

# GOLDFARB

GOLDFARB SCHOOL OF NURSING AT BARNES-JEWISH COLLEGE

BARNES  JEWISH  
COLLEGE

2024 Annual Security Report

BARNES  JEWISH  
College  
Goldfarb School of Nursing  




2024

DUNCAN CAMPUS SITE

# **GOLDFARB SCHOOL OF NURSING AT BARNES-JEWISH COLLEGE**

## **2024 ANNUAL SECURITY REPORT – DUNCAN (Main) CAMPUS**

### **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Goldfarb School of Nursing at Barnes-Jewish College (“Goldfarb” or “College”) with information on: the College’s security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### **Policy for Preparing the Annual Report**

This report is prepared by Barnes-Jewish Hospital’s Department of Public Safety in cooperation with local law enforcement authorities and includes information provided by them as well as by the College’s campus security authorities and various other elements of the College. Each year an e-mail notification is sent to all enrolled students and team members that provides the web site to access this report. Hard copies of the report may also be obtained at no cost by contacting Director for Administration and Operations, Debbie Mettlach, Barnes-Jewish College, 4483 Duncan Avenue, St. Louis, MO 63110.

Goldfarb is committed to taking the actions necessary to provide a safe and secure working and learning environment for all students and staff. As a member of the campus community, know that Goldfarb has worked hard to implement procedures benchmarked as best practices in the field.

### **Campus Security Personnel & Relationship with Local Law Enforcement**

Barnes-Jewish Hospital Department of Public Safety is responsible for campus security at the Duncan Campus. Its jurisdiction covers all campus property. The Department of Public Safety handles all calls for service, traffic enforcement and accident investigation, and their officers are licensed public safety officers that have full arrest authority. The Department of Public Safety has a working relationship with local law enforcement agencies, including the Metropolitan St. Louis Police Department, which, when necessary, assists the Department of Public Safety. The Department of Public Safety does not have a written memorandum of understanding with the Police Department.

#### **Contact information for BJH Department of Public Safety**

Mark Stout, MBA

Manager – Public Safety

Barnes-Jewish Hospital Public Safety Operations

[mark.stout@bjc.org](mailto:mark.stout@bjc.org)

314.362.0637

### **Other Officials to Whom Crimes May Be Reported (Campus Security Authorities)**

The College has also designated other officials to serve as additional campus security authorities. Reports of criminal activity can also be made to these officials. They in turn will ensure the reports are recorded with

the Department of Public Safety for collection as part of the College’s annual report of crime statistics. These additional campus security authorities are:

Title IX Coordinator

Edward Gricius  
Edward.gricius@barnesjewishcollege.edu  
314-362-9155

Title IX Deputy Coordinator

Dr. June Cowell-Oates  
june.cowell-oates@barnesjewishcollege.edu  
314-454-8694

Director for Administration and Operations

Debbie Mettlach  
Deborah.mettlach@barnesjewishcollege.edu  
314-362-6289

Public Safety

Duncan Campus First Floor  
Security desk 314-454-7555

**Reporting a Crime or Emergency**

The College encourages accurate and prompt reporting of all criminal actions, accidents, injuries, or other emergencies occurring on campus to the Department of Public Safety and appropriate police agencies even when the victim of a crime elects not to do so or is unable to make such a report. Such reports can also be made as follows:

- Situations on campus that pose imminent danger, or if a crime is in progress, should be reported to the department of Public Safety at 314-362-0750.
- Students, staff, and visitors can report criminal actions, accidents, injuries, or other emergency incidents to the campus Public Safety Department. If requested, a member of the College staff will assist a student in making the report to Public Safety.
- Anonymous incident reports can also be made online, via the College website, on the “Student Complaints, Concerns and Feedback” page. Anonymous reports may also be made by submitting the reports in the suggestion box located in the student lounge.

**Confidential Reporting**

To the extent permitted by law, the College will protect the confidentiality of victims.

Pursuant to the College’s Title IX Policy, when an employee becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the College disciplinary system or the criminal justice system is

nevertheless encouraged to make a confidential report to a campus security authority. With the victim's permission, a report of the details of the incident can be filed without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

For students or staff who seek counseling from professional licensed counselors through the Employee Assistance program or Student Assistance program, confidentiality is maintained unless otherwise dictated by the victim or state or federal law. The College encourages professional licensed counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The College does not employ pastoral counselors and thus does not have procedures encouraging them to inform the person they are counseling to report crimes on a voluntary confidential basis for inclusion in the annual report of crime statistics.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The College has no officially recognized student organizations with off-campus locations and therefore does not monitor criminal activity occurring at such locations. However, if criminal activity occurs while students are attending school sponsored events or training off campus, the reporting procedures are the same as those stated above.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such a crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

### **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

Goldfarb seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. A description of those programs and their frequency of presentation follows:

- A one-time campus security update is provided during the New Student Orientations for students as they enter their program of study. Additional information related to campus security and general safety can be found in the Student Handbook. Students are provided Title IX training as a part of their on-boarding after admission to the College.
- Security and safety procedures are found on the GSON website, under Campus Security: <https://www.barnesjewishcollege.edu/student-consumer-information/>. This includes encouraging



students to be alert to security situations and to assist the school in preventing crimes from occurring through awareness and communication.

## **Security of and Access to Campus Facilities**

Goldfarb is a private institution and reserves the right to restrict access and movement on its grounds to staff, students, patients, visitors, and others who are conducting business on site. The security of the College's building involves patrols 24 hours a day, 7 days a week by the Department of Public Safety staff. Also, the interior and exterior of the College building is secured with closed circuit TV monitors. The buildings are accessible by students and staff with a current identification badge. On the Duncan campus, visitors without an ID badge are permitted entry on an individual basis by the security attendant. Guests are expected to sign in and receive a temporary name badge.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into secure campus buildings
- Do not lend keys or access cards to non-students
- Do not leave keys or access cards unattended
- Do not give others building access codes

Keys to the offices, laboratories, and classrooms on campus will be issued to employees only as needed and after receiving proper authorization. Each department supervisor is responsible for assuring his/her area is secured and locked.

Employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to, school property, or other criminal activity. In particular, rendering inoperable or abusing any fire prevention or detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including termination and the filing of charges with law enforcement authorities.

Employee and student identification badges may be used to verify the identity of persons suspected to be in campus facilities without permission.

## **Security Considerations in the Maintenance of Facilities**

The Department of Public Safety works with the Facilities Department to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

## **Timely Warnings**

In the event of criminal activity occurring on campus or off campus that, in the judgment of the Director of Administration and Operations or designee, constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. An example of such an incident would be an armed robbery on or near campus where the perpetrator is not immediately apprehended. After information concerning incidences of

ongoing or continued threats to students or employees at the College, medical center, or immediately surrounding areas, is received from the Department of Public Safety, email and/or text message warnings will be communicated to students and employees via the RAVE alert system. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to the Department of Public Safety.

## **Emergency Response and Evacuation Procedures**

The College has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, or armed intruders. Goldfarb works with local police and the Department of Public Safety to handle situations that warrant an emergency response. Students, staff and visitors are encouraged to notify the local police, Department of Public Safety or Director for Administration and Operations or designee of any situation that poses such a threat. If an officer with the Department of Public Safety is contacted about an emergency, he or she will notify the Director for Administration and Operations or designee.

The Director for Administration and Operations will access available sources from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating and coordinating the College's response, including notifying the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Director for Administration and Operations will consult with other appropriate College officials to determine the appropriate segment or segments of the College community to be notified.

The Director for Administration and Operations or designee, in collaboration with other appropriate personnel, will determine who should be notified and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Director for Administration and Operations or designee will direct the issuance of emergency notifications, which will be accomplished using the RAVE system.

- Upon admission to the college, every student is required to complete an information sheet that identifies multiple contact numbers. This information will be maintained in the system as long as the student is in active status. Changes to any of the contact numbers should be reported to the college immediately to insure up to date information.
- All employees of the college, upon hire, will complete the information sheet. It is the responsibility of the individual to inform the college of any changes to their contact numbers.

Student and employee contact information is updated by the College's Information System Department when changes occur.

The RAVE system is a notification system that provides multiple methods of communications with students, faculty and staff. Upon activation of the system, each individual will receive notice on their cellular telephone, land line telephone, a text message on their cellular telephone and/or an email message to their identified email account. Specific alerts have been developed for:

1. Campus Lockdown - A serious situation is occurring or precautionary steps are being taken to restrict access to the college campus.
2. Emergency Alert - A situation is occurring that requires immediate attention by all personnel.
3. Tornado Warning - A tornado or severe thunderstorm warning is in place for the immediate college area.
4. Weather Closing - Due to weather conditions the college is closing or will be closed for the next day.
5. Power Outage - There is a power outage at the college or medical center.

Specific information related to each of these alerts will be included in the message. There will also be an all clear notice sent for the lockdown, emergency and tornado warnings.

If deemed necessary, the Director for Administration and Operations will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

If the Director for Administration and Operations is unable to address the emergency situation, then one of the following will be the responsible party for the College:

- President of College
- Dean of the School of Nursing

The RAVE emergency notification system will be tested at least once per calendar year or more often if it is deemed necessary. The test will include a message that the system is being activated with a test message. A follow-up email message will be sent to each student, faculty and staff informing them a test of the system was conducted on a particular date and time and if the test message was not received, they should contact the Director for Administration and Operations. Anyone stating they did not receive a test message will have their emergency contact numbers confirmed and update in the system if necessary.

Also, at various times the Emergency Management Team will meet to train and test and evaluate the College's emergency response plan. The Director for Administration and Operations maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures.

### **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**



## I. Policy Statement

Consistent with the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (*see* 34 C.F.R. § 106 *et seq.*), Goldfarb School of Nursing at Barnes-Jewish College ("Goldfarb" or the "College") prohibits Sexual Harassment that occurs within its education programs and activities.

As further defined herein, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty members, staff, students, contractors, guests, and other members of the Goldfarb community who commit Sexual Harassment are subject to the full range of discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (i.e., termination or dismissal); physical restriction from Goldfarb property; cancellation of contracts; and any combination of the same.

Goldfarb will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to Goldfarb's education programs and activities.

## II. Scope

This policy applies to Sexual Harassment that occurs within Goldfarb's Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the Goldfarb community.

This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of Goldfarb's Education Programs and Activities; such Sexual Misconduct may be prohibited by the Student Handbook or Student Policies if committed by a student, the Faculty Handbook if committed by a faculty member, or human resources policies or other policies if committed by a College employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in Goldfarb's Education Programs and Activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Handbook or Student Policies if committed by a student, the Faculty Handbook if committed by a faculty member, or human resources policies or other policies if committed by a College employee.

