

St. George's University Sexual Misconduct Policy

A. POLICY STATEMENT

The University respects and values all members of the community and is committed to providing a safe and comfortable learning and work environment free of sexual or other forms of misconduct. This Policy prohibits sexual misconduct by members of the University community. Sexual misconduct refers to sexual behavior that is considered unacceptable in terms of the policies which govern behavior at the University. It involves a range of behaviors, including sexual harassment, sexual assault, intimate partner violence, stalking and any other conduct of a sexual nature that is non-consensual. This Policy also prohibits retaliation against anyone making a good faith report under this Policy or who participates in any proceeding under this Policy. Together these constitute "Prohibited Conduct" which is regarded as unacceptable, discriminatory and in certain circumstances, unlawful.

The University holds its community members to the highest ethical and professional standards even beyond the boundaries of the campus, including their interactions with the broader community. University community members are responsible for exercising sound judgement to avoid engaging in conduct that may be perceived by others as sexual harassment, violence or intimidation, as the impact of such conduct may extend beyond the individual reported to have experienced a violation of the Policy ("Complainant") to include persons who see or hear what has transpired or who try to offer support to the Complainant. It is the responsibility of all community members to provide the fullest cooperation in reporting, investigating and responding to incidents of Prohibited Conduct.

This Policy defines various forms of prohibited conduct, and the available resources and reporting options available to the University community.

B. SCOPE

All members of the University community, including students (in Grenada and at sites abroad), faculty (including guest lecturers and visiting professors), clinical and student tutors, administrators and staff, vendors, contractors, alumni, visitors, guests, program participants and Board members, are subject to this Policy and may utilize the complaint mechanism outlined below.

The Policy applies to Prohibited Conduct when:

1. The conduct occurs on campus, or other property owned or controlled by the University, including, but not limited to the University Club, University transportation vehicles and leased spaces.
2. The conduct occurs in the context of University employment or on or off-campus educational program or activity, including, but not limited to, University-sponsored study abroad, clinical rotations, research, online, or internship or practicum programs.

SEXUAL MISCONDUCT POLICY

Page 2 of 12

3. The conduct occurs outside the context of a University employment or education program or activity but has continuing adverse effects on or has the propensity to create a hostile environment for members of the University community, while on University property, other property owned or controlled by the University, off University property or in any University employment or education program or activity.

The University strongly encourages reports regardless of who engaged in the conduct or where the conduct occurred. Even if the University does not have jurisdiction over the individual accused of violating the Policy (“Respondent”) or the location, the University will take reasonable action to provide for the safety and well-being of the individual reported to have experienced a violation of the Policy (“Complainant”) and the broader University community.

The pursuit of criminal, civil or other legal actions or remedies remains available to all members of the University community despite any action taken pursuant to this Policy.

C. FORMS OF PROHIBITED SEXUAL CONDUCT UNDER THIS POLICY

1. Sexual Harassment

For the purpose of this Policy, sexual harassment is a form of sexual misconduct which includes unwanted, unwelcome or inappropriate conduct or behavior of a sexual nature, including sexual advances, requests for sexual favors and unwanted conduct directed at an individual on the basis of gender, sex or sex-stereotyping, when one or more of the following conditions are present:

- i. Submission to or rejection of such conduct or request is made either explicitly or implicitly a term or condition of an individual's employment or the basis for participation in any University activities or opportunities;
- ii. Submission to or rejection of such conduct is used as the basis of decisions affecting the individual with regard to employment, education or University activities or opportunities; or
- iii. Such conduct or request has the purpose or effect of unreasonably interfering with an individual's academic, professional or job performance or access to University activities or opportunities by creating an intimidating, hostile, or offensive educational or working environment.

This definition of sexual harassment will be interpreted and applied consistently and evaluated in terms of acceptable standards of professional behavior, student and employee responsibilities, and freedom of expression. In determining whether the alleged conduct constitutes sexual harassment, the record as a whole, will be considered, as well as the totality of the circumstances, such as the nature of the alleged conduct, the power differential between the parties, and the context in which the alleged conduct occurred. Any assessment or investigation will be guided by the principles of fairness and respect for the Complainant and Respondent. Sexual harassment can occur between any individuals, regardless of their sex or

SEXUAL MISCONDUCT POLICY

Page 3 of 12

gender. It is not limited to face-to-face occurrence and can be verbal, physical, written or electronic (including but not limited to e-mails, social media, telephone, text messages and other forms of image based sexual abuse).

