



REPORTING AND RESPONSE PROCEDURE FOR VIOLATIONS OF THE UNIVERSITY'S POLICY ON SEXUAL AND DISCRIMINATORY HARASSMENT BY FACULTY AND STAFF

1. INTRODUCTION

Violations of the Policy on Sexual and Discriminatory Harassment (the "Policy") by University faculty or staff, or a third party (such as a vendor, contractor or guest) must be reported in accordance with the reporting and response procedures set forth below. Violations of the Policy by a student must be reported in accordance with the reporting and response procedures set forth in [*du Lac: A Guide to Student Life*](#).

2. HOW TO REPORT VIOLATIONS OF THE POLICY BY FACULTY, STAFF OR THIRD PARTIES

A. Reporting Violations to the University

The University is dedicated to providing an environment of respect for all, free from Sexual and Discriminatory Harassment. To the extent any of the University's students, faculty, staff experience offensive or harassing behavior by students, faculty, staff or third parties with whom they must interact as part of their work or educational responsibilities, the University is committed to eliminating such misconduct. To do so, the University must be informed of any conduct that violates the Policy. Accordingly, individuals who believe that they have been subjected to violations of the Policy by members of the University's faculty or staff, or third parties such as vendors, contractors or guests, must promptly report the alleged violation to the University as described below.

i. Reporting when Alleged Offender is a Faculty Member

For violations of the Policy committed by a faculty member or postdoctoral scholar, report such conduct to the Title IX Coordinator/Office of Institutional Equity (574-631-0444), the Faculty Affairs Specialist in the Office of the Provost (574-631-9927), or a department chair, dean or director of an institute or center (who in turn, must immediately report the allegation to the Office of Institutional Equity or the Office of the Provost). Additional contact information for these offices and/or individuals may be found on the Office of Institutional Equity website at equity.nd.edu.

ii. Reporting when Alleged Offender is a Staff Member

For violations of the Policy committed by a staff member, report such conduct to the Title IX Coordinator/Office of Institutional Equity, or a supervisor in or the Human Resources Consultant

for the complainant's department (who in turn, must immediately report the allegation to the Office of Institutional Equity). Additional contact information for these offices and/or individuals may be found on the Office of Institutional Equity website at equity.nd.edu.

iii. Reporting when Alleged Offender is a Vendor, Contractor, or Other Third Party

For violations of the Policy by a vendor, contractor or third party with whom the complainant interacts as part of his or her work duties or educational responsibilities, report such conduct to the Title IX Coordinator/Office of Institutional Equity (574-631-0444) immediately. The Office of Institutional Equity will work with the reporting party to investigate the complaint and the University will take prompt action within its power to stop the behavior.

B. Reporting to Law Enforcement in Cases Involving Sexual Assault and Other Sexual Misconduct

In addition to the reporting violations to the University, an individual has the option to pursue a criminal complaint with an appropriate law enforcement agency in cases involving Sexual Assault or Other Sexual Misconduct. In such cases, complainants may (a) notify proper law enforcement authorities, including on-campus and local police (as described below); (b) be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses; or (c) decline to notify law enforcement authorities.

The University encourages members of the University community to report all incidents of Sexual Assault and Other Sexual Misconduct to the police. If the incident occurred on Notre Dame property, the Notre Dame Security Police, a duly authorized police agency in the state of Indiana, is an appropriate agency with which to file a report. On campus incidents may also be reported to the St. Joseph County Police Department. For off-campus incidents, including at international locations, reports may be filed with the local law enforcement agency with jurisdiction where the incident occurred. In the South Bend area, the local law enforcement agencies include the South Bend, St. Joseph County, and Mishawaka police departments. Notre Dame Security Police (911 from a campus phone, or 574-631-5555 from a cell phone) can assist with contacting the appropriate agency.