## III. Definitions

- A. "Sexual Harassment" is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.
- B. "Quid Pro Quo Sexual Harassment" is a College employee conditioning the provision of an aid, benefit, or service of Goldfarb on an individual's participation in unwelcome sexual conduct.
- C. "Hostile Environment Sexual Harassment" is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person

access to Goldfarb’s education programs and activities.

- D. “Sexual Assault” includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape. (The College’s definition of “Sexual Assault” is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the College to adopt a definition of “Sexual Assault” that incorporates various forcible and nonforcible sex crimes as defined by the FBI’s Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).)
1. “Rape” is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is “carnal knowledge” if there is the slightest penetration of the vagina or anus by the sex organ of the other person. Attempted Rape is included.
  2. “Sodomy” is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  3. “Sexual Assault with an Object” is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
  4. “Fondling” is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  5. “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Missouri law.
  6. “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Missouri law.
- E. “Domestic Violence” is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, 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 Missouri.
- F. “Dating Violence” is violence committed by a person–
1. Who is or has been in a social relationship of a romantic or intimate nature with the

victim; and

2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.
- G. “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for their safety or the safety of others; or
  - Suffer substantial emotional distress.
- H. “Consent” refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent. Lack of consent is a critical factor in determining whether sexual violence/assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. If a person is asleep or unconscious, there is no consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- I. “Incapacitated” refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.
- J. “Retaliation” is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- K. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
- L. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- M. “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Goldfarb

investigate the allegation of Sexual Harassment in accordance with this policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in Goldfarb's Education Programs and Activities. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

- N. "Supportive Measures" are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to Goldfarb's Education Programs and Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or Goldfarb's education environment, or to deter Sexual Harassment. Supportive measures may include:
- counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.
- O. "Education Programs and Activities" refers to all the operations of Goldfarb, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by Goldfarb. It also includes off-campus locations, events, or circumstances over which Goldfarb exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by Goldfarb.

#### IV. Understanding Hostile Environment Sexual Harassment

In determining whether a hostile environment exists, the College will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The College encourages members of the College Community to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a policy violation.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging

- Sexual innuendos, jokes, or humor
- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail, internet, or other electronic use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes

#### V. Reporting Sexual Harassment

Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

The name and contact information for the Title IX Coordinator is:

Edward Gricius, Title IX Coordinator and Associate Dean of Student Experience and Development, Goldfarb School of Nursing at Barnes-Jewish College  
 4483 Duncan Avenue  
 St. Louis, Missouri 63110  
 314-362-9155  
[edward.gricius@BarnesJewishCollege.edu](mailto:edward.gricius@BarnesJewishCollege.edu)

The name and contact information for the Deputy Title IX Coordinator is:

Dr. June Cowell-Oates  
 Deputy Title IX Coordinator and Director of Alumni Affairs  
 Goldfarb School of Nursing at Barnes-Jewish College  
 4483 Duncan Avenue  
 St. Louis, Missouri 63110  
 314-454-8694  
[June.Cowell-Oates@BarnesJewishCollege.edu](mailto:June.Cowell-Oates@BarnesJewishCollege.edu)

In addition to reporting to the Title IX Coordinator or Deputy Title IX Coordinator, any person may report Sexual Harassment to any College employee who must promptly forward such report of Sexual

Harassment to the Title IX Coordinator.

A person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or by calling [1- 800-421-3481](tel:1-800-421-3481).

The sole exceptions to the mandatory reporting requirement for College employees are College employees who are statutorily prohibited from reporting such information are exempt from these reporting requirements, including licensed health-care, counseling, or pastoral professionals ("Confidential Resources") who are not mandatory reporters and who are available to have confidential conversations with students.

The contact information for Confidential Resources are:

I. Resources Available

Goldfarb School of Nursing at Barnes-Jewish College's Title IX Coordinator

Edward Gricius, Associate Dean of Student Experience and Development  
314-362-9155  
[edward.gricius@BarnesJewishCollege.edu](mailto:edward.gricius@BarnesJewishCollege.edu)

Goldfarb School of Nursing at Barnes-Jewish College's Deputy Title IX Coordinator

Dr. June Cowell-Oates, Director of Alumni Affairs, Program Officer  
314-454-8694  
[June.cowell-oates@bjc.org](mailto:June.cowell-oates@bjc.org)

On-Campus Counseling (confidential resource)

BJC Student Assistance Program (SAP)  
314- 729-4030  
888-505-6444  
<https://www.bjceap.com/>

Campus Security/Safety Department

Goldfarb Hall  
1<sup>st</sup> Floor Reception/Security Officer  
314- 454-7055

BJH Department of Public Safety  
Mid Campus Center, 4590 Children's Place, 1<sup>st</sup> floor  
314-362-0750

Security Department of Missouri Baptist Medical Center  
314-996-4770



## Local Police

St. Louis Metropolitan Police Department City of St. Louis, MO  
314-231-1212  
(for emergency dial 911)

## Nearest Hospitals to Goldfarb Campuses

Closest to Goldfarb Campus:  
Barnes Jewish Hospital  
One Barnes-Jewish Hospital Plaza, St. Louis, MO 63110  
314-747-3000  
866-552-5606

## Closest to Missouri Baptist Campus:

Missouri Baptist Medical Center  
3015 North Ballas Road  
St. Louis, MO 63131  
314-996-5000

## Support Agencies/Hotlines

- Safe Connections: 314-531-2003
- ALIVE: 314-993-2777
- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673

Please contact the Title IX Coordinator if you want to discuss other resources that may be available in the community.

## Legal Assistance, Visa and Immigration Assistance

- MO Bar Association Referral Services  
573-635-4128  
[www.mobar.org](http://www.mobar.org)
- Legal Services of Eastern Missouri  
314-534-4200  
[www.lsem.org](http://www.lsem.org)
- Land of Lincoln Legal Aid  
618-398-0574  
[www.lincolnlegal.org](http://www.lincolnlegal.org)

- Immigration Advocates Network:  
<http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>
- U.S. Citizenship and Immigration Services:  
<https://www.uscis.gov/>

For employees, the Employee Assistance Program is also available. Information about the Employee Assistance Program can be found at <https://www.bjceap.com/> or you can contact Human Resources for more information.

Please contact the Title IX Coordinator if you would like to discuss other resources available in the community.

#### VI. Special Advice for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, get to safety and do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, the College recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred—preserve for law enforcement
- Preserve all forms of electronic communication that occurred before, during, or after the assault
- Contact law enforcement by calling 911.
- Get medical attention - all medical injuries are not immediately apparent. This will also help collect evidence that may be needed in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor, , or health care provider who can help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.

- Explore this policy and avenues for resolution under the Title IX Grievance Process.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc. rather than evidence of physical contact and violence. This type of non- physical evidence will also be useful in all types of Sexual Harassment investigations.

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- obtaining supportive measures
- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- filing a formal complaint
- requesting that no further action be taken

BJH Department of Public Safety can assist individuals in obtaining a personal protection order (“PPO”).

## VII. Preliminary Assessment

Upon receipt of a report made pursuant to Section V, the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of the policy specified in Section II; and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (“FERPA”). The Title IX Coordinator may refer the report to other College offices, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant as specified in Section VIII.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine

the identity of the Complainant, if such identity is not apparent from the report.

### VIII. Contacting The Complainant

If a report is not closed as a result of the preliminary assessment specified in Section VII and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures specified in Section IX; to discuss and consider the Complainant's wishes with respect to such Supportive Measures; to inform the Complainant of the availability of such Supportive

Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint.

### IX. Supportive Measures

If a report is not closed as a result of the preliminary assessment specified in Section VII, Goldfarb will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint specified in Section XI, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and Goldfarb will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. Goldfarb will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

Goldfarb will maintain the Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair Goldfarb's ability to provide the Supportive Measures in question.

### X. Interim Removal

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from Goldfarb's education programs and activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the College may suspend the Respondent pending investigation and adjudication as outlined in this Policy at any time after receiving a report of Sexual Harassment.

For all other Respondents, including independent contractors and guests, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### XI. Formal Complaint

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that Goldfarb investigate and adjudicate a report of Sexual Harassment in accordance with the provisions of Sections XV and XVII. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating

in, or attempting to participate in, one or more of Goldfarb’s education programs or activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in Section V above.

No person may submit a Formal Complaint on the Complainant’s behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of Goldfarb if doing so is not clearly unreasonable.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then Goldfarb will commence an investigation as specified in Section XV and proceed to adjudicate the matter as specified in Section XVII.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes specified in Sections XV and XVII.

## XII. Consolidation of Formal Complaints

Goldfarb may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

## XIII. Dismissal Prior to Commencement of Investigation

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in Section II (i.e., because the alleged conduct did not occur in Goldfarb’s Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section XIII, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in Section

XIX. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other Goldfarb offices, as appropriate. A dismissal pursuant to this Section XIII is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

#### XIV. Notice of Formal Complaint

Within five (5) days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this policy or a hyperlink to this policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and an appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in Section XX.
- Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in Section XV.D.
- Notifying the Complainant and Respondent of Goldfarb's prohibitions on retaliation and false statements specified in Sections XXXIII and XXXII.

Should Goldfarb elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, Goldfarb will provide a supplemental written notice describing the additional allegations to be investigated.

#### XV. Investigation

##### **A. Commencement and Timing**

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with Goldfarb and not with the parties. The investigation will culminate in a written investigation report, specified in Section XV.E, that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, Goldfarb strives to

complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice as specified in this Section XV.A.



## B. Equal Opportunity

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in Section XXII. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

## C. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

## D. Access to the Evidence

### 1. During the Evidence-Gathering Phase of the Investigation

During an investigation, a party has the reasonable opportunity, upon the party's request, to conduct an in-person inspection and review of evidence obtained up to that point that is directly related to the allegations raised in the Formal Complaint, including evidence Goldfarb may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. A request to inspect and review evidence should be made in writing to the investigator a reasonable amount of time before the party seeks to conduct the inspection and review. The investigator will make a reasonable attempt to accommodate the request but may deny any request that is untimely, that conflicts with the investigator's availability, that is cumulative, or that is otherwise unreasonable.