Examples of conduct that may constitute sexual harassment may include but are not limited to:

- Turning work or classroom discussions into sexual conversations (except for pedagogical reasons).
- Sexual jokes, innuendos, comments and questions.
- Making unwanted and unnecessary physical contact.
- Unwelcomed personal gifts.
- Unwelcomed flirtations or comments about a person's body or clothing.
- Voyeurism.
- Repeatedly asking someone out after they have refused.
- Using one's perceived position of power to secure sexual favors.
- Displaying sexually suggestive, erotic or degrading images in a public space or forum that are not pedagogically appropriate.
- Leering, cat-calling, degrading or making sexual gestures directed at a person because of their gender.
- Making sexual gestures or proposals, calling a person a sexually demeaning name, or asking personal questions with sexual content.
- Communicating content of a sexually suggestive manner in emails, text messages, letters, blogs or notes or using other social media methods.
- Hazing, bullying or stereotyping based on sex or gender.

2. Sexual Assault

Sexual assault is a severe form of sexual misconduct. It includes two types — Non-Consensual Sexual Penetration or Rape and Non-Consensual Sexual Contact.

“Non-Consensual Sexual Penetration” or “Rape” is penetrating or attempting to penetrate, no matter how slight, another by any object or body part by force or threat of force, without consent or where that individual is incapacitated.

“Non-Consensual Sexual Contact” is intentional contact with the intimate parts of another, causing an individual to touch their own intimate parts, disrobing or exposure of another without permission. Intimate body parts may include the breasts, genitals, buttocks, groin, clothing covering such areas, or any other part of the body that is touched in a sexual manner.

“Attempted Non-Consensual Sexual Penetration” or “Attempted Rape” is an assault with the intent to commit a non-consensual sexual penetration or rape that includes every essential element of non-consensual sexual penetration or rape, except the consummation of the sexual act or penetration.

SEXUAL MISCONDUCT POLICY

Page 4 of 12

“Consent” is sexual permission. It is a conscious, voluntary and revocable agreement to engage in sexual activity, and it is required every time there is sexual activity, and for escalating intensity of sexual activity. Consent must be mutually understandable, active, on-going, and can be withdrawn at any time; including during sexual activity. If one person requests that the activity be stopped, it must be stopped. Consent cannot be given if **force, coercion, or incapacitation** are present. The existence of a dating relationship between the persons involved, or the fact of past sexual relations, should never by itself be assumed to be an indicator of consent.

“Force” is the use of physical strength or action (no matter how slight), violence, threats of violence or intimidation (implied threats of violence) as a means to engage in sexual activity. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor. However, evidence of resistance by the Complainant will be viewed as a clear demonstration of a lack of consent.

“Coercion” is unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that they do not want to engage in sexual behavior, or they do not want to go beyond a certain point of sexual activity, continued pressure beyond that point can be considered coercive. Being coerced into sexual activity is not consenting to that activity. The University will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (4) the duration of the pressure.

“Incapacitation” is a state where an individual cannot make rational, reasonable decisions due to the debilitating use of alcohol and/or other drugs, sleep, unconsciousness, or because of a disability that prevents the individual from having the capacity to give consent. Alcohol or drug related incapacitation is more severe than impairment, being under the influence, or intoxicated. Whether the Respondent reasonably should have known that the Complainant was incapacitated will be evaluated using an objective reasonable person standard. It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. The question of incapacitation will be determined on a case-by-case basis. The use of alcohol, medications or other drugs is not a defense to any violation of this Policy.

3. Intimate Partner Violence

Intimate partner violence is any act of violence or threatened act of violence (sexual, physical, verbal, emotional, economic, or otherwise) against a person who is or has been involved in a social relationship of a sexual, dating, romantic or intimate nature with that person.

SEXUAL MISCONDUCT POLICY

Page 5 of 12

4. Stalking

Stalking is when a person engages in two or more acts of unwanted, obsessive behavior directed at a specific person that would cause a reasonable person to experience alarm or fear for their safety or the safety of others or suffer substantial emotional distress. Stalking includes, but is not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means (including through social media, telephoning, mail or texting), follows, monitors, observes, surveils, threatens, harasses, or communicates to or about another person, or interferes with another person's property or reputation.

5. Other Sexual Misconduct

Other sexual misconduct occurs when an individual takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual misconduct include, but are not limited to:

- Surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved.
- Non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without knowledge and consent of all parties involved.
- Exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances (such behavior may also constitute public nudity).
- Knowingly exposing another individual to a sexually transmitted infection, disease or virus.
- Inducing incapacitation for the purposes of making another person vulnerable to non-consensual sexual activity.

