.

IV. Definitions: Title IX Misconduct & Related Concepts

1. **Consent:** Some forms of Title IX Misconduct involve the issue of Consent. For purposes of this Policy, Consent is clear and unambiguous agreement, expressed outwardly through mutually understandable words or actions, to engage in Sexual Activity.

Sexual Activity for purposes of this section refers to any conduct of a sexual nature for which Consent is required under this Policy (e.g. Sexual Assault). A person who initiates Sexual Activity is responsible for obtaining Consent for that conduct.

Consent may not be inferred from an individual's silence, passivity, or lack of resistance, but instead must consist of an outward demonstration that an individual has freely chosen

to engage in the sexual contact. Consent to any sexual contact may not be obtained through any form of coercion, intimidation and/or harassment.

An individual's consent to one form of Sexual Activity does not mean that they consent to other forms of Sexual Activity, nor does a current or previous dating, marital, or sexual relationship mean that an individual consents to any additional Sexual Activity.

Assent shall not constitute Consent if it is given by a person who because of youth, physical or mental disability, intoxication or other condition is unable to lawfully provide Consent.

In evaluating Consent under this Policy, the following will be considered: (1) Did the person initiating Sexual Activity know that the conduct in question was not consensual? and (2) If not, would a Reasonable Person who is unimpaired by alcohol or drugs have known that the conduct in question was not consensual? If the answer to either of these questions is "Yes," Consent was absent and the conduct is likely a violation of this Policy.

2. **Title IX Misconduct:** Title IX Misconduct is a very specific concept under federal law. Title IX Misconduct, or Title IX-defined "Sexual Harassment," is conduct that occurs (1) on the basis of sex; (2) in the United States; and (3) in an SCS Program or Activity or to a Complainant who is seeking to engage in such a Program or Activity, in which:
 - A. An SCS employee conditions the provision of an SCS aid, benefit, or service on an individual's participation in unwelcome sexual conduct (sometimes called quid pro quo sexual harassment);
 - B. An SCS student, SCS employee, or a third party engages in unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to an SCS Program or Activity (sometimes called severe, pervasive, and objectively offensive sexual harassment); or
 - C. An SCS student, SCS employee, or a third party engages in: **Sex or Gender-Based Stalking; Dating Violence; Domestic Violence; or Sexual Assault**, as each of those terms is defined below.
3. **Sex and/or Gender-Based Stalking:** Engaging in a course of conduct directed at a specific person under circumstances that would cause a Reasonable Person² to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

Course of conduct means two or more acts including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person in a way prohibited as described above, or interferes with a person's property.

² For purposes of this definition of Sex and/or Gender-Based Stalking only, the definition of "Reasonable Person" is a Reasonable Person under similar circumstances and with similar identities to the Complainant.

4. **Dating Violence:** Violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; noting that
- the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: a) the length of the relationship; b) the type of relationship; and c) 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. Dating violence, for purposes of this Policy, does not include emotional abuse.

5. **Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the alleged victim shares a child in common; by a person who is cohabitating with or who has cohabitated with the alleged victim as a spouse; by a person similarly situated to a spouse of the alleged victim under the domestic or family laws of the Commonwealth of Pennsylvania; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Pennsylvania.³

6. **Sexual Assault:** Conduct as defined for purposes of the FBI's Uniform Crime Reporting (NIBRS) program, as follows:

- **Rape:**
 - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the Consent of that person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that either females or males could be Complainants under this definition);
 - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of that person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity;

³ While there is no distinct definition of "Domestic Violence" under the Pennsylvania Crimes Code, under the criminal laws of Pennsylvania certain offenses, including but not limited to, rape, aggravated assault, and stalking, can be deemed domestic violence depending on the relationship of the parties involved. If a criminal complaint is made to law enforcement outside of SCS, the probable cause standard will apply to the complaint (this is a different standard than applies to campus disciplinary matters, as set forth later in the Title IX Grievance Procedures).

- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, “private body parts” includes breasts, buttocks, or genitals, whether clothed or unclothed);
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of Consent.

Note: To the extent that a Complainant wishes SCS to commence a formal or informal resolution for Title IX Misconduct, a Formal Complaint must be filed.

7. **Retaliation:** Any adverse action, directly or through others, taken against a person for engaging in Protected Activity. Retaliation may include intimidation, threats, coercion, or discrimination, including adverse employment or educational actions that would discourage a Reasonable Person from engaging in activity protected under this Policy. Any individual or group of individuals, not just a Complainant or Respondent, can engage in Retaliation. A finding of Retaliation under this Policy is not dependent on a finding that the underlying Prohibited Conduct occurred.