### 2. Prior To Issuance of the Investigation Report

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each party and their advisor, in either electronic or hard copy form, the evidence subject to inspection and review in Section XV.D.1. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

## E. Investigation Report

After the period for the parties to provide any written response as specified in Section XIII.D.2 has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken

during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

## XVI. Adjudication Process Selection

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in “Adjudication.” The notice will explain that the hearing process specified in “Hearing Process” is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in “Administrative Adjudication (Optional)” as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this policy (including the entirety of “Adjudication”), consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this Section to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

## XVII. Adjudication

### A. Hearing Process

The default process for adjudicating Formal Complaints is the hearing process specified in this Section XVII.A. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication as specified in Section XVI above.

#### 1. Hearing Officer

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in Section XV.D.2.

#### 2. Hearing Notice and Response to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of Goldfarb’s Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this Section XVII.A.2.

A party’s written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, undue prejudice, the prohibition on the use of sexual history specified in Section XXII, or for any other reason;
- A list of any witnesses that the party contends should be compelled to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to Goldfarb's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that Goldfarb provide an advisor for purposes of conducting questioning as specified in XX.

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

### 3. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary Goldfarb personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

#### 4. Issuance of Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any College employee (including administrator, faculty, or staff) or student whose attendance is required at the hearing as a witness. The notice will advise the subject of their duty to appear for the hearing at the specified date and time and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and

other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The failure to abide by a notice of attendance is a violation of this policy.

Goldfarb has no authority to compel the attendance of any witness who is not a College employee or a student, and a notice of attendance will not be issued to any such individual.

#### 5. Hearing

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to Goldfarb's Hearing Procedures. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary Goldfarb personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions

posed by the hearing officer;

- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary Goldfarb personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to Section XVII.D.2.

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section XVII.A.5, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section XVII.A.5 are met.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. Nonetheless, in conducting the hearing and resolving evidentiary issues, the hearing officer may, in the hearing officer's discretion, utilize principles and procedures similar to those specified in the Federal Rules of Civil Procedure and/or Federal Rules of Evidence to the extent such principles and procedures do not conflict with any explicit provision of this policy.

## 6. Subjection To Questioning

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying this Section XVII.A.6, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

#### 7. Deliberation and Determination

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of Section XVII.A.6. The hearing officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

#### 8. Discipline and Remedies

In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate Goldfarb official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

#### 9. Written Decision

After reaching a determination and consulting with the appropriate Goldfarb official and Title IX Coordinator as required by Section XVII.A.8, the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by Goldfarb upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;



- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate Goldfarb official as referenced in Section XIV.A.8 and any ongoing support measures or other remedies as determined by the Title IX Coordinator;
- A description of Goldfarb’s process and grounds for appeal, as specified in Section XIX.

The hearing officer’s written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in Section XIX.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, Goldfarb strives to issue the hearing officer’s written determination within fourteen (14) days of the conclusion of the hearing.

#### B. Administrative Adjudication (Optional)

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator as specified in Section XVI.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative officer is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in Section XV.D.2

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer’s meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party’s written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, undue prejudice, the prohibition on the use of sexual history specified in Section XXII, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute

## Sexual Harassment.

After reviewing the parties' written responses, the administrative officer will meet separately with each party to provide the party with an opportunity make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively reevaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any Goldfarb official and the Title IX Coordinator, in the manner specified in Section XVII.A.7 and will prepare and transmit a written decision in the manner as specified in Section XVII.A.8 which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal as specified in Section XIX.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, Goldfarb strives to issue the administrative officer's written determination within twenty-one (21) days of the transmittal of the initiating written notice specified in this Section XVII.B.

## XVIII. Dismissal During Investigation or Adjudication

The College shall dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in "Scope" (that is, because the alleged conduct did not occur in the College's Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

The College may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the College, as the case may be; or

- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator dismisses a Formal Complaint pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in "Appeal." The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate.

A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

#### XIX. Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to the appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Errors claimed in any appeal that could have been raised during the adjudication, but that were not, may be deemed waived by the appeal officer. Similarly, errors that are summarily asserted in any appeal without

explanation or argument may be deemed waived by the appeal officer.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, Goldfarb strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

## XX. Advisor of Choice

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in Section XVII.A.5, the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with Goldfarb about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this Section XX and Section XVII.A.5, Goldfarb may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in Section XVII.A.5, and requests Goldfarb to provide an advisor, Goldfarb will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. Goldfarb will have sole discretion to select the advisor it provides. The advisor Goldfarb provides may be, but is not required to be, an attorney.

Goldfarb is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in Section XVII.A.5 and requests that Goldfarb provide an advisor.

## XXI. Treatment Records and Other Privileged Information

During the investigation and adjudication processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

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

Information or records protected from disclosure by any other legally- recognized privilege, such as the attorney client privilege; unless Goldfarb has obtained the party's voluntary, written consent to do so for

the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section XXI if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

## XXII. Sexual History

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section XXII for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section XXII.

## XXIII. Informal Resolution

At any time after the parties are provided written notice of the Formal Complaint as specified in Section XIV, and before the completion of any appeal specified in Section XIX, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in Section XVII.B is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another Goldfarb official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator

agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature.

Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by Goldfarb, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to Goldfarb. Notwithstanding the forgoing if the form of informal resolution is Administrative Adjudication as specified in Section XVII.B, there shall not be a an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in Section XVII.B, all other forms of informal resolution pursuant to this Section XXIII are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21), and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section XXIII notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

#### XXIV. Presumption of Non-Responsibility

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

#### XXV. Resources

- II. Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through the College. The College encourages any individual who has questions or concerns to seek support of College identified resources. The Title IX Coordinator is available to provide information about the College's policy and procedure and to provide assistance. A list of College identified resources is located at the following link: <https://www.bjceap.com/>  
A list of College identified resources is below:

Goldfarb School of Nursing at Barnes-Jewish College's Title IX Coordinator

Edward Gricius, Associate Dean of Student Experience and Development  
314-362-9155

[edward.gricius@BarnesJewishCollege.edu](mailto:edward.gricius@BarnesJewishCollege.edu)

Goldfarb School of Nursing at Barnes-Jewish College's Deputy Title IX Coordinator

Dr. June Cowell-Oates, Director of Alumni Affairs, Program Officer

314-454-8694

[June.cowell-oates@bjc.org](mailto:June.cowell-oates@bjc.org)

On-Campus Counseling (confidential resource)

BJC Student Assistance Program (SAP)

314-729-4030

888-505-6444

[www.bjceap.org](http://www.bjceap.org)

Campus Security/Safety Department

Goldfarb Hall

1<sup>st</sup> Floor Reception/Security Officer

314-454-7055

BJH Department of Public Safety

Mid Campus Center, 4590 Children's Place, 1<sup>st</sup> floor

314-362-0750

Security Department of Missouri Baptist Medical Center

314-996-4770

Local Police

St. Louis Metropolitan Police Department City of St.

Louis, MO

314-231-1212

(for emergency dial 911)

Nearest Hospitals to Goldfarb Campuses Closest to Goldfarb Campus:

Barnes Jewish Hospital

One Barnes-Jewish Hospital Plaza

St. Louis, MO 63110

314-747-3000

866-552-5606

Closest to Missouri Baptist Campus:

Missouri Baptist Medical Center

3015 North Ballas Road

St. Louis, MO 63131

314-996-5000

## Support Agencies/Hotlines

- Safe Connections: 314-531-2003
- ALIVE: 314-993-2777
- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673

Please contact the Title IX Coordinator if you want to discuss other resources that may be available in the community.

## Legal Assistance, Visa and Immigration Assistance

- MO Bar Association Referral Services  
573-635-4128  
[www.mobar.org](http://www.mobar.org)
- Legal Services of Eastern Missouri  
314-534-4200  
[www.lsem.org](http://www.lsem.org)
- Land of Lincoln Legal Aid  
618-398-0574  
[www.lincolnlegal.org](http://www.lincolnlegal.org)
- Immigration Advocates Network:  
<http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>
- U.S. Citizenship and Immigration Services:  
<https://www.uscis.gov/>

## XXVI. Conflicts of Interest, Bias, and Procedural Complaints

The Title IX Coordinator, investigator, hearing officer, administrative officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these Goldfarb officials has a material conflict of interest or material bias must raise the concern promptly so that Goldfarb may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal specified in Section XIX or otherwise.

## XXVII. Objections Generally

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that Goldfarb may evaluate the matter and address it, if appropriate. The failure of a party to timely raise an objection, concern, or complaint may result in a waiver of the issue for purposes of any appeal specified in Section XIX or otherwise.



## XXVIII. Academic Freedom

Goldfarb will construe and apply this policy consistent with the principles of academic freedom specified in the Student Handbook and Faculty Handbook. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the principles of academic freedom specified in the Faculty Handbook.

## XXIX. Relationship With Criminal Process

This policy sets forth Goldfarb's processes for responding to reports and Formal Complaints of Sexual Harassment. Goldfarb's processes are separate, distinct, and independent of any criminal processes. While Goldfarb may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, Goldfarb will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

## XXX. Recordings

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by Goldfarb and is considered property of Goldfarb, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only Goldfarb is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer.

## XXXI. Vendors, Contractors and Third Parties

Goldfarb does business with various vendors, contractors, and other third-parties who are not students or College employees. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, Goldfarb retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And Goldfarb retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

## XXXII. Bad Faith Complaints and False Information

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section XXIX are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the Code of Student Conduct in the case of students and other Goldfarb policies and standards, as applicable, for other persons.

## XXXIII. Retaliation

It is a violation of this policy to engage in Retaliation. Reports and Formal Complaints of retaliation may be made in the manner specified in Sections V and XI. Any report or Formal Complaint of Retaliation will be processed under this policy in the same manner as a report or Formal Complaint of Sexual Harassment, as the

case may be. Goldfarb retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus.

#### XXXIV. Confidentiality

Goldfarb will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. Goldfarb will

also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, Goldfarb may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out Goldfarb's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding Goldfarb's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

While Goldfarb will maintain confidentiality specified in this Section XXXIV, Goldfarb will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

#### XXXV. Other Violations of this Policy

Alleged violations of this policy, other than violations of the prohibitions on Sexual Harassment and Retaliation, will be subject to review under the Student Handbook or Student Policies if committed by a student, the Faculty Handbook if committed by a faculty member, or human resources policies or other policies if committed by a College employee.

#### XXXVI. Signatures and Form of Consent

For purposes of this policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

#### XXXVII. Deadlines, Time, Notices, and Method of Transmittal

Where this policy specifies a period of days by which some act must be performed, the following method of calculation applies:

- Exclude the day of the event that triggers the period;
- Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government;

- Include the last day of the period until 5:00 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.