6. Non-Fraternization

Fraternization involves a consensual romantic or sexual relationship between individuals in uneven levels of authority at the University. Relationships between individuals in inherently unequal positions may undermine the real or perceived integrity of the supervision and evaluation process, as well as affect the trust inherent in the educational environment. To avoid a potential conflict of interest, favoritism, perceptions of preferential treatment, harassment or other misconduct, it is the policy of the University that romantic or sexual relationships not be conducted by persons in unequal positions, involving supervision, control, undue influence or direction between the parties.

The University considers it inappropriate for any member of the faculty (at all levels), administration, or staff to establish an intimate relationship with a student, subordinate, or colleague upon whose academic or work performance he or she will be required to make professional judgments or who may have real or perceived authority over.

SEXUAL MISCONDUCT POLICY

Page 6 of 12

The University considers it a violation of this Policy for any member of the faculty, administration, or staff to offer or request sexual favors, make sexual advances, or engage in sexual conduct, consensual or otherwise, with a person who is:

- Enrolled in a class taught by the faculty member or administrator.
- Receiving academic advising or mentoring from the faculty member or administrator.
- Reporting to the faculty member, administrator or staff, with the authority to or responsibility for hiring, disciplining, promoting, assigning or directing.
- Subject to any form of evaluation by the faculty member, administrator or staff.

Please note that the list above is not exhaustive and other situations of fraternization may also result in a violation of this Policy. In all such circumstances, mutual consent may neither be considered a defense against a charge of fraternization in any proceeding conducted under this Policy, nor prevent the faculty, staff or administrator from being subject to administrative sanctions. The determination of what constitutes a violation of this non-fraternization provision of this Policy depends on the specific facts and the context within which the conduct occurs. Teaching and research fellows, doctoral and graduate assistants, clinical tutors, interns, student tutors and any other persons/students who perform work-related functions for the University are also subject to this Policy.

Any intimate relationship between faculty/staff and students not otherwise prohibited by this Policy is nonetheless strongly discouraged. In principle, such relationships call into question the professional integrity of the faculty member and staff, create an appearance of impropriety, a perception of the denial of equal opportunity, and raise potential conflicts of interest. In addition, such relationships jeopardize the academic freedom of the University community insofar as academic freedom demands an environment in which no person is intimidated, exploited, or coerced. The University reserves the right to take whatever action is appropriate, in its discretion, to protect the University's interests in the event of employee/student relationships or violation of this Policy generally. This may include sanctions up to and including dismissal of the employee involved.

In the case of a relationship between a faculty or staff member and a student or subordinate, the faculty or staff member has an affirmative duty to disclose this relationship to the Provost or Human Resources. If a relationship is pre-existing between a faculty or staff member and a student or subordinate, disclosure in advance of employment or enrollment will enable the University to consider whether any potential confidential conflicts of interest can be resolved. If there is any doubt whether a relationship falls within this Policy, the faculty/staff member should disclose the facts and seek guidance rather than fail to disclose.

SEXUAL MISCONDUCT POLICY

Page 7 of 12

D. REPORTING

Any person who experiences sexual misconduct, other forms of Prohibited Conduct (including but not limited to violations of the No Retaliation and Non-Fraternization policies), or who witnesses or is aware of a violation of this Policy is strongly encouraged to report the incident so that the University can provide support and pursue an appropriate resolution.

The first priority for any individual should be personal safety and well-being. The University strongly encourages victims of sexual assault to seek assistance from medical and/or counseling services as soon as possible. In addition to seeking immediate medical care, the University encourages all individuals to seek immediate assistance from the Royal Grenadian Police Force, the University Department of Public Safety and Security or other local jurisdiction where misconduct occurred. This is the best option to ensure Complainant assistance and help in the preservation of evidence. The University also strongly urges that law enforcement or public safety be notified immediately in situations that may present imminent or ongoing danger.

Reports may be made at any time, although the University encourages reporting as soon as possible after an alleged violation as delays may hinder the ability of the University to adequately investigate and respond to the matter.

Faculty and staff who become aware of instances of sexual misconduct or other violations of this Policy have an obligation of making a report to one of the designated intake officers, whether or not the faculty or staff members believe the report and even if the Complainant requests that a report not be made. The University will make a determination on confidentiality, balancing the interests of the Complainant and the safety of the University community as a whole.

The University prohibits and will not tolerate retaliation against anyone who makes a good faith report.

1. Reporting to University Public Safety and Security

In order to provide a safe and secure environment, the University staffs and maintains a professional Department of Public Safety and Security (DPSS). DPSS works closely with the Office of the Dean of Students (DOS) to make certain that safety policies and procedures are uniformly executed and conveyed in a clear, consistent manner for the members of the University community.