Members of the campus community who take any adverse action against, intimidate, threaten or otherwise engage in any act of Retaliation will be subject to disciplinary action, up to and including termination of their employment or expulsion from SCS.

The exercise of rights protected under the First Amendment does not constitute Retaliation. Pursuit of civil, criminal, or other legal action, internal or external to SCS does not constitute Retaliation.

Initiating disciplinary proceedings against an individual for making a materially false statement in bad faith in the course of a proceeding under the Policy does not constitute Retaliation under this Policy; however, a determination regarding responsibility, alone, is insufficient to conclude that any party made a materially false statement in bad faith

V. **Statement of Privacy**

SCS is committed to protecting the privacy of all individuals involved in a report of Title IX Misconduct.

Privacy, confidentiality, and privilege have distinct meanings under this Policy. Privacy generally means that information related to a report of Title IX Misconduct will only be shared with a limited circle of individuals, including individuals who “need to know” in order to assist in the review, investigation, or resolution of the report or to deliver resources or support services. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process.

All participants in an investigation of Title IX Misconduct, including advisors and witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the parties and will be asked to keep any information learned in an investigation meeting or hearing private.

VI. Resources

Supportive resources are available at SCS and in the community. Some of these resources are designated as confidential. Other resources provide support but may need to involve the Title IX Coordinator. Regardless of whether SCS determines that Title IX Misconduct occurred, SCS will offer resources or assistance to Complainants, Respondents, witnesses, and other affected SCS community members after receiving notice of alleged Title IX Misconduct. SCS will also assist those individuals in identifying and contacting external law enforcement agencies and community resources.

A. *Confidential Resources*

Confidential Resources are SCS employees who are available to provide individuals with assistance, support, and additional information about confidentiality unless: (1) given permission by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor; or (4) as otherwise required or permitted by law or court order. Confidential Resources may be required to report non-identifying information to the Manager of Safety and Security for crime reporting purposes.

The following individuals serve as Confidential Resources at SCS:

- Donna Ferguson, RN, Student Services
610-785-6226 / dferguson@scs.edu
- Rev. Andrew Heiman, Director of Spiritual Formation, College Seminary
610-785-6525 / aheiman@scs.edu
- Rev. Michael J. Kelly, Director of Spiritual Formation, Spiritual Year Program and Pre-Theology
610-785-6248 / mkelley@scs.edu
- James Routh, LPC, Director of Counseling Services
610-785-6208 / jrouth@scs.edu
- Rev. John Masson, Director of Spiritual Formation, Theology Seminary
610-785-6565 fr.jmasson@scs.edu

B. *Non-Confidential Resources*

Non-Confidential Resources are employees or offices who are available to provide individuals with assistance, support, and additional information, but who are not designated as confidential and may have broader obligations to report information that is shared with them (note: individuals who are designated as OWAs *and* Non-Confidential Resources have reporting obligations as explained above). Non-Confidential Resources will make reasonable efforts to respect and safeguard the privacy of the individuals involved. Privacy means that concerns about Title IX Misconduct will only be shared with SCS representatives, such as the Title IX Coordinator, responsible for assessment, investigation, or resolution of the report or otherwise properly responding to issues raised; to the Manager of Safety and Security for crime statistics reporting; and to the extent required by law or court order.

The following individuals serve as Non-Confidential Resources at SCS:

- Jeanne Guerin-Daley, Title IX Coordinator
610-785-6553 / titleixcoordinator@scs.edu
- Rev. T. Christopher Redcay, Rector
610-785-6200 / credcay@scs.edu
- Rev. Patrick J. Brady, Vice Rector
610-785-6520 / pbrady@scs.edu
- Rev. Jason E. Buck, Dean of Men, College Seminary
610-785-6268 / jbuck@scs.edu
- Rev. Michael Isenberg, Dean of Men, Theology Seminary
610-785-6265 / fr.misenberg@scs.edu
- Rev. Msgr. Gerard C. Mesure, Dean of Men, Pre-Theology
Office #1031A / gmeasure@scs.edu
- SCS Safety and Security (SCS Partnered with Gwynedd Mercy U Manager, Joanna
Gallagher gallagher.j@gmercyu.edu Security Office 215-641-5522
publicsafetystaff@gmercyu.edu