Reports of Sexual Assault or Other Sexual Misconduct committed by faculty or staff that are reported to Notre Dame Security Police will also be referred to the Title IX Coordinator (or other appropriate office), who will follow-up and investigate as appropriate. Similarly, where the University receives a report from another police agency of an incident of Sexual Assault or Other Sexual Misconduct, the Title IX Coordinator (or designee) and NDSP will follow-up and investigate as appropriate.

The administrative investigation conducted by the Title IX Coordinator (or designee) is distinct from the criminal investigation as a result of the University's obligation under Title IX to ensure that it is providing a safe environment for all members of the University community. If a complainant wishes to pursue a criminal complaint, the complainant may choose to temporarily defer the University's administrative investigation by making a formal written request to the Title IX Coordinator (or designee), which may temporarily delay the administrative investigation and the University's ability to respond. However, the University may choose not to defer its

administrative investigation where it has reason to believe that the alleged offender may be an imminent threat to the safety of the complainant and/or other members of the University community. At any time, the complainant may choose to rescind the deferral by making a formal written request to the Title IX Coordinator (or designee), electing to resume the University's administrative investigation. The University will maintain documentation of the date of deferral. Information obtained through the criminal investigation may be considered in the University's administrative investigation.

Where the University is aware that an individual is pursuing a criminal complaint, a member of the Office of Campus Safety will request that the St. Joseph County Prosecutor's Office keep the University informed and immediately advise of its decision whether to prosecute the complaint. The University will maintain documentation of the date of the request to the Prosecutor's Office. In cases where the Prosecutor's Office declines prosecution, a member of the Office of Campus Safety will work with the Prosecutor's Office to notify the complainant of the Prosecutor's decision.

In addition to having the option of pursuing a criminal complaint, complainants also have the option of exploring whether they might be entitled to an order of protection, restraining order, or other similar orders issued by a criminal or civil court. For more information about such orders, including the University's responsibilities concerning such orders, individuals should contact Notre Dame Security Police or the [Family Justice Center of St. Joseph County](http://fjcsjc.org) (fjcsjc.org) (discussed below).

Individuals who report alleged Sexual Assault, Dating Violence, Domestic Violence or Stalking to the University will be provided with written notice of the above-referenced options.

C. Support of an Ombudsperson

The Ombudsperson is a member of the Notre Dame faculty or staff appointed by the President to provide information and assistance regarding Sexual or Discriminatory Harassment to the University community.

Regardless of the status of the alleged offender, a complainant may contact an Ombudsperson for advice and guidance related to the complaint or the resolution process at any time. An Ombudsperson who receives a report of a violation of the Policy must share that information with the Title IX Coordinator/Office of Institutional Equity for investigation and follow-up. Specific contact information for these offices and/or individuals may be found on the Office of Institutional Equity website at equity.nd.edu.

D. Direct Communication with the Alleged Offender in Cases that do not Involve Sexual Assault or Other Sexual Misconduct

In cases involving creation of a Hostile Environment and Discriminatory Harassment, the complainant may speak directly with the alleged offending person to address his or her concerns and obtain an appropriate resolution, if he or she feels comfortable doing so. Sometimes, an effective manner of addressing offensive behavior is to politely and calmly advise the person,

verbally or in writing, that his or her behavior or language is offensive and unwelcome, and to request that the person stop uttering such words or engaging in such behavior.

While this approach may be effective to eliminate the offensive behavior, individuals who choose to address the alleged offender directly must also promptly report the offensive behavior to the Office of Institutional Equity, which will direct the report as appropriate. Such reporting will enable the University to decide whether there is an impact to the community (such as egregious conduct or a pattern of inappropriate behavior) that warrants University to maintain an environment of respect. An individual who directly addresses his or her concerns with the offending person must also notify the Office of Institutional Equity if they did not obtain a satisfactory outcome through their discussions.

3. CONSIDERATIONS TO ENCOURAGE REPORTING AN INCIDENT

Students who report alleged violations by faculty, staff and third parties are entitled to the [Considerations to Encourage Reporting an Incident](#) set forth in du Lac: A Guide to Student Life.

Faculty and staff who report alleged violations by faculty, staff and third parties are entitled to the considerations to encourage reporting set forth below.