DPSS Emergency Number:	777 (May be dialed from any University land, office or hard line or Grenadian cell).
DPSS Non-Emergency Number:	473-444-3898
Location:	DPSS is temporarily located on the second floor of the Westerhall building (#31) above the Simulation Center.
Email:	dpss@sgu.edu

SEXUAL MISCONDUCT POLICY

Page 8 of 12

2. Reporting to Royal Grenadian Police

DPSS maintains a close working relationship with the Royal Grenadian Police Force (RGFP). University officials and/or DPSS may assist you in reporting any incident to the police.

RGPF Emergency Number: 911
RGPF Non-Emergency Number: 473-444-4454
RGPF Headquarters: Fort George, St. Georges, 1-473-440-3999
South St. Georges Office: 473-444-4454
Email: crd@rgpf.gd

3. Reporting to SGU Administration

The University has appointed Sexual Misconduct Intake Officers to receive reports of sexual misconduct. The Sexual Misconduct Intake Officers will do an initial intake with the Complainant or reporting party and work to connect the Complainant with appropriate services including the health clinic, psychological services, and law enforcement.

Reports may be made to any of the Sexual Misconduct Intake Officer; however, Officers have been designated to receive reports from specific constituencies.

Ms. Danolar McSween (student reports)

Director, Complaints, Conduct & Appeals, Dean of Students
Office

Bourne Centre, St. George's University

Telephone: 1(473)444-4175 ext. 3057

Email: dmcsween@sgu.edu

Dr. Gabrielle Walcott-Bedeau (student reports)

Assistant Provost

Chancellery Building, St. George's University

Telephone: 1(473)444-4175 ext. 3090

Email: gwalcott@sgu.edu

Ms. Marlana John-Joseph (staff reports)

Manager, HR Partner & Talent Acquisition (Staff), Human
Resources

Campeche Building, St. George's University

Telephone: +1 (473) 444-4174 ext.3780

Email: mjohnjos@sgu.edu

SEXUAL MISCONDUCT POLICY

Page 9 of 12

Ms. Jenelle Mitchell (faculty reports)

Manager, HR Partner & Talent Acquisition (Faculty), Human Resources

Bourne Centre, St. George's University

Telephone: +1 (473) 444-4174 ext.3522

Email: jmitchell@sgu.edu

Dr. Glen Jacobs (faculty reports)

Provost

Chancellery Building, St. George's University

Telephone: 1(473)444-4175 ext. 3031

Email: gjacobs@sgu.edu

Ms. Meghan Rodriguez (faculty and staff reports)

Vice President, Global Human Resources

University Support Services

Telephone: +1 (631) 665-8500 (US Call)

Mobile: +1 (631) 332-0631

Email: mrodrig2@sgu.edu

4. Reporting to Confidential Options

Psychological Services Center and the University Health Clinic provide 24-hour counseling services facilitated through Health Services. Except in rare cases such as child abuse, and situations where the health and safety of an individual or the community is at risk, University Health Services and Psychological Services may keep the identity of the victim confidential. Notifying the police is appropriate when the victim has consented to such notification.

University Health Services and Psychological Services can provide a variety of services including medical and counseling treatment, forensic examinations to collect evidence, and preventative treatment for disease and pregnancy.

Counseling:

Emergency Number: 8 AM to 5 PM 473-439-2277. After hours 473-407-2791

Location: Psychological Services Center, Campeche Hall, True Blue Campus

Medical:

Emergency Number: 473 407-2791. During the hours of 8 am to 7pm we can also be called on 473 444-4671

Location Carriacou Hall, True Blue Campus

5. Online Anonymous Reporting

SEXUAL MISCONDUCT POLICY

Page 10 of 12

EthicsPoint is a comprehensive and confidential reporting tool to assist faculty, students, and staff.

EthicsPoint provides a toll-free number and website faculty, students and staff can call or access any time to report suspected unethical or illegal activities.

Using the EthicsPoint systems ensures that you can make a report anonymously, if you so choose. EthicsPoint is a third-party vendor that is an industry leader in compliance and ethics-related reporting and is available 24/7/365.

- Online: Make a report at <https://sgu.ethicspoint.com>
- Hotline: Call 844-423-5100

In the event the University receives an anonymous report of sexual misconduct, the University will investigate the matter to the extent feasible. In such instances, the University may be limited in its ability to conduct a thorough investigation and to take action concerning the report.