C. Off-Campus and Other Resources

- Lower Gwynedd Twp Police Department
1130 N Bethlehem Pike
Spring House, PA 19477
Emergency: 911 / Non-Emergency 215-646-5300
- Ambler Police Department
131 Rosemary Avenue
Ambler, PA 19002
Emergency: 911 / Non-Emergency: 215) 643-6444
- Victim Services Center of Montgomery County
1-888-521-0983 / 24-hour Hotline / <https://www.victimservicescenter.org/>
- Office for Investigations, Archdiocese of Philadelphia
1-888-930-9010
- Maureen Gallagher, M.S., HRM
Director of Human Resources, Archdiocese of Philadelphia
Office: 215-587-3910 / magallagher@archphila.org
- Office for Child & Youth Protection, Archdiocese of Philadelphia
<https://childyouthprotection.org/index.php/information/information-and-resources>

215-587-2466 / 1-888-800-8780

- ChildLine-Operated by the PA Department of Public Welfare
1-800-932-0313
- Employee Assistance Program (EAP) provided by Optum 866-248-4096
Or online at www.liveandworkwell.com Company code: Archphilly
- EthicsPoint: 1-844-840-6662
Archdiocese of Philadelphia / archphila.ethicspoint.com

Medical resources:

- SCS Student Health Office: Donna Ferguson, RN
610-785-6226 / dferguson@scs.edu
- Jefferson Lansdale Hospital, 100 Medical Campus Drive, Lansdale, PA 19446
215-368-2100
- Jefferson Abington Hospital
1200 Old York Rd, Abington, AP 19001
215-481-2000
- Patient First, 713 Bethlehem Pike, Montgomeryville, PA 18936
267-695-3944 ~ 8am-8pm 7 days / week www.patientfirst.com
- Carbon Health Urgent Care, 740 Bethlehem Pike, Unit C, Montgomeryville, PA 18936
267-551-5959 ~ 9am-7pm Mon-Fri; 9am-3pm Sat www.carbonhealth.com

VII. Reporting Title IX Misconduct

IF YOU BELIEVE YOU OR ANYONE ELSE IS IN IMMEDIATE DANGER

CALL 911

or call Public Safety Dispatch Office phone number (24/7): 215-641-5522

SCS encourages all members of the SCS community to make a report of suspected Title IX Misconduct directly to the Title IX Coordinator through any of the reporting methods outlined below. Reports can also be made to Officials with Authority, but SCS strongly encourages direct reports to the Title IX Coordinator so that the Title IX Coordinator can promptly discuss the availability of Supportive Measures and available processes with the Complainant, including by contacting the Complainant when another person makes a report.

Recognizing that some forms of Title IX Misconduct may also constitute crimes, SCS also encourages any individual who experiences, witnesses, or learns of possible criminal conduct to report to local law enforcement. Prompt reporting allows law enforcement to collect and preserve evidence. Victims of crime also have certain rights under Pennsylvania Crime Victims' Bill of Rights.

A. *Reporting to SCS*

Any individual may report alleged Title IX Misconduct. It is not necessary for a reporting party or Complainant to determine in advance whether the behavior at issue meets the definition of Title IX Misconduct. Upon receipt of a report, the Title IX Coordinator will undertake an assessment to determine the form of Title IX Misconduct at issue.⁴

When the Title IX Coordinator receives a report of Title IX Misconduct, the Title IX Coordinator will in all cases where the Complainant is identified, contact the Complainant to: (1) discuss the availability of Supportive Measures; (2) ask about the Complainant's wishes with respect to Supportive Measures; (3) inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and (4) explain to the Complainant the process for filing a Formal Complaint. (*See* Section IX for more information on Supportive Measures).

The process for filing a Formal Complaint is described in greater detail below, but a Formal Complaint may be filed by a Complainant when a report is made or at another time thereafter. In some cases, as explained in further detail below, the Title IX Coordinator may decide to sign a Formal Complaint even where the Complainant has not decided to do so.

Options for making a report to SCS are as follows. These reporting options are not mutually exclusive.

1. Contact the Title IX Coordinator

Reports of Title IX Misconduct should, when at all possible, be made to the Title IX Coordinator.⁵

Individuals may also contact the Title IX Coordinator to ask about this Policy or to otherwise inquire about SCS's responses to Title IX Misconduct in its Programs and Activities. The Title IX Coordinator can be contacted by an in person by appointment during office hours (Tuesday, Wednesday and Thursday / 8:00 am to 4:00 pm), or by email 24 hours a day, 7 days a week. Online reporting is also available on a 24/7 basis as explained below.