All deadlines and other time periods specified in this policy are subject to modification by Goldfarb where, in Goldfarb's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with Goldfarb's legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, hearing officer, administrative officer, appeal officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. Goldfarb officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of Goldfarb.

The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.

Where this policy refers to notice being given to parties "simultaneously," notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this policy will be email using Goldfarb email addresses.

A party is deemed to have received notice upon transmittal of an email to their Goldfarb email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this policy, the sufficient time to be provided will be determined in the sole discretion of Goldfarb, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant Goldfarb officials; approaching holidays or closures; and the number and length of extensions already granted.

### XXXVIII. Other Forms of Discrimination

This policy applies only to Sexual Harassment. Complaints of other forms of sex discrimination are governed by the College's General Non-Discrimination and Harassment Policy and Procedures and by the College's Faculty Handbook and/or HR Policies.

### XXXIX. Outside Appointments, Dual Appointments, and Delegations

Goldfarb retains discretion to retain and appoint suitably qualified persons who are not College employees to fulfill any function of Goldfarb under this policy, including, but not limited to, Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer.

Goldfarb also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given Goldfarb official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in Goldfarb's discretion, be delegated by such Goldfarb official to any suitably qualified individual and such delegation may be recalled by Goldfarb at any time.

### XL. Training

Goldfarb will ensure that College officials acting under this policy, including but not limited to the Title IX Coordinator, investigators, hearing officers, administrative officers, informal resolution facilitators, Goldfarb provided advisors, and appeals officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

### XLI. Recordkeeping

Goldfarb will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in Goldfarb's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R.

§ 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA. XLII.

### Definitions Herein

Words used in this policy will have those meanings defined herein and if not defined herein will be construed according to their plain and ordinary meaning.

### XLIII. Discretion in Application

Goldfarb retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if Goldfarb's interpretation or application differs from the interpretation of the parties.

Despite Goldfarb's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case Goldfarb retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy and the Hearing Procedures referenced in Section XVII.A.5 are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, Goldfarb retains discretion to revise this policy and the Hearing Procedures at any time, and for any reason. Goldfarb may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

## **Drug and Alcohol Policies**

The College is committed to creating and maintaining an environment that is free of alcohol abuse. The College prohibits the possession, use, and sale of alcohol beverage on campus or as any part of the College's activities, unless it is done so in accordance with applicable College policies, and it also enforces the state's underage drinking laws.

The College also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the College's activities. Violators of the College's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

### **Drug and Alcohol Abuse Prevention Program**

In compliance with the Drug Free Schools and Communities Act (DFSCA), the College has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. For more information, see below.

- Student alcohol/drug policy: <https://www.barnesjewishcollege.edu/student-consumer-information/>
- Substance Abuse policy: [https://www.barnesjewishcollege.edu/sites/goldfarb/files/import/7-07\\_Drug-Free\\_Workplace.pdf](https://www.barnesjewishcollege.edu/sites/goldfarb/files/import/7-07_Drug-Free_Workplace.pdf)
- Biennial review report: Contact Dr. June Cowell-Oates, the Program Officer for the Division of Student Affairs and Diversity, to obtain a copy of the biennial review report.

## **Crime Statistics**

The Clery Act requires institutions of higher education to disclose crime statistics covering the previous three years on various crimes and offenses. The definitions of these offenses, consistent with FBI guidelines and the Violence Against Women Act Reauthorization of 2013 regulations, are as follows:

*Murder and non-negligent homicide:* The willful (non-negligent) killing of one human being by another.

*Negligent manslaughter:* The killing of another person through gross negligence.

### *Sex offenses*

1. *Rape:* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
2. *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. *Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. *Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

*Robbery:* The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

*Aggravated assault:* An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury, usually accompanied by the use of a weapon or by a means likely to produce death or great bodily harm.

*Burglary:* The unlawful entry of a structure to commit a felony or a theft.

*Motor vehicle theft:* The theft or attempted theft of a motor vehicle.

*Arson:* Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

*Domestic violence:* A felony or misdemeanor crime of violence committed (a) by a current or former spouse or intimate partner of the victim; (2) by a person with whom the victim shares a child in common; (3) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (4) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (5) 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 jurisdiction in which the crime of violence occurred.

*Dating violence:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

*Stalking:* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.

Hate crimes involve those crimes motivated by the following biases: race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity. Hate crimes include those defined above that were motivated by one or more of these biases. They also include the following crimes and offenses:

*Larceny-theft:* The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

*Simple assault:* An unlawful physical attack by one person upon another where the offender neither displays a weapon nor the victim suffers obvious severe or aggravated bodily injury, such as apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

*Intimidation:* Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

*Destruction/damage/vandalism of property:* Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

Statistics must also be disclosed related to arrests and referrals for disciplinary action for violations of law

relating to weapons, drugs or liquor. For this purpose, the following definitions apply:

*Arrest:* A person processed by arrest, citation or summons.

*Referral for disciplinary action:* The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

The statistical summary of the above crimes and offenses for this campus over the past three calendar years:

	On Campus			Public Property		
	2023	2022	2021	2023	2022	2021
<b>Criminal Offenses</b>						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	3	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Hate Crimes</b>						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0
<b>VAWA Offenses</b>						
Domestic violence	0	0	0	0	0	0
Dating violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0



Arrest - Liquor Law Violation	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0
<b>Arrests</b>						
Weapons: carrying, possessing, etc.	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
<b>Disciplinary Actions</b>						
Weapons: carrying, possessing, etc.	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
<b>Unfounded Crimes</b>						
Total unfounded crimes	0	0	0	0	0	0

# APPENDIX A

Crime Type (Missouri Revised Statutes)	Definitions
Dating Violence	The institution has determined, based on good-faith research that Missouri law does not define the term dating violence.
Domestic Violence	<p>Missouri’s protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):</p> <ul style="list-style-type: none"> <li>• “Domestic violence” is abuse or stalking committed by a family or household member.</li> <li>• "Family" or "household member", [includes] spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.</li> </ul> <p>In addition, Missouri criminal statutes include various degrees of the crime “Domestic Assault,” as follows:</p> <ul style="list-style-type: none"> <li>• Domestic Assault, First Degree (Mo. Rev. Stat. § 565.072): A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section 565.002. <ul style="list-style-type: none"> <li>▪ Mo Rev. Stat. § 565.002(6) indicates that a “domestic victim” is a household or family member as the term “family” or “household member” is defined in 455.010, including any child who is a member of the household or family.</li> </ul> </li> <li>• Domestic Assault in the Second Degree (Mo. Rev. Stat. § 565.073): A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causes serious physical injury to such domestic victim; or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.</li> <li>• Domestic Assault, Third Degree (Mo. Rev. Stat. § 565.074): A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section 565.002.</li> <li>• Domestic Assault in the Fourth Degree (Mo. Rev. Stat. § 565.076): A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) The person knowingly causes physical contact with such domestic victim knowing he or she</li> </ul>

Crime Type (Missouri Revised Statues)	Definitions
	<p>will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.</p>
Stalking	<ul style="list-style-type: none"> <li>• Stalking, First Degree (Mo. Rev. Stat. § 565.225): A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.</li> <li>• Stalking, Second Degree (Mo. Rev. Stat. § 565.227.1): A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.</li> <li>• As used in the definitions of stalking above, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.</li> </ul>
Sexual Assault	<p>The institution has determined, based on good-faith research, that Missouri's criminal statutes do not define the term sexual assault.</p> <p>However, Missouri's protective order statutes indicate that "sexual assault" means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent. (Mo. Rev. Stat. § 455.010(1)(e)).</p>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape in the First Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> </ul>

Crime Type (Missouri Revised Statutes)	Definitions
	<ul style="list-style-type: none"> <li>• Rape in the Second Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling.</li> <li>• Incest (Mo. Rev. Stat. § 568.020.1): A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1) Ancestor or descendant by blood or adoption; or (2) Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood.</li> <li>• Statutory Rape, First Degree (Mo. Rev. Stat. § 566.032.1): A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Rape, Second Degree (Mo. Rev. Stat. § 566.034.1): A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Missouri law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Sodomy in the First Degree (Mo. Rev. Stat. § 566.060.1): A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> <li>• Sodomy in the Second Degree (Mo. Rev. Stat. § 566.061.1): A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Statutory Sodomy, First Degree (Mo. Rev. Stat. § 566.062.1): A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064.1): A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.</li> <li>• Child Molestation, First Degree (Mo. Rev. Stat. § 566.067.1): A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact and the offense is an aggravated sexual offense.</li> </ul>

Crime Type (Missouri Revised Statues)	Definitions
	<ul style="list-style-type: none"> <li>• Child Molestation, Second Degree (Mo. Rev. Stat. § 566.068.1): A person commits the offense of child molestation in the second degree if he or she: (1) Subjects a child who is less than twelve years of age to sexual contact; or (2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.</li> <li>• Child Molestation, Third Degree (Mo. Rev. Stat. § 566.069.1): A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact.</li> <li>• Child Molestation, Fourth Degree (Mo. Rev. Stat. § 566.071.1): A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.</li> <li>• Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083.1): A person commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.</li> <li>• Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093.1): A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.</li> <li>• Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095.1): A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm.</li> <li>• Sexual Abuse in the First Degree (Mo. Rev. Stat. § 566.100.1): A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.</li> <li>• Sexual Abuse, Second Degree (Mo. Rev. Stat. § 566.101.1): A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.</li> </ul>

<b>Crime Type</b> <b>(Missouri Revised Statutes)</b>	<b>Definitions</b>
Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14))	Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.



2024

WEST CAMPUS SITE

# **GOLDFARB SCHOOL OF NURSING AT BARNES-JEWISH COLLEGE**

## **2024 ANNUAL SECURITY REPORT – WEST CAMPUS**

### **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Goldfarb School of Nursing at Barnes-Jewish College (“Goldfarb” or “College”) with information on: the College’s security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### **Policy for Preparing the Annual Report**

This report is prepared by Barnes-Jewish Hospital’s Department of Public Safety in cooperation with local law enforcement authorities and includes information provided by them as well as by the College’s campus security authorities, faculty, and staff. Each year an e-mail notification is sent to all enrolled students that provides the web site to access this report. Faculty and staff receive similar notifications. Hard copies of the report may also be obtained at no cost by contacting Debbie Mettlach, Director for Administration and Operations or Edward Gricius, Associate Dean of Student Experience and Development.

Goldfarb is committed to taking the actions necessary to provide a safe and secure working and learning environment for all students and staff. As a member of the campus community, know that Goldfarb has worked hard to implement procedures benchmarked as best practices in the field.