A. University Response to Reports

The University will take the interim measures it deems necessary to protect the parties while a complaint of sexual or discriminatory harassment is being investigated. In addition, upon receipt of a report of alleged sexual assault, dating violence, domestic violence or stalking in which the respondent is a member of Notre Dame's faculty or staff, the following steps will be taken:

i. No Contact Orders Issued to the Complainant and the Respondent

The Title IX Coordinator (or designee) shall issue no contact orders to the complainant and respondent. Such a measure may also be appropriate when the respondent is a Notre Dame vendor or other third party who interacts with members of the University community.

ii. Other Interim Measures

The University reserves the right to take other intermediate steps to protect complainants pending the final outcome of an investigation, including work-related accommodations and other interim measures. These steps may include the ability to change work schedules, locations or assignments. The goal of any adjustment will be to minimize the burden on the complainant. Any adjustments will be administered by the Title IX Coordinator (or designee).

iii. Assignment of a Resource Coordinator

The complainant and the respondent will be referred to separate Resource Coordinators (RCs), who are trained Notre Dame faculty or administrators who will serve as resource persons to the

complainant and respondent to identify, explain and navigate the reporting options and the available support services. This can include referrals to counseling, educational support, pastoral care, and medical treatment, and information about University and legal processes. The RCs can also provide guidance and answer questions about the process for requesting the interim measures and relief outlined above.

B. Retaliation and Intimidation Prohibited

The University's [Non-Retaliation Policy](#) prohibits acts of retaliation against those who engage in good faith conduct (as described in the Non-Retaliation Policy), which includes, but is not limited to, reporting alleged prohibited harassment, and participating in a related investigation or proceeding.

To report retaliation, please contact the following officials:

- **For retaliation committed by students:** the Deputy Title IX Coordinator (574-631-7728);
- **For retaliation committed by staff:** the Title IX Coordinator/Office of Institutional Equity (574-631-0444) or Human Resources (574-631-5900); and
- **For retaliation committed by faculty:** the Faculty Affairs Specialist in the Office of the Provost (574-631-9927) or the Title IX Coordinator/Office of Institutional Equity (574-631-0444).

In addition, all members of the University community may report actual or threatened retaliation to NDSP by calling 574-631-5555.

For more information about the University's response to reports of retaliation, see the University's Non-Retaliation Policy at http://equity.nd.edu/assets/112799/non_retaliation_policy.pdf.

4. PRIVACY AND CONFIDENTIALITY

A. Confidential Resources

Individuals who wish to keep the details of an incident confidential have several options. Faculty and staff may speak with counselors through [Lifeworks](#), the Employee Assistance Program (888-267-8126) or health providers such as the [Notre Dame Wellness Center](#) (wellnesscenter.nd.edu) (574-634-9355). Students may speak with counselors at the [University Counseling Center](#) (ucc.nd.edu) (574-631-7336) or health providers such as those at [University Health Services](#) (uhs.nd.edu) (574-631-7567). Students, faculty and staff may also speak with off-campus resources, such as [S-O-S of the Family Justice Center of St. Joseph County](#) (fjcsjc.org/sos) (discussed below). Vowed religious (priests, deacons, and religious sisters and brothers) working within Campus Ministry and who are operating in that role are confidential resources. These resources will honor confidentiality unless there is an imminent danger to the individual or to others, or unless otherwise required by law. In addition, an individual's disclosure during the sacrament of confession will not be revealed by the priest for any reason, which is a sacred obligation protected by law.

B. Parameters of Confidentiality in Reports of Sexual or Discriminatory Harassment

In all instances and to the extent possible, the University will protect the privacy of all parties to a report of Sexual or Discriminatory Harassment. That said, campus officials (with the exception of those listed under Confidential Resources, above) who receive a report of Sexual or Discriminatory Harassment, whether from the student, staff or faculty involved or a third party, must share that information with the appropriate University authorities for investigation and follow-up. Any response by the University may be hindered by the complainant's requests for anonymity and/or inaction.

In an effort to provide timely notice to the Notre Dame community, and in the event of a serious crime that occurs on campus and poses a serious, ongoing threat to members of the Notre Dame community, a mass email Crime Alert will be sent to all students, faculty and staff on campus and is posted on the Notre Dame Security Police [website](#), and may also be posted in residence halls and various other buildings on campus. Crime Alerts and any updates will be drafted and disseminated in a way that protects the confidentiality of complainants. Such alerts and updates shall not include identifying information about the complainant in any publicly-available recordkeeping to the extent permitted by law.

5. RESOURCES FOR MEDICAL, COUNSELING AND PASTORAL CARE

A. Medical Resources

It is especially important for individuals who have been sexually assaulted or subjected to other sexual misconduct that involves physical contact to seek immediate and appropriate medical treatment. Such treatment is also important to preserve evidence as may be necessary to the proof of the sexual assault or other sexual misconduct in the event the student later files criminal charges, or seeks to obtain an order of protection. The two hospitals in the South Bend area are [St. Joseph Regional Medical Center](#) (sjmed.com) and [Memorial Hospital](#) (qualityoflife.org). While both hospitals offer emergency care and evidence collection, St. Joseph has a specially trained sexual assault team available 24 hours a day, seven days a week. Under Indiana law, the tests and procedures at the hospitals are free of charge if treatment is sought within 120 hours of the assault. The evidence gathered in this examination will be maintained by the hospital and will not be provided to the police unless the individual reports the assault to the police. Any decision about whether or not to talk to the police is up to the individual.

Faculty and staff may visit the [Notre Dame Wellness Center](#) (574-634-9355), which is equipped to provide confidential and professional medical care to faculty and staff. Students may visit [University Health Services](#), which is open 24 hours a day during the academic year and is equipped to provide confidential and professional medical care to students. University Health Services can be reached in Saint Liam Hall, 574-631-7567. While the Notre Dame Wellness Center and University Health Services staff are unable to perform procedures related to the collection of evidence for the purposes of pursuing criminal prosecution, they can provide assistance and support when an individual requests or requires transportation to the hospital.

B. Counseling Resources

LifeWorks, the Employee Assistance Program for Notre Dame faculty and staff, provides referrals to professionals who provide confidential counseling and support on a wide range of issues. The service is available 24 hours a day, seven days a week, and can be reached at 888-267-8126 or online at <https://www3.nd.edu/~hr/lifeworks/eap.shtml>.

Students may receive specialized support and assistance from the University Counseling Center, which is staffed by trained professionals and counselors. Current students may seek counseling at any time, even years after the incident. The confidential services of the UCC are available to any student who may need support or assistance. The [Counseling Center](#) can be reached at 574-631-7336 (24 hours). In addition, a Walk-In Crisis Service is available to students in Saint Liam Hall, Monday-Friday, 9 a.m. – 5 p.m. For further information, go to ucc.nd.edu.

[The Family Justice Center of St. Joseph County \(fjcsjc.org\)](#) is a collaboration of civil, legal, medical, and social services which supports individuals (including students and employees) affected by domestic violence. The Family Justice Center can be reached by calling 574-234-6900 and its office is located at 533 North Niles Avenue in South Bend. [S-O-S of the Family Justice Center \(fjcsjc.org/sos\)](#) is staffed by trained professionals and volunteer advocates who are available 24 hours a day. The staff can provide confidential counseling and recovery services, as well as support and information about communication with the police, family and friends. S-O-S Volunteer Advocates provide emotional support and information on the phone and in person at area hospital Emergency Departments around the clock. Specially trained professionals offer confidential counseling, group therapy, information, and referrals. The S-O-S Advocate acts as a liaison between the individual and the legal process, and can accompany the individual to court, if desired. The 24-hour telephone number for the S-O-S is 574-289-4357.

The [Rape, Abuse and Incest National Network \(RAINN\) \(rainn.org\)](#) is an anti-sexual violence organization that partners with more than 1,100 local rape crisis centers across the country. Among its programs, RAINN has two resources available globally: (1) the National Sexual Assault Online Hotline (<https://ohl.rainn.org/online/>), a secure web-based hotline that provides live and confidential help through an interface similar to instant messaging; and (2) the National Sexual Assault Hotline (800-656-HOPE), which provides free, confidential services 24 hours a day, seven days a week.

C. Pastoral Resources

Vowed religious (priests, deacons, and religious sisters and brothers) working within Campus Ministry and who are operating in that role are confidential resources. In addition, an individual's disclosure during the sacrament of confession will not be revealed by the priest for any reason, which is a sacred obligation protected by law. Campus Ministry can be reached at 574-631-7800 or at campusministry.nd.edu.

For more information about resources, please visit the University's [Office of Institutional Equity](#) website or the [Division of Student Affairs](#) website.

6. INVESTIGATION PROCEDURES

A. Investigation Process

In cases where a faculty or staff member is accused of a violation of the Policy, the Office of Institutional Equity (or designee) will investigate complaints and determine whether or not a violation of the Policy occurred. The University will provide a prompt, fair, thorough, and impartial investigation and resolution. A preponderance of the evidence standard (*i.e.*, whether it is more likely than not a violation occurred) is used to determine the outcome of an investigation.

The University aims to complete all investigations within 60 calendar days of the initial report. However, there may be some investigations that cannot be completed within 60 calendar days. In such cases, the University will communicate to the complainant and respondent that the investigation is going to take longer than 60 calendar days and, in doing so, will indicate when the University believes it will complete the investigation.

B. Additional Investigative Procedures in Cases Involving Sexual Assault, Dating Violence, Domestic Violence or Stalking

Investigations of cases involving sexual assault, dating violence, domestic violence or stalking shall be conducted by individuals who have received annual training on these issues and on how to conduct an investigation and resolution process that protects the safety of complainants and promotes accountability.

In the course of the investigation, both parties will be afforded an opportunity to provide information. The complainant and respondent will each be permitted to be accompanied by an advisor of his or her choice at their respective investigatory meetings. The advisor role is non-speaking. Advisors will not be permitted to make comments, pass notes, or otherwise disrupt an investigative meeting. Advisors who are disruptive during an investigative meeting will be required to leave. Both parties will also be provided with timely notice of meetings at which one or the other or both may be present.

While both parties are encouraged to provide any information they believe may be relevant, evidence about a party's prior sexual conduct with anyone other than the other party is ordinarily not considered. In addition, evidence of a prior consensual dating or sexual relationship between the parties, by itself, does not imply consent or preclude a finding of sexual misconduct.

C. Sanctions and Remedial Measures and Related Communications

The University will take the appropriate remedial measures to protect the complainant and/or stop any misconduct by faculty or staff, and will impose any sanctions it deems appropriate. The remedial measures may include the provision of counseling, training, educational programming, accommodations, and other assistance as outlined in Section 3.A. above. Appropriate sanctions may include counseling or education, a verbal or written reprimand, transfer, reassignment, suspension, demotion, or other disciplinary action, up to and including termination.

In cases where the respondent is a faculty member, if the investigation reveals that the conduct is such that a “severe sanction” or dismissal is contemplated, the procedures for Severe Sanctions Including Dismissal for Serious Cause as outlined in Article III, Section 8 of the Academic Articles shall be followed.

The University’s determination as to whether a violation of the Policy occurred will be communicated to the complainant and the respondent in writing. The University will notify the complainant of any remedial measures or sanctions imposed that directly relate to the complainant.

In cases involving sexual assault, dating violence, domestic violence or stalking, the complainant and the respondent shall be simultaneously informed in writing of the outcome of the investigation (i.e., whether a policy violation occurred, the rationale for that determination, and the sanctions imposed, if any), and the procedures for requesting a review of that outcome.

D. Requests for Review

i. Where Respondent is a Staff Member

In cases involving a violation of this Policy where the respondent is a staff member, the complainant or respondent may request a review of the outcome of the investigation by submitting a [Complaint Procedure Form](#) to the Vice President of Human Resources within ten (10) calendar days of notification of the outcome of the investigation. The request for review must state with specificity acceptable grounds for seeking a review. Acceptable grounds for review are limited to the following: (1) a procedural defect that would have been substantial enough to have changed the outcome; and/or (2) the discovery of substantive new information that was unknown or unavailable at the time of the investigation and would have had a significant effect on the outcome. Except in cases of termination, the severity of the outcome is not considered a legitimate ground for review. The Vice President of Human Resources (or designee) will simultaneously provide the parties the University’s written response. This response will identify any changes to the outcome of the investigation, and is final.

ii. Where Respondent is a Faculty Member

The complainant or respondent may request that the Vice President and Senior Associate Provost (or designee) review the outcome of the investigation. This request must be in writing or email, must occur within ten (10) calendar days of notification of the outcome of the investigation, and must state with specificity acceptable grounds for seeking a review. Acceptable grounds are limited to the following: (1) a procedural defect that would have been substantial enough to have changed the outcome; and/or (2) the discovery of substantive new information that was unknown or unavailable at the time of the investigation and would have had a significant effect on the outcome. The Vice President and Associate Provost (or designee) will provide a written response to the party seeking a review, and this response is final.

If a respondent faculty member wishes to appeal the outcome of an investigation that results in “severe sanctions,” as defined in the Academic Articles, that faculty member is entitled to the procedural protections (including the right of appeal) set forth in Article III, Section 8 of the Academic Articles.

7. DEFINITIONS

Consent Informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity.

For further information, see Section 7 of the Policy (“Information about Consent, Intoxication and Incapacitation”).

Dating Violence Physical violence or the threat of physical violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with an individual, and the existence of such a relationship shall be determined based on factors such as the length and type of relationship, and frequency of interaction between the persons involved.

Discriminatory Harassment Offensive, unwelcome conduct or language that is based on an individual’s race, color, national or ethnic origin, religion, sex, sexual orientation, age, disability, veteran status, or genetic information, and that would create an intimidating, hostile, offensive, or demeaning environment for a reasonable person and that actually creates such an environment for that individual.

Domestic Violence Physical violence or the threat of physical violence committed by a current or former spouse of an individual, by a person with whom the individual has a child in common, by a person who is cohabiting or has cohabitated with the individual as if a spouse (as determined under applicable law), or by any other person against an adult or youth who is protected from that person’s acts by applicable domestic or family violence laws.

Hostile Environment Conduct including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or a student’s status in a course, program or activity; submission to or rejection of such conduct by an employee or student is used as the basis for employment or academic decisions; or viewed from the perspective of both the individual and a reasonable person in the same situation, the conduct interferes with performance, limits participation in University activities, or creates an intimidating, hostile, or offensive University environment.

Non-Consensual Sexual Contact Any sexual touching with any part of the body or other object, by any person upon another, without consent. Sexual touching is contact of a sexual nature, however slight.

Ombudspersons	Members of the Notre Dame faculty or staff appointed by the President to provide information and assistance regarding Sexual or Discriminatory Harassment to the entire University community.
Other Sexual Misconduct	Misconduct of a sexual nature that may take the form of, but is not limited to, any of the following offenses: non-consensual sexual contact, domestic violence, dating violence, stalking, indecent exposure, sexual exhibitionism, sex-based cyber-harassment, prostitution or solicitation of a prostitute, peeping or other voyeurism, or going beyond the boundaries of consent.
Sexual Assault	Any sexual intercourse by any person upon another without consent. It includes oral, anal and vaginal penetration, to any degree, with any part of the body or other object. It is also referred to as “non-consensual sexual intercourse”
Sexual Harassment	Sexual Assault, Other Sexual Misconduct, and the creation of a Hostile Environment.
Staff	All non-faculty employees of the University.
Stalking	Knowingly or intentionally engaging in a course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the individual to feel terrorized, frightened, intimidated, or threatened.