Contact information for the Title IX Coordinator is as follows:

Jeanne Guerin-Daley, Title IX Coordinator, St. Charles Borromeo Seminary
1400 Evans Road, Ambler, PA 19002 ~ Ph: 610-785-6553 ~ titleixcoordinator@scs.edu

⁴ All references in the Policy to obligations of or steps to be taken by the Title IX Coordinator should be understood to also include any individual acting as a designee of the Title IX Coordinator.

⁵ To make a report about the Title IX Coordinator, individuals should report to Rev. T Christopher Redcay, Rector at 610-785-6200 or tredcay@scs.edu

2. Make an Online Report

Reports may be made to the Title IX Coordinator using the [Online Reporting Form](#).

3. Report to an Official With Authority

In addition to the Title IX Coordinator, the following SCS employees are Officials With Authority:

- Rev. T. Christopher Redcay, Rector
610-785-6200 / credcay@scs.edu
- Rev. Patrick J. Brady, Vice Rector
610-785-6539 / pbrady@scs.edu
- Rev. Jason E. Buck, Dean of Men, College Seminary
610-785-6268 / jbuck@scs.edu
- Rev. Michael Isenberg, Dean of Men, Theological Seminary
610-785-6265 fr.misenberg@scs.edu
- Rev. Msgr. Gerard C. Measure, Dean of Men, Pre-Theolog
Office #1031A / gmeasure@scs.edu
- Rev. Msgr. Michael Magee, Vice President of Academic Affairs
610-785-6204 / rpesarchick@scs.edu
- Mr. Mark McLaughlin, Chief Financial Officer/Chief Operating Officer
610-785-6201 / mmclaughlin@scs.edu
- Ms. Joanna Gallagher, Chief of Public Safety
484-787-7249 gallagher.j@gmercyu.edu

These individuals also have internal reporting obligations. Specifically, Officials with Authority are required to report to the Title IX Coordinator all information about Title IX Misconduct that they receive, regardless of how and when they learned of the information, e.g. whether the information was shared with them in the scope of their employment or in some other capacity.

All SCS employees, regardless of whether they are OWAs, are expected to comply with all applicable laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and shall cooperate in any investigation that follows from the making of such a report. In addition to mandatory reporting required by Pennsylvania law, all SCS personnel are expected to promptly report allegations of a cleric's sexual abuse of a minor to the Archdiocese of Philadelphia's Director of Investigations, unless the information is received by a priest within the Sacrament of Reconciliation. For more information see *AOP Policies for the Protection of Children and Young People*, section §1103.2.1, available here: <http://archphila.org/protection/>.

4. Reporting to Law Enforcement

Any individual who experiences, witnesses, or learns of possible criminal conduct is also strongly encouraged to contact law enforcement immediately by calling 911 and then our campus Public Safety at 215-641-5522.

If the reporting party so desires, Safety and Security will assist in contacting the local police.

B. *Related Considerations about Reporting*

1. No Time Limit for Reporting

Reporters are encouraged to report Title IX Misconduct as soon as possible in order to maximize SCS's ability to respond promptly and effectively. SCS does not, however, limit the timeframe for reporting. If the Respondent is no longer a student or employee, SCS may not be able to take action against the Respondent, but it will still endeavor to take steps to end Title IX Misconduct, prevent its recurrence, and address its effects, and it will also provide Supportive Measures to a Complainant to the best of its ability.

SCS is unlikely to be able to pursue disciplinary action against an individual who is no longer affiliated with the institution. Under those circumstances, when appropriate and permitted by applicable law and regulations, SCS will still conduct an investigation.

2. False Reporting

No person shall make an allegation that they know to be untrue or knowingly provide false information during the course of an investigation or hearing. Making a false report or giving false information is a violation of this Policy and may be a basis for discipline, including expulsion or termination.

VIII. Formal Complaints

When the Title IX Coordinator receives a report of Title IX Misconduct, the Title IX Coordinator will in all cases contact the Complainant, if their identity is known, and explain the process for filing a Formal Complaint.

A Formal Complaint is submitted by the Complainant to the Title IX Coordinator in person, by mail, or by email. The Formal Complaint must contain the Complainant's physical or digital signature or otherwise indicate that the Complainant is the person filing the Formal Complaint.