### **Campus Security Personnel & Relationship with Local Law Enforcement**

The Missouri Baptist Medical Center Department of Public Safety is responsible for campus security at the West Campus. Its jurisdiction covers all campus property. The Department of Public Safety handles all calls for service, traffic enforcement and accident investigation, and its officers are licensed public safety officers that have full arrest authority. The Department of Public Safety has a working relationship with local law enforcement agencies, including the Metropolitan St. Louis Police Department, which, when necessary, assists the Department of Public Safety. The Department of Public Safety does not have a written memorandum of understanding with the Police Department.

#### **Contact information for Missouri Baptist Medical Center Department of Public Safety**

Maj. Keith Stumpf  
Manager/Security Operations  
kas6772@bjc.org  
314.996.5253

### **Other Officials to Whom Crimes May Be Reported (Campus Security Authorities)**

The College has also designated other officials to serve as additional campus security authorities. Reports of criminal activity can also be made to these officials. They in turn will ensure the reports are recorded with



the Department of Public Safety for collection as part of the College's annual report of crime statistics. These additional campus security authorities are:

Title IX Coordinator

Edward Gricius  
edward.gricius@BarnesJewishCollege.edu  
314-362-9155

Title IX Deputy Coordinator

Dr. June Cowell- Oates  
june.cowell-oates@barnesjewishcollege.edu  
314-454-8694

Director for Administration and Operations

Debbie Mettlach  
Deborah.mettlach@barnesjewishcollege.edu  
314-362-6289

Public Safety

Duncan Campus First Floor  
Security desk 314-454-7555

**Reporting a Crime or Emergency**

The College encourages accurate and prompt reporting of all criminal actions, accidents, injuries, or other emergencies occurring on campus to the Department of Public Safety and appropriate police agencies even when the victim of a crime elects not to do so or is unable to make such a report. Such reports can also be made as follows:

- Situations on campus that pose imminent danger, or if a crime is in progress, should be reported to the Department of Public Safety at 314-996-4770.
- Students, staff, and visitors can report criminal actions, accidents, injuries, or other emergency incidents to the Public Safety Department. If requested, a member of the College staff will assist a student in making the report to Public Safety.
- Anonymous incident reports can also be made online, via the College website, on the "Student Complaints, Concerns and Feedback" page. Anonymous reports may also be made by submitting the reports in the suggestion box located in the student lounge.

**Confidential Reporting**

To the extent permitted by law, the College will protect the confidentiality of victims.

Pursuant to the College's Title IX Policy, when an employee becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the College disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. With the victim's permission, a report of the details of the incident can be filed without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the College take appropriate steps to ensure the future

safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

For students or staff who seek counseling from professional licensed counselors through the Employee Assistance program or Student Assistance program, confidentiality is maintained unless otherwise dictated by the victim or state or federal law. The College encourages professional licensed counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The College does not employ pastoral counselors and thus does not have procedures encouraging them to inform the person they are counseling to report crimes on a voluntary confidential basis for inclusion in the annual report of crime statistics.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The College has no officially recognized student organizations with off-campus locations and therefore does not monitor criminal activity occurring at such locations. However, if criminal activity occurs while students are attending school sponsored events or training off campus, the reporting procedures are the same as those stated above.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such a crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

### **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

Goldfarb seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. A description of those programs and their frequency of presentation follows:

- A one-time campus security update is provided during the New Student Orientations for students as they enter their program of study. Additional information related to campus security and general safety can be found in the Student Handbook. Students are provided Title IX training as a part of their on-boarding after admission to the College.
- Security and safety procedures are” found on the GSON website, under Campus Security: <https://www.barnesjewishcollege.edu/Campus-Security>. This includes encouraging students to be alert to security situations and to assist the school in preventing crimes from occurring through

awareness and communication.

### **Security of and Access to Campus Facilities**

Goldfarb is a private institution and reserves the right to restrict access and movement on its grounds to staff, students, patients, visitors, and others who are conducting business on site. The security of the College's building involves patrols 24 hours a day, 7 days a week by the Department of Public Safety staff. Also, the interior and exterior of the College building is secured with closed circuit TV monitors. The buildings are accessible by students and staff with a current identification badge. On the Duncan campus, visitors without an ID badge are permitted entry on an individual basis by the security attendant.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into secure campus buildings
- Do not lend keys or access cards to non-students
- Do not leave keys or access cards unattended
- Do not give others building access codes

Keys to the offices, laboratories, and classrooms on campus will be issued to employees only as needed and after receiving proper authorization. Each department supervisor is responsible for assuring his/her area is secured and locked.

Employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to, school property, or other criminal activity. In particular, rendering inoperable or abusing any fire prevention or detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including termination and the filing of charges with law enforcement authorities.

Employee and student identification badges may be used to verify the identity of persons suspected to be in campus facilities without permission.

### **Security Considerations in the Maintenance of Facilities**

The Department of Public Safety works with the Facilities Department to identify maintenance issues on campus that may be safety hazards. Safety checks are completed to identify street or safety lights that are not functioning properly, or to determine if shrubs or other landscaping might need trimming. Maintenance personnel regularly check to ensure there is adequate lighting on pathways and that egress lighting is working in hallways and stairwells.

### **Timely Warnings**

In the event of criminal activity occurring on campus or off campus that, in the judgment of the Director for Administration and Operations or designee, constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. An example of such an incident would be an armed robbery on or near campus where the perpetrator is not immediately apprehended. After information concerning incidences of ongoing or continued threats to students or employees at the College, medical center, or immediately surrounding areas, is received from the Department of Public Safety, email and/or text message warnings

will be communicated to students and employees via the RAVE alert system. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to the Department of Public Safety.

### **Emergency Response and Evacuation Procedures**

The College has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, or armed intruders. Goldfarb works with local police and the Department of Public Safety to handle situations that warrant an emergency response. Students, staff and visitors are encouraged to notify the local police, Department of Public Safety or Director for Administration and Operations or designee of any situation that poses such a threat. If an officer with the Department of Public Safety is contacted about an emergency, he or she will notify the Director for Administration and Operations or designee.

The Director for Administration and Operations will access available sources from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating and coordinating the College's response, including notifying the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Director for Administration and Operations will consult with other appropriate College officials to determine the appropriate segment or segments of the College community to be notified.

The Director for Administration and Operations or designee, in collaboration with other appropriate personnel, will determine who should be notified and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Director for Administration and Operations or designee will direct the issuance of emergency notifications, which will be accomplished using the RAVE system.

- Upon admission to the college, every student is required to complete an information sheet that identifies multiple contact numbers. This information will be maintained in the system as long as the student is in active status. Changes to any of the contact numbers should be reported to the college immediately to insure up to date information.
- All employees of the college, upon hire, will complete the information sheet. It is the responsibility of the individual to inform the college of any changes to their contact numbers.

Student and employee contact information is updated by the College's Information System Department when changes occur.

The RAVE system is a notification system that provides multiple methods of communications with students, faculty and staff. Upon activation of the system, each individual will receive notice on their cellular telephone, land line telephone, a text message on their cellular telephone and an email message to their identified email account. Specific alerts have been developed for:

1. Campus Lockdown - A serious situation is occurring or precautionary steps are being taken to restrict access to the college campus.
2. Emergency Alert - A situation is occurring that requires immediate attention by all personnel.
3. Tornado Warning - A tornado or severe thunderstorm warning is in place for the immediate college area.
4. Weather Closing - Due to weather conditions the college is closing or will be closed for the next day.
5. Power Outage - There is a power outage at the college or medical center.

Specific information related to each of these alerts will be included in the message. There will also be an all clear notice sent for the lockdown, emergency and tornado warnings.

If deemed necessary, the Director for Administration and Operations will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

If the Director for Administration and Operations is unable to address the emergency situation, then one of the following will be the responsible party for the College:

- Dean of the School of Nursing
- President of College

The RAVE emergency notification system will be tested at least once per calendar year or more often if it is deemed necessary. The test will include a message that the system is being activated with a test message. A follow-up email message will be sent to each student, faculty and staff informing them a test of the system was conducted on a particular date and time and if the test message was not received, they should contact the Director for Administration and Operations. Anyone stating they did not receive a test message will have their emergency contact numbers confirmed and update in the system if necessary.

Also, at various times the Emergency Management Team will meet to train and test and evaluate the College's emergency response plan. The Director for Administration and Operations maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures.

## **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

### XIV. Policy Statement

Consistent with the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (*see* 34 C.F.R. § 106 *et seq.*), Goldfarb School of Nursing at Barnes-Jewish College ("Goldfarb" or the "College") prohibits Sexual Harassment that occurs within its education programs and activities.

As further defined herein, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Administrators, faculty members, staff, students, contractors, guests, and other members of the Goldfarb community who commit Sexual Harassment are subject to the full range of discipline including verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (i.e., termination or dismissal); physical restriction from Goldfarb property; cancellation of contracts; and any combination of the same.

Goldfarb will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to Goldfarb's education programs and activities.

#### XV. Scope

This policy applies to Sexual Harassment that occurs within Goldfarb's Education Programs and Activities and that is committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the Goldfarb community.

This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of Goldfarb's Education Programs and Activities; such Sexual Misconduct may be prohibited by the Student Handbook or Student Policies if committed by a student, the Faculty Handbook if committed by a faculty member, or human resources policies or other policies if committed by a College employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in Goldfarb's Education Programs and Activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Handbook or Student Policies if committed by a student, the Faculty Handbook if committed by a faculty member, or human resources policies or other policies if committed by a College employee.

#### XVI. Definitions

- A. "Sexual Harassment" is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.
- B. "Quid Pro Quo Sexual Harassment" is a College employee conditioning the provision of an aid, benefit, or service of Goldfarb on an individual's participation in unwelcome sexual conduct.
- C. "Hostile Environment Sexual Harassment" is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to Goldfarb's education programs and activities.