6. Ombudsman

Individuals within the University community who feel that they have been a victim of Prohibited Conduct have the option of contacting the Ombudsman. Except as described below, the Ombudsman will keep a report about Prohibited Conduct confidential and will not report it to other University officials. Reporting Prohibited Conduct to the Ombudsman will not be considered giving notice to the University. The Ombudsman may disclose information regarding Prohibited Conduct to University officials where there is risk of imminent harm, including if there is more than one allegation of engaging in Prohibited Conduct against an individual. The Ombudsman is meant to be a nonjudgmental and impartial third party who can provide additional information about formal reporting procedures and remains independent from formal reporting channels.

Individuals within the University community who feel they have been wrongly accused of Prohibited Conduct also have the option of contacting the Ombudsman for informal, confidential, impartial, and independent advising.

The Ombudsman may be contacted at Ombuds@sgu.edu.

The University's Investigative Responsibility

All reports of sexual misconduct will be taken seriously. Upon receipt of a report, the University will conduct a timely and thorough investigation to substantiate or refute any allegations and to work to resolve the matter promptly and equitably.

The University will assure that the rights of the Complainant and the Respondent are maintained by supporting a fair process for the handling of reports of sexual misconduct and making determinations regarding this Policy. During an investigation, the Complainant and Respondent will have an equal opportunity to be heard and to submit information. At the conclusion of an

SEXUAL MISCONDUCT POLICY

Page 11 of 12

investigation, the University will notify the Complainant and the Respondent of the outcome in a timely manner [consistent with the policy, procedure and process governing resolution of complaints contained in the Student Manual, Faculty Handbooks and Staff policies].

Cooperating with Investigations

All members of the University community are encouraged to cooperate and participate in inquiries and investigations and cooperate with resolutions of complaints.

Interim Measures

The University may provide interim measures as necessary, appropriate and available, to either or both the Complainant and Respondent involved in an incident of sexual misconduct. Interim measures may be put in place prior to or while an investigation is pending and/or ongoing. It may be appropriate for the University to take interim measures during the investigation of a complaint absent a request by either party. Interim measures can be approved by the appropriate University departments: Dean of Students, Human Resources, Department of Public Safety and Security, or Judicial Affairs.

Confidentiality

The University will make reasonable and appropriate efforts to protect the confidentiality of information. However, in an effort to conduct a thorough investigation, the University cannot guarantee the confidentiality of a report or information, however, investigations will be conducted with as much discretion as possible.

Where the Complainant requests that their identity not be shared with the Respondent or that the University not pursue an investigation, the University must balance this request with the University's responsibility to provide a safe and non-discriminatory environment for all University community members. The University will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited by the request. Where the University is unable to act consistent with the request of the Complainant, the University will inform the Complainant about the chosen course of action, which may include the University seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to eliminate the effects of the sexual misconduct or other forms of prohibited conduct and prevent its recurrence that do not involve formal disciplinary action against the Respondent or revealing the identity of the Complainant.

No Retaliation

Retaliation is prohibited and will constitute grounds for disciplinary action pursuant to this Policy. Retaliation is any adverse action taken against a person for making a good faith report of or participating in any proceeding under this Policy. Adverse action includes direct or indirect conduct that threatens, intimidates, harasses, coerces or in any other way seeks to discourage a reasonable person from engaging in activity protected under this Policy. Retaliation can be committed by or against any individual or group of individuals, not just a Respondent or Complainant. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

SEXUAL MISCONDUCT POLICY

Page 12 of 12

An individual who believes they have experienced retaliation is strongly encouraged to make a report to the University using the reporting procedures set forth in Section D. The University will take immediate and appropriate responsive action to any report of retaliation. If the University determines that retaliation occurred, appropriate disciplinary action will be taken regardless of the outcome of the underlying sexual misconduct complaint and the position or title of the person who has retaliated.

False Reports

The University takes reports of sexual misconduct and the accuracy of information very seriously, as a report may have severe consequences. A good-faith complaint that results in a finding that a violation did not occur is not considered a false or fabricated report. However, when a person is found to have made a complaint that is false, intentionally dishonest, or malicious, the person may be subject to disciplinary action.

Resolution and Appeal Processes

The policy, procedure and process governing resolution and appeals will follow the relevant policies and procedures contained in the Student Manual, Faculty Handbooks and Staff policies.

Effective Date

This Policy is effective as of April 1, 2019 and supersedes sexual harassment or misconduct policies contained in the Student Manual, Faculty Handbooks and Staff policies.

Sexual Misconduct Internal Process—Combined

REPORT MADE TO DESIGNATED OFFICIAL