When a Formal Complaint is filed, the Title IX Coordinator will evaluate it for a number of things, including whether the complained-of conduct occurred in the United States and whether the Complainant, at the moment of submission, is participating in an SCS Program or Activity or attempting to participate in a SCS Program or Activity (e.g. a job applicant, an applicant for admission to an academic program, a recent graduate who is applying to a different academic program at SCS, etc.).

The Title IX Coordinator has discretion to sign a Formal Complaint even if the Complainant chooses not to, and even if the Complainant chooses not to participate in an SCS resolution process at all. Where the Title IX Coordinator signs a Formal Complaint, the Title IX

Coordinator is not a Complainant or otherwise a party to the grievance process or any formal or informal resolution

After a Formal Complaint has been filed by the Complainant or signed by the Title IX Coordinator, SCS will commence the Title IX Grievance Process.

IX. Supportive Measures

Supportive Measures are individualized services, accommodations, and other assistance that SCS offers and may put in place, without fee or charge. Supportive Measures are designed to restore or preserve equal access to SCS's Programs and Activities, protect the safety of all parties and SCS's educational environment, and/or deter Title IX Misconduct, without being punitive or disciplinary in nature or unreasonably burdening the other party.

Supportive Measures are available regardless of whether the matter is reported to SCS for the purpose of initiating a proceeding under this Policy and before, after, and regardless of whether a Formal Complaint is filed. A Complainant who requests Supportive Measures has the right to file a Formal Complaint, either at the time the Supportive Measure is requested or at a later date. Any Complainant who requests Supportive Measures will be informed in writing of their right to simultaneously or subsequently file a Formal Complaint under this Policy.

When the Title IX Coordinator receives a report of possible Title IX Misconduct—regardless of whether that report is made by the Complainant, a witness, or other party or is provided to the Title IX Coordinator by an Official With Authority—they will contact the Complainant (1) to discuss the availability of Supportive Measures and (2) to explain that Supportive Measures are available with or without filing a Formal Complaint. When the report involves an SCS employee, the Title IX Coordinator will also explain SCS's obligation to investigate or otherwise respond to the report.

Supportive Measures may also be requested by and made available to Respondents, witnesses, and other affected members of the SCS community.

To determine the appropriate Supportive Measure(s) to be implemented, the Title IX Coordinator conducts an individualized assessment based on the facts and circumstances of a situation. Supportive Measures will not be disciplinary or punitive in nature, will be provided without fee or charge, and will not unreasonably burden, or unreasonably interfere with, the SCS Program or Activity pursuits of the other party. Whether a possible Supportive Measure would unreasonably burden the other party is a fact-specific determination that takes into account the nature of the programs, activities, opportunities, and benefits in which an individual is participating.

Examples of Supportive Measures include:

- Ability to move residences;
- Change in work schedules;
- Alterations to academic schedules;
- Withdrawals or permission to retake classes without penalty;
- Access to academic support;
- Modification or relief regarding financial aid;
- Counseling;

- Mutual restrictions on contact between the parties; and
- Any combination of these measures.

SCS will maintain Supportive Measures provided to the Complainant or Respondent as confidential to the extent that doing so would not impair SCS's ability to provide the Supportive Measures.

X. Emergency Removal and Administrative Leave

Where there is an immediate threat to the physical health or safety of any member of the SCS community or other individual arising from alleged Title IX Misconduct, SCS can remove a student-Respondent from SCS's Program or Activity, in whole or in part, and issue any necessary related no-trespass and no-contact orders. SCS will make the decision to remove a student Respondent from SCS's Program or Activity based on an individualized assessment and risk analysis. If SCS makes such a decision, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

SCS may place an employee-Respondent on administrative leave at any time after a Formal Complaint is filed according to the administrative leave process described in the SCS Employee Handbook.

XI. Applicable Procedures

The specific procedures for assessing, reviewing and resolving reports and Formal Complaints of Title IX Misconduct (or related Retaliation) are provided in the Title IX Grievance Procedures.

When SCS receives a report of behavior that could violate this Policy as well as other SCS policies, SCS will determine which policy/ies and procedures apply and whether action will be taken under this Policy exclusively or under multiple policies and/or procedures. SCS reserves the right to address reports of behavior that fall outside of the scope of Title IX and this Policy under applicable policies and standards governing the conduct of employees and students.

In the event that at the time of a report or the conclusion of an investigation it becomes apparent that the alleged conduct, if true, would not constitute Title IX Misconduct, the matter may be dismissed for Title IX purposes and adjudicated under another applicable policy or procedure.

Amended: August 7, 2025