- D. “Sexual Assault” includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape. (The College’s definition of “Sexual Assault” is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the College to adopt a definition of “Sexual Assault” that incorporates various forcible and nonforcible sex crimes as defined by the FBI’s Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).)
1. “Rape” is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is “carnal knowledge” if there is the slightest penetration of the vagina or anus by the sex organ of the other person. Attempted Rape is included.
  2. “Sodomy” is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  3. “Sexual Assault with an Object” is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
  4. “Fondling” is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  5. “Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Missouri law.
  6. “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Missouri law.
- E. “Domestic Violence” is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, 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 Missouri.
- F. “Dating Violence” is violence committed by a person –
1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
- The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.
- G. “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for their safety or the safety of others; or
  - Suffer substantial emotional distress.
- H. “Consent” refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent. Lack of consent is a critical factor in determining whether sexual violence/assault has occurred. Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Consent is not passive. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. If a person is asleep or unconscious, there is no consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be withdrawn. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- I. “Incapacitated” refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.
- J. “Retaliation” is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
- K. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.
- L. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- M. “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that Goldfarb investigate the allegation of Sexual Harassment in accordance with this policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to



participate in Goldfarb's Education Programs and Activities. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

- N. "Supportive Measures" are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to Goldfarb's Education Programs and Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or Goldfarb's education environment, or to deter Sexual Harassment. Supportive measures may include:

counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

- O. "Education Programs and Activities" refers to all the operations of Goldfarb, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by Goldfarb. It also includes off-campus locations, events, or circumstances over which Goldfarb exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by Goldfarb.

## XVII. Understanding Hostile Environment Sexual Harassment

In determining whether a hostile environment exists, the College will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The College encourages members of the College Community to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a policy violation.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor

- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail, internet, or other electronic use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes

#### XVIII. Reporting Sexual Harassment

Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

The name and contact information for the Title IX Coordinator is:

Edward Gricius, Title IX Coordinator and Associate Dean of Student Experience and Development, Goldfarb School of Nursing at Barnes-Jewish College  
 4483 Duncan Avenue  
 St. Louis, Missouri 63110  
 314-362-9155  
[edward.gricius@BarnesJewishCollege.edu](mailto:edward.gricius@BarnesJewishCollege.edu)

The name and contact information for the Deputy Title IX Coordinator is:

Dr. June Cowell-Oates  
 Deputy Title IX Coordinator and Director of Alumni Affairs, Goldfarb School of Nursing at Barnes-Jewish College  
 4483 Duncan Avenue  
 St. Louis, Missouri 63110  
 314-454-8694  
[June.Cowell-Oates@BarnesJewishCollege.edu](mailto:June.Cowell-Oates@BarnesJewishCollege.edu)

In addition to reporting to the Title IX Coordinator or Deputy Title IX Coordinator, any person may report Sexual Harassment to any College employee who must promptly forward such report of Sexual Harassment to the Title IX Coordinator.

A person may also file a complaint of sex discrimination with the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or by calling [1- 800-421-3481](tel:1-800-421-3481).

The sole exceptions to the mandatory reporting requirement for College employees are College employees who are statutorily prohibited from reporting such information are exempt from these reporting requirements, including licensed health-care, counseling, or pastoral professionals ("Confidential Resources") who are not mandatory reporters and who are available to have confidential conversations with students.

The contact information for Confidential Resources are:

## II. Resources Available

Goldfarb School of Nursing at Barnes-Jewish College's Title IX Coordinator

Edward Gricius, Associate Dean of Student Experience and Development  
314-362-9155  
[edward.gricius@BarnesJewishCollege.edu](mailto:edward.gricius@BarnesJewishCollege.edu)

Goldfarb School of Nursing at Barnes-Jewish College's Deputy Title IX Coordinator

Dr. June Cowell-Oates, Director of Alumni Affairs, Program Officer  
314-454-8694  
[June.cowell-oates@bjc.org](mailto:June.cowell-oates@bjc.org)

On-Campus Counseling (confidential resource)

BJC Student Assistance Program (SAP)  
314- 729-4030  
888-505-6444  
[www.bjceap.org](http://www.bjceap.org)

Campus Security/Safety Department

Goldfarb Hall  
1<sup>st</sup> Floor Reception/Security Officer  
314- 454-7055

BJH Department of Public Safety  
Mid Campus Center, 4590 Childrens Place, 1<sup>st</sup> floor  
314-362-0750

Security Department of Missouri Baptist Medical Center  
314-996-4770

## Local Police

St. Louis Metropolitan Police Department City of St. Louis, MO  
314-231-1212  
(for emergency dial 911)

## Nearest Hospitals to Goldfarb Campuses

Closest to Goldfarb Campus: Barnes Jewish Hospital  
One Barnes-Jewish Hospital Plaza St. Louis, MO 63110  
314-747-3000  
866-552-5606

## Closest to Missouri Baptist Campus:

Missouri Baptist Medical Center  
3015 North Ballas Road  
St. Louis, MO 63131  
314-996-5000

## Support Agencies/Hotlines

- Safe Connections: 314-531-2003
- ALIVE: 314-993-2777
- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673

Please contact the Title IX Coordinator if you want to discuss other resources that may be available in the community.

## Legal Assistance, Visa and Immigration Assistance

- MO Bar Association Referral Services  
573-635-4128  
[www.mobar.org](http://www.mobar.org)
- Legal Services of Eastern Missouri  
314-534-4200  
[www.lsem.org](http://www.lsem.org)
- Land of Lincoln Legal Aid  
618-398-0574  
[www.lincolnlegal.org](http://www.lincolnlegal.org)
- Immigration Advocates Network:

<http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>

- U.S. Citizenship and Immigration Services:  
<https://www.uscis.gov/>

For employees, the Employee Assistance Program is also available. Information about the Employee Assistance Program can be found at [www.bjceap.org](http://www.bjceap.org) or you can contact Human Resources for more information.

Please contact the Title IX Coordinator if you would like to discuss other resources available in the community.

#### XIX. Special Advice for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, get to safety and do everything possible to preserve evidence by making certain that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, the College recommends the following:

- Get to a safe place as soon as possible.
- Try to preserve all physical evidence of the crime—avoid bathing, using the toilet, rinsing one’s mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred—preserve for law enforcement
- Preserve all forms of electronic communication that occurred before, during, or after the assault
- Contact law enforcement by calling 911.
- Get medical attention - all medical injuries are not immediately apparent. This will also help collect evidence that may be needed in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with a professional licensed counselor, , or health care provider who can help explain options, give information, and provide emotional support.
- Make a report to the Title IX Coordinator.
- Explore this policy and avenues for resolution under the Title IX Grievance Process.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc. rather than evidence of physical contact and violence. This type of non- physical evidence will also be useful in all types of Sexual Harassment investigations.

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- obtaining supportive measures
- contacting parents or a relative
- seeking legal advice
- seeking personal counseling (always recommended)
- pursuing legal action against the perpetrator
- filing a formal complaint
- requesting that no further action be taken

BJH Department of Public Safety can assist individuals in obtaining a personal protection order (“PPO”).

## XX. Preliminary Assessment

Upon receipt of a report made pursuant to Section V, the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of the policy specified in Section II; and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (“FERPA”). The Title IX Coordinator may refer the report to other College offices, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant as specified in Section VIII.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

## XXI. Contacting The Complainant

If a report is not closed as a result of the preliminary assessment specified in Section VII and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures specified in Section IX; to discuss and consider the Complainant's wishes with respect to such Supportive Measures; to inform the Complainant of the availability of such Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint.

## XXII. Supportive Measures

If a report is not closed as a result of the preliminary assessment specified in Section VII, Goldfarb will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint specified in Section XI, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and Goldfarb will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. Goldfarb will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

Goldfarb will maintain the Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair Goldfarb's ability to provide the Supportive Measures in question.

## XXIII. Interim Removal

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from Goldfarb's education programs and activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the College may suspend the Respondent pending investigation and adjudication as outlined in this Policy at any time after receiving a report of Sexual Harassment.

For all other Respondents, including independent contractors and guests, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

## XXIV. Formal Complaint

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that Goldfarb investigate and adjudicate a report of Sexual Harassment in accordance with the provisions of Sections XV

and XVII. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating

in, or attempting to participate in, one or more of Goldfarb's education programs or activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in Section V above.

No person may submit a Formal Complaint on the Complainant's behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of Goldfarb if doing so is not clearly unreasonable.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then Goldfarb will commence an investigation as specified in Section XV and proceed to adjudicate the matter as specified in Section XVII.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes specified in Sections XV and XVII.

#### XXV. Consolidation of Formal Complaints

Goldfarb may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

#### XXVI. Dismissal Prior to Commencement of Investigation

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in Section II (i.e., because the alleged conduct did not occur in Goldfarb's Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section XIII, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in Section

XIX. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other Goldfarb offices, as appropriate. A dismissal pursuant to this Section XIII is presumptively a final determination for



purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

#### XL. Notice of Formal Complaint

Within five (5) days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this policy or a hyperlink to this policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and an appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in Section XX.
- Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in Section XV.D.
- Notifying the Complainant and Respondent of Goldfarb's prohibitions on retaliation and false statements specified in Sections XXXIII and XXXII.

Should Goldfarb elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, Goldfarb will provide a supplemental written notice describing the additional allegations to be investigated.

#### XLI. Investigation

##### **F. Commencement and Timing**

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with Goldfarb and not with the parties. The investigation will culminate in a written investigation report, specified in Section XV.E, that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, Goldfarb strives to

complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice as specified in this Section XV.A.

##### **G. Equal Opportunity**

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in Section XXII. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

#### H. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

##### I. Access to the Evidence

###### 1. During the Evidence-Gathering Phase of the Investigation

During an investigation, a party has the reasonable opportunity, upon the party's request, to conduct an in-person inspection and review of evidence obtained up to that point that is directly related to the allegations raised in the Formal Complaint, including evidence Goldfarb may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. A request to inspect and review evidence should be made in writing to the investigator a reasonable amount of time before the party seeks to conduct the inspection and review. The investigator will make a reasonable attempt to accommodate the request but may deny any request that is untimely, that conflicts with the investigator's availability, that is cumulative, or that is otherwise unreasonable.

###### 2. Prior To Issuance of the Investigation Report

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each party and their advisor, in either electronic or hard copy form, the evidence subject to inspection and review in Section XV.D.1. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

#### J. Investigation Report

After the period for the parties to provide any written response as specified in Section XIII.D.2 has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete,

the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

## XLII. Adjudication Process Selection

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in “Adjudication.” The notice will explain that the hearing process specified in “Hearing Process” is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in “Administrative Adjudication (Optional)” as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this policy (including the entirety of “Adjudication”), consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this Section to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

## XLIII. Adjudication

### C. Hearing Process

The default process for adjudicating Formal Complaints is the hearing process specified in this Section XVII.A. The hearing process will be used to adjudicate all Formal Complaints unless both parties timely consent to administrative adjudication as specified in Section XVI above.

#### 1. Hearing Officer

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in Section XV.D.2.

#### 2. Hearing Notice and Response to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer’s appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of Goldfarb’s Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this Section XVII.A.2.

A party’s written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary

regarding such disagreement;

- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, undue prejudice, the prohibition on the use of sexual history specified in Section XXII, or for any other reason;
- A list of any witnesses that the party contends should be compelled to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to Goldfarb's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that Goldfarb provide an advisor for purposes of conducting questioning as specified in XX.

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

### 3. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary Goldfarb personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties;

address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

#### 4. Issuance of Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any College employee (including administrator, faculty, or staff) or student whose attendance is required at the hearing as a witness. The notice will advise the subject of their duty to appear for the hearing at the specified date and time and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and

other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The failure to abide by a notice of attendance is a violation of this policy.

Goldfarb has no authority to compel the attendance of any witness who is not a College employee or a student, and a notice of attendance will not be issued to any such individual.

#### 5. Hearing

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to Goldfarb's Hearing Procedures. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary Goldfarb personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;

- Opportunity for each party’s advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary Goldfarb personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to Section XVII.D.2.

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section XVII.A.5, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section XVII.A.5 are met.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. Nonetheless, in conducting the hearing and resolving evidentiary issues, the hearing officer may, in the hearing officer’s discretion, utilize principles and procedures similar to those specified in the Federal Rules of Civil Procedure and/or Federal Rules of Evidence to the extent such principles and procedures do not conflict with any explicit provision of this policy.

## 6. Subjection To Questioning

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties’ advisors, the statements of that party or witness, as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness,

whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying this Section XVII.A.6, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

#### 7. Deliberation and Determination

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of Section XVII.A.7. The hearing officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

#### 8. Discipline and Remedies

In the event the hearing officer determines that the Respondent is responsible for violating this policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate Goldfarb official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

#### 9. Written Decision

After reaching a determination and consulting with the appropriate Goldfarb official and Title IX Coordinator as required by Section XVII.A.8, the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by Goldfarb upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident

of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;

- The discipline determined by the appropriate Goldfarb official as referenced in Section XIV.A.8 and any ongoing support measures or other remedies as determined by the Title IX Coordinator;
- A description of Goldfarb's process and grounds for appeal, as specified in Section XIX.

The hearing officer's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in Section XIX.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, Goldfarb strives to issue the hearing officer's written determination within fourteen (15) days of the conclusion of the hearing.

#### D. Administrative Adjudication (Optional)

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator as specified in Section XVI.

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative officer is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in Section XV.D.2

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, undue prejudice, the prohibition on the use of sexual history specified in Section XXII, or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.



After reviewing the parties' written responses, the administrative officer will meet separately with each party to provide the party with an opportunity make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively reevaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any Goldfarb official and the Title IX Coordinator, in the manner specified in Section XVII.A.7 and will prepare and transmit a written decision in the manner as specified in Section XVII.A.8 which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer's written determination concludes the administrative adjudication, subject to any right of appeal as specified in Section XIX.

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, Goldfarb strives to issue the administrative officer's written determination within twenty-one (21) days of the transmittal of the initiating written notice specified in this Section XVII.B.

#### XLIV. Dismissal During Investigation or Adjudication

The College shall dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in "Scope" (that is, because the alleged conduct did not occur in the College's Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

The College may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the College, as the case may be; or

- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator dismisses a Formal Complaint pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in "Appeal." The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate.

A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

#### XLV. Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to the appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Errors claimed in any appeal that could have been raised during the adjudication, but that were not, may be deemed waived by the appeal officer. Similarly, errors that are summarily asserted in any appeal without explanation or argument may be deemed waived by the appeal officer.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, Goldfarb strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

#### XLVI. Advisor of Choice

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in Section XVII.A.5, the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with Goldfarb about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in this Section XX and Section XVII.A.5, Goldfarb may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in Section XVII.A.5, and requests Goldfarb to provide an advisor, Goldfarb will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. Goldfarb will have sole discretion to select the advisor it provides. The advisor Goldfarb provides may be, but is not required to be, an attorney.

Goldfarb is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in Section XVII.A.5 and requests that Goldfarb provide an advisor.

#### XLVII. Treatment Records and Other Privileged Information

During the investigation and adjudication processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

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

Information or records protected from disclosure by any other legally- recognized privilege, such as the attorney client privilege; unless Goldfarb has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section XXI if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

#### XLVIII. Sexual History

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section XXII for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section XXII.

#### XLIX. Informal Resolution

At any time after the parties are provided written notice of the Formal Complaint as specified in Section XIV, and before the completion of any appeal specified in Section XIX, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in Section XVII.B is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another Goldfarb official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the

agreed resolution to writing and present the resolution to the parties for their written signature.

Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by Goldfarb, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to Goldfarb. Notwithstanding the forgoing if the form of informal resolution is Administrative Adjudication as specified in Section XVII.B, there shall not be a an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the informal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in Section XVII.B, all other forms of informal resolution pursuant to this Section XXIII are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21), and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section XXIII notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

#### L. Presumption of Non-Responsibility

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

#### LI. Resources

III. Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through the College. The College encourages any individual who has questions or concerns to seek support of College identified resources. The Title IX Coordinator is available to provide information about the College's policy and procedure and to provide assistance. A list of College identified resources is located at the following link: [www.bjceap.org](http://www.bjceap.org).

A list of College identified resources is below:

Goldfarb School of Nursing at Barnes-Jewish College's Title IX Coordinator

Edward Gricius, Associate Dean of Student Experience and Development  
314-362-9155  
[Edward.gricius@barnesjewishcollege.edu](mailto:Edward.gricius@barnesjewishcollege.edu)

## Goldfarb School of Nursing at Barnes-Jewish College's Deputy Title IX Coordinator

Dr. June Cowell-Oates, Director of Alumni Affairs, Program Officer

314-454-8694

[June.cowell-oates@bjc.org](mailto:June.cowell-oates@bjc.org)

## On-Campus Counseling (confidential resource)

BJC Student Assistance Program (SAP)

314-729-4030

888-505-6444

[www.bjceap.org](http://www.bjceap.org)

## Campus Security/Safety Department

Goldfarb Hall

1<sup>st</sup> Floor Reception/Security Officer

314-454-7055

BJH Department of Public Safety

Mid Campus Center, 4590 Children's Place, 1<sup>st</sup> floor

314-362-0750

Security Department of Missouri Baptist Medical Center

314-996-4770

## Local Police

St. Louis Metropolitan Police Department

City of St. Louis, MO

314-231-1212

(for emergency dial 911)

## Nearest Hospitals to Goldfarb Campuses

Closest to Goldfarb Campus:

Barnes Jewish Hospital

One Barnes-Jewish Hospital Plaza

St. Louis, MO 63110

314-747-3000

866-552-5606

Closest to Missouri Baptist Campus: Missouri Baptist  
Medical Center 3015 North Ballas Road

St. Louis, MO 63131 314-996-5000

#### Support Agencies/Hotlines

- Safe Connections: 314-531-2003
- ALIVE: 314-993-2777
- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673

Please contact the Title IX Coordinator if you want to discuss other resources that may be available in the community.

#### Legal Assistance, Visa and Immigration Assistance

- MO Bar Association Referral Services  
573-635-4128  
[www.mobar.org](http://www.mobar.org)
- Legal Services of Eastern Missouri  
314-534-4200  
[www.lsem.org](http://www.lsem.org)
- Land of Lincoln Legal Aid  
618-398-0574  
[www.lincolnlegal.org](http://www.lincolnlegal.org)
- Immigration Advocates Network:  
<http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>
- U.S. Citizenship and Immigration Services:  
<https://www.uscis.gov/>

#### LII. Conflicts of Interest, Bias, and Procedural Complaints

The Title IX Coordinator, investigator, hearing officer, administrative officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these Goldfarb officials has a material conflict of interest or material bias must raise the concern promptly so that Goldfarb may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal specified in Section XIX or otherwise.

#### LIII. Objections Generally

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication,

and appeals process in a prompt and timely manner so that Goldfarb may evaluate the matter and address it, if appropriate. The failure of a party to timely raise an objection, concern, or complaint may result in a waiver of the issue for purposes of any appeal specified in Section XIX or otherwise.

#### LIV. Academic Freedom

Goldfarb will construe and apply this policy consistent with the principles of academic freedom specified in the Student Handbook and Faculty Handbook. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the principles of academic freedom specified in the Faculty Handbook.

#### LV. Relationship With Criminal Process

This policy sets forth Goldfarb's processes for responding to reports and Formal Complaints of Sexual Harassment. Goldfarb's processes are separate, distinct, and independent of any criminal processes. While Goldfarb may temporarily delay its processes under this policy to avoid interfering with law enforcement efforts if requested by law enforcement, Goldfarb will otherwise apply this policy and its processes without regard to the status or outcome of any criminal process.

#### LVI. Recordings

Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by Goldfarb and is considered property of Goldfarb, subject to any right of access that a party may have under this policy, FERPA, and other applicable federal, state, or local laws. Only Goldfarb is permitted to make audio or video recordings under this policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer.

#### LVII. Vendors, Contractors and Third Parties

Goldfarb does business with various vendors, contractors, and other third-parties who are not students or College employees. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, Goldfarb retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And Goldfarb retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

#### LVIII. Bad Faith Complaints and False Information

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section XXIX are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the Code of Student Conduct in the case of students and other Goldfarb policies and standards, as applicable, for other persons.

#### LIX. Retaliation



It is a violation of this policy to engage in Retaliation. Reports and Formal Complaints of retaliation may be made in the manner specified in Sections V and XI. Any report or Formal Complaint of Retaliation will be processed under this policy in the same manner as a report or Formal Complaint of Sexual Harassment, as the case may be. Goldfarb retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus.

#### LX. Confidentiality

Goldfarb will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. Goldfarb will

also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, Goldfarb may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out Goldfarb's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding Goldfarb's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

While Goldfarb will maintain confidentiality specified in this Section XXXIV, Goldfarb will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

#### LXI. Other Violations of this Policy

Alleged violations of this policy, other than violations of the prohibitions on Sexual Harassment and Retaliation, will be subject to review under the Student Handbook or Student Policies if committed by a student, the Faculty Handbook if committed by a faculty member, or human resources policies or other policies if committed by a College employee.

#### LXII. Signatures and Form of Consent

For purposes of this policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where this policy provides that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

#### LXIII. Deadlines, Time, Notices, and Method of Transmittal

Where this policy specifies a period of days by which some act must be performed, the following method of calculation applies:

- Exclude the day of the event that triggers the period;

- Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government;
- Include the last day of the period until 5:00 p.m. central time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. central time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.

All deadlines and other time periods specified in this policy are subject to modification by Goldfarb where, in Goldfarb's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with Goldfarb's legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, hearing officer, administrative officer, appeal officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. Goldfarb officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of Goldfarb.

The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.

Where this policy refers to notice being given to parties "simultaneously," notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this policy will be email using Goldfarb email addresses.

A party is deemed to have received notice upon transmittal of an email to their Goldfarb email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in this policy, the sufficient time to be provided will be determined in the sole discretion of Goldfarb, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant Goldfarb officials; approaching holidays or closures; and the number and length of extensions already granted.

#### LXIV. Other Forms of Discrimination

This policy applies only to Sexual Harassment. Complaints of other forms of sex discrimination are

governed by the College's General Non-Discrimination and Harassment Policy and Procedures and by the College's Faculty Handbook and/or HR Policies.

#### LXV. Outside Appointments, Dual Appointments, and Delegations

Goldfarb retains discretion to retain and appoint suitably qualified persons who are not College employees to fulfill any function of Goldfarb under this policy, including, but not limited to, Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer.

Goldfarb also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given Goldfarb official under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in Goldfarb's discretion, be delegated by such Goldfarb official to any suitably qualified individual and such delegation may be recalled by Goldfarb at any time.

#### XL. Training

Goldfarb will ensure that College officials acting under this policy, including but not limited to the Title IX Coordinator, investigators, hearing officers, administrative officers, informal resolution facilitators, Goldfarb provided advisors, and appeals officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

#### XLI. Recordkeeping

Goldfarb will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in Goldfarb's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R.

§ 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA. XLII.

#### Definitions Herein

Words used in this policy will have those meanings defined herein and if not defined herein will be construed according to their plain and ordinary meaning.

#### XLIII. Discretion in Application

Goldfarb retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if Goldfarb's interpretation or application differs from the interpretation of the parties.

Despite Goldfarb's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case Goldfarb retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy and the Hearing Procedures referenced in Section XVII.A.6 are not contractual in nature, whether in their own right, or as part of any other express or implied

contract. Accordingly, Goldfarb retains discretion to revise this policy and the Hearing Procedures at any time, and for any reason. Goldfarb may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

## **Drug and Alcohol Policies**

The College is committed to creating and maintaining an environment that is free of alcohol abuse. The College prohibits the possession, use, and sale of alcohol beverage on campus or as any part of the College's activities, unless it is done so in accordance with applicable College policies, and it also enforces the state's underage drinking laws.

The College also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the College's activities. Violators of the College's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

## **Drug and Alcohol Abuse Prevention Program**

In compliance with the Drug Free Schools and Communities Act (DFSCA), the College has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. For more information, see below.

- Student alcohol/drug policy: <https://www.barnesjewishcollege.edu/About-Us/Student-Consumer-Information/Drug-and-Alcohol-Policy>
- Substance Abuse policy: [https://www.barnesjewishcollege.edu/Portals/0/Documents/7-07\\_Drug-Free\\_Workplace.pdf](https://www.barnesjewishcollege.edu/Portals/0/Documents/7-07_Drug-Free_Workplace.pdf)
- Biennial review report: Contact Dr. June Cowell-Oates, the Program Officer for the Division of Student Affairs and Diversity, to obtain a copy of the biennial review report.

## **Crime Statistics**

The Clery Act requires institutions of higher education to disclose crime statistics covering the previous three years on various crimes and offenses. The definitions of these offenses, consistent with FBI guidelines and the Violence Against Women Act Reauthorization of 2013 regulations, are as follows:

*Murder and non-negligent homicide:* The willful (non-negligent) killing of one human being by another.

*Negligent manslaughter:* The killing of another person through gross negligence.

### *Sex offenses*

5. *Rape:* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
6. *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
7. *Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

8. *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.

*Robbery*: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

*Aggravated assault*: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury, usually accompanied by the use of a weapon or by a means likely to produce death or great bodily harm.

*Burglary*: The unlawful entry of a structure to commit a felony or a theft.

*Motor vehicle theft*: The theft or attempted theft of a motor vehicle.

*Arson*: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

*Domestic violence*: A felony or misdemeanor crime of violence committed (a) by a current or former spouse or intimate partner of the victim; (2) by a person with whom the victim shares a child in common; (3) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (4) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (5) 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 jurisdiction in which the crime of violence occurred.

*Dating violence*: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

*Stalking*: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.

Hate crimes involve those crimes motivated by the following biases: race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity. Hate crimes include those defined above that were motivated by one or more of these biases. They also include the following crimes and offenses:

*Larceny-theft*: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

*Simple assault*: An unlawful physical attack by one person upon another where the offender neither displays a weapon nor the victim suffers obvious severe or aggravated bodily injury, such as apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

*Intimidation*: Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

*Destruction/damage/vandalism of property*: Willfully or maliciously destroying, damaging, defacing, or

otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

Statistics must also be disclosed related to arrests and referrals for disciplinary action for violations of law relating to weapons, drugs or liquor. For this purpose, the following definitions apply:

*Arrest:* A person processed by arrest, citation or summons.

*Referral for disciplinary action:* The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

The statistical summary of the above crimes and offenses for this campus over the past three calendar years:

	On Campus			Public Property		
	2023	2022	2021	2023	2022	2021
<b>Criminal Offenses</b>						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Hate Crimes</b>						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0

Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/damage/ vandalism of property	0	0	0	0	0	0
<b>VAWA Offenses</b>						
Domestic violence	0	0	0	0	0	0
Dating violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0
<b>Arrests</b>						
Weapons: carrying, possessing, etc.	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
<b>Disciplinary Actions</b>						
Weapons: carrying, possessing, etc.	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
<b>Unfounded Crimes</b>						
Total unfounded crimes	0	0	0	0	0	0

# APPENDIX A

Crime Type (Missouri Revised Statues)	Definitions
Dating Violence	The institution has determined, based on good-faith research that Missouri law does not define the term dating violence.
Domestic Violence	<p>Missouri’s protective order statutes provide the following definitions (Mo. Rev. Stat. § 455.010):</p> <ul style="list-style-type: none"> <li>• “Domestic violence” is abuse or stalking committed by a family or household member.</li> <li>• "Family" or "household member", [includes] spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.</li> </ul> <p>In addition, Missouri criminal statutes include various degrees of the crime “Domestic Assault,” as follows:</p> <ul style="list-style-type: none"> <li>• Domestic Assault, First Degree (Mo. Rev. Stat. § 565.072): A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section 565.002. <ul style="list-style-type: none"> <li>▪ Mo Rev. Stat. § 565.002(6) indicates that a “domestic victim” is a household or family member as the term “family” or “household member” is defined in 455.010, including any child who is a member of the household or family.</li> </ul> </li> <li>• Domestic Assault in the Second Degree (Mo. Rev. Stat. § 565.073): A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causes serious physical injury to such domestic victim; or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon.</li> <li>• Domestic Assault, Third Degree (Mo. Rev. Stat. § 565.074): A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section 565.002.</li> <li>• Domestic Assault in the Fourth Degree (Mo. Rev. Stat. § 565.076): A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) The person knowingly causes physical contact with such domestic victim knowing he or she</li> </ul>



Crime Type (Missouri Revised Statues)	Definitions
	<p>will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.</p>
Stalking	<ul style="list-style-type: none"> <li>• Stalking, First Degree (Mo. Rev. Stat. § 565.225): A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.</li> <li>• Stalking, Second Degree (Mo. Rev. Stat. § 565.227.1): A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.</li> <li>• As used in the definitions of stalking above, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.</li> </ul>
Sexual Assault	<p>The institution has determined, based on good-faith research, that Missouri's criminal statutes do not define the term sexual assault.</p> <p>However, Missouri's protective order statutes indicate that "sexual assault" means causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent. (Mo. Rev. Stat. § 455.010(1)(e)).</p>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Missouri law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape in the First Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> </ul>

Crime Type (Missouri Revised Statutes)	Definitions
	<ul style="list-style-type: none"> <li>• Rape in the Second Degree (Mo. Rev. Stat. § 566.030.1): A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Missouri law does not define the term fondling.</li> <li>• Incest (Mo. Rev. Stat. § 568.020.1): A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1) Ancestor or descendant by blood or adoption; or (2) Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood.</li> <li>• Statutory Rape, First Degree (Mo. Rev. Stat. § 566.032.1): A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Rape, Second Degree (Mo. Rev. Stat. § 566.034.1): A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Missouri law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Sodomy in the First Degree (Mo. Rev. Stat. § 566.060.1): A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.</li> <li>• Sodomy in the Second Degree (Mo. Rev. Stat. § 566.061.1): A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent.</li> <li>• Statutory Sodomy, First Degree (Mo. Rev. Stat. § 566.062.1): A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age.</li> <li>• Statutory Sodomy, Second Degree (Mo. Rev. Stat. § 566.064.1): A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age.</li> <li>• Child Molestation, First Degree (Mo. Rev. Stat. § 566.067.1): A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact and the offense is an aggravated sexual offense.</li> </ul>

<b>Crime Type</b> <b>(Missouri Revised Statues)</b>	<b>Definitions</b>
	<ul style="list-style-type: none"> <li>• Child Molestation, Second Degree (Mo. Rev. Stat. § 566.068.1): A person commits the offense of child molestation in the second degree if he or she: (1) Subjects a child who is less than twelve years of age to sexual contact; or (2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.</li> <li>• Child Molestation, Third Degree (Mo. Rev. Stat. § 566.069.1): A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact.</li> <li>• Child Molestation, Fourth Degree (Mo. Rev. Stat. § 566.071.1): A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.</li> <li>• Sexual Misconduct Involving a Child (Mo. Rev. Stat. § 566.083.1): A person commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.</li> <li>• Sexual Misconduct, First Degree (Mo. Rev. Stat. § 566.093.1): A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.</li> <li>• Second Degree Sexual Misconduct (Mo. Rev. Stat. § 566.095.1): A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm.</li> <li>• Sexual Abuse in the First Degree (Mo. Rev. Stat. § 566.100.1): A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.</li> <li>• Sexual Abuse, Second Degree (Mo. Rev. Stat. § 566.101.1): A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent.</li> </ul>

<b>Crime Type (Missouri Revised Statues)</b>	<b>Definitions</b>
Consent (as it relates to sexual activity) (Mo. Rev. Stat. § 556.061(14))	Consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception.