

80.90.009 SEXUAL HARASSMENT POLICY

Sexual Harassment Policy**PURPOSE**

In the spirit of 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.), the St. Jude Children's Research Hospital Graduate School of Biomedical Sciences (Graduate School) prohibits Sexual Harassment that occurs within its education programs and activities. Title IX and its implementing regulations also prohibit retaliation for asserting claims of discrimination based on sex.

In their educational programs and activities, the Graduate School, St. Jude Children's Research Hospital, Children's GMP, and St. Jude Children's Research Hospital Home Care, LLC. (collectively, St. Jude) are committed to providing a learning and working that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex. St. Jude has developed this policy to guide processes for complaints, Investigation, and resolution of Sexual Harassment in its educational programs and activities.

This policy prohibits Sexual Harassment as defined below and related retaliation occurring in a St. Jude educational program or activity. Such offenses constitute violations of this policy, are unacceptable, and will not be tolerated.

This policy prohibits such misconduct by students, trainees, alumni, faculty, employees, applicants for employment, sponsored organizations, outside programs, and all other persons, including third-Party visitors against anyone participating, or attempting to participate, in St. Jude's educational programs or activities. This policy prohibits this misconduct when the complainant and respondent are members of the same sex and when they are members of the opposite sex. It applies regardless of national origin, immigration status, or citizenship status. St. Jude's prohibition on Sexual Harassment and related retaliation extends to all aspects of its educational programs and activities, including but not limited to admissions, employment, academics, and student services.

SCOPE

For purposes of this policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. St. Jude will provide to persons who experience Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to St. Jude's education programs and activities.

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

This policy does not apply to Sexual Harassment that occurs off the St. Jude campus in a private setting, and outside the scope of St. Jude education programs and activities. Such sexual misconduct may be prohibited by the Graduate School Student Professionalism Policy if committed by a student, the Faculty Handbook if committed by a faculty member, or other St. Jude policies and standards if committed by an employee.

80.90.009 SEXUAL HARASSMENT POLICY

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 a St. Jude education program or activity. Sexual Harassment that occurs outside the geographic boundaries of the United States may be governed by the Graduate School Student Professionalism Policy if committed by a student, the Faculty Handbook if committed by a faculty member, or other St. Jude policies and standards if committed by an employee, including but not limited to the Romantic or Sexual Relationships with Students or Trainees policy.

St. Jude will resolve complaints of violations of this policy in accordance with the resolution procedure protections stated in sections 1.1, 1.2, and 1.3.

STAKEHOLDERS AFFECTED BY THIS POLICY

Stakeholders who must comply with this policy include all Graduate School students, staff, and faculty.

POLICY

1.1 Promptness, Fairness and Impartiality

1.1.1 This policy provides for prompt, fair, and impartial Investigations and resolutions of complaints. All St. Jude officials involved in the Investigation or Hearing process shall discharge their obligations under these procedures fairly and impartially. If an involved St. Jude official determines that they cannot apply these procedures fairly and impartially due to any actual or perceived conflict of interest, another appropriate individual will be designated to administer these procedures. Parties should notify the Title IX Coordinator of any perceived conflicts with such officials.

1.2 Privacy and Confidentiality

1.2.1 St. Jude considers complaints and Investigations conducted under this policy to be private matters for the Parties involved and will make reasonable and appropriate efforts to preserve all Parties' privacy when investigating and resolving a complaint. For that reason, St. Jude will protect the identity of persons involved in reports of sexual misconduct to the best of its ability. St. Jude will only share personally identifiable information with persons on a "need to know" basis so that St. Jude may investigate and respond to the complaint or to deliver resources or support services. St. Jude does not publish the names or post identifiable information about persons involved in a report of sexual misconduct. However, St. Jude cannot guarantee confidentiality to those who make complaints.

1.2.2 If a complainant insists that the complainant's name not be disclosed to the respondent, St. Jude's ability to respond may be limited. St. Jude reserves the right to initiate an Investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated conduct or where the respondent may pose a continuing threat to St. Jude community.

80.90.009 *SEXUAL HARASSMENT POLICY*

1.2.3 In rare circumstances, such as when there is an ongoing threat to the St. Jude community or alleged physical sexual misconduct involving a minor, the Title IX Coordinator will promptly notify the St. Jude Security Department or law enforcement as necessary.

1.3 Jurisdiction, Expression, and Academic Freedom

1.3.1 St. Jude will construe and apply this policy consistent with the principles around open expression and academic freedom specified in the Faculty Handbook and other St. Jude policies. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by these principles.

1.3.2 St. Jude will investigate complaints within the scope of this policy and, if necessary, take appropriate action to prevent the recurrence of Sexual Harassment and remedy its effects.

1.3.3 In situations where the alleged Sexual Harassment occurred outside of the context of a St. Jude educational program or activity, or where the respondent is not a member of the St. Jude community (including when the respondent has graduated or left St. Jude), St. Jude will not conduct an Investigation, but may address the situation and provide appropriate resources to impacted individuals and, where appropriate, the broader St. Jude community.

1.3.4 Where a report under this policy alleges misconduct that, if proven, would not constitute a violation of this policy, St. Jude will not begin or will terminate an Investigation under this policy, as appropriate. Such misconduct may be addressed through other policies.

1.3.5 Application of this policy to reports of Sexual Harassment does not waive parallel proceedings for related allegations under other applicable policies and procedures, such as other student or workplace policies.

1.3.6 In cases where Sexual Harassment is alleged to have occurred in a St. Jude educational program or activity on St. Jude campus, that misconduct will be addressed under this policy and procedure, even if one or more Parties is enrolled or employed at another educational institution.

1.3.7 To the extent there are any inconsistencies between this policy and complaint resolution procedures and other St. Jude student, workplace, grievance, complaint, bargaining unit agreements or discipline procedures, this policy and complaint resolution procedures will control the resolution of complaints alleging violations of this policy.

1.4 Title IX Coordinator:

Pamela Holiday
PP3052 (Peabody Place)
901-595-1125
TitleIX@stjude.org

1.5 Deputy Title IX Coordinators:

80.90.009 *SEXUAL HARASSMENT POLICY*

- Angelina Kuo, Director, Clinical Education, 901-595-2938 or 901-595-6385 or angelina.kuo@stjude.org
- Alli Leslie, Head of School Programs, 901-595-5006 or alli.leslie@stjude.org
- Julie Laveglia, Dir-Global Scholars & Asst. Dean, 901-595-1913 or julie.laveglia@stjude.org
- Tamara Walk Harris, Mgr-Compliance, 901-595-8076 or tamara.walk@stjude.org
- Stacey Schultz-Cherry, Sr. Assoc. Dean of Student and Faculty Affairs, Graduate School of Biomedical Sciences, 901-595-6629 or stacey.schultz-cherry@stjude.org
- Daryce Donaldson-Smith, Director, Employee Relations, 901-595-2040 or daryce.donaldson-smith@stjude.org
- Sally McIver, Sr. Director-Academic Programs, 901-595-5512 or sally.mciver@stjude.org
- Brittney Jackson, Director of Student Affairs, 901-595-1504 or brittney.jackson@stjude.org

1.6 Roles and Responsibilities for Title IX Coordinator

1.6.1 It is the responsibility of the Title IX Coordinator to:

- Monitor the St. Jude community's compliance with Title IX;
- Identify and address any patterns or systemic problems of Sexual Harassment in St. Jude's educational programs or activities;
- Coordinate dissemination of information and training programs concerning prohibited Sexual Harassment and complaint and response processes;
- Receive complaints under this policy;
- Answer questions about this policy;
- Implement the Complaint Resolution Procedures or designate appropriate persons for implementing the Complaint Resolution Procedures. The Title IX Coordinator may consult with and be assisted by appropriate members of St. Jude administration in fulfilling this role – including but not limited to human resources, legal services, and research integrity officials.

The Manager – Human Resources Compliance will serve in the Title IX Coordinator's absence.

1.7 Roles and Responsibilities of the Deputy Title IX Coordinators

1.7.1 The Title IX Deputy Coordinators play a key role in St. Jude's collective efforts to maintain a positive, safe and gender-equitable campus climate for all members of the campus community through the following activities:

- Maintain an awareness of Title IX discrimination and harassment issues and commit to reporting any known incidents.
- Conduct intake interviews with persons reporting sexual misconduct, address their immediate safety needs, communicate information about available support services and communicate complaint filing options available on and off campus.
- Function as resources for the campus and answer questions about Title IX policy, procedures, and resources.

80.90.009 *SEXUAL HARASSMENT POLICY*

- Actively participate in education and training on knowledge and prevention of sexual harassment, intimate partner violence, and all other forms of sexual misconduct when training is presented to St. Jude education program participants, faculty, and staff in the scope of the Deputy Coordinator's program.

Selection of Deputy Title IX Coordinators is managed by the Title IX Coordinator with final approval by the St. Jude Vice President of Human Resources and the Senior Vice President and Chief Legal Officer (or designee).

1.8 Roles and Responsibilities for Administrators, Department Chairs, and Other Managers

1.8.1 It is the responsibility of administrators, department chairs, and other supervisors (i.e., those that formally supervise faculty, employees, and staff) to:

- Ensure that faculty, employees, and staff under their direction or supervision are informed of this policy.
- Work with the Title IX Coordinator to implement education and training programs for employees.
- Implement any corrective actions that are imposed as a result of findings of a violation of this policy.

1.9 Roles and Responsibilities for Students

1.9.1 It is the responsibility of students to review this policy and comply with it.

PROCEDURE

2.1 Reporting Conduct (Sexual Harassment) that may Constitute a Crime

2.1.1 Sexual Harassment that may constitute a crime includes Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

2.1.2 If you believe you are the victim of the crimes of Sexual Assault, Domestic Violence, 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, St. Jude 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 your 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.

80.90.009 *SEXUAL HARASSMENT POLICY*

- Get medical attention – not all medical injuries are 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 professional 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.

2.1.3 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, or electronic images, rather than evidence of physical contact and violence. This type of evidence also will 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.
- The St. Jude Department of Public Safety can assist individuals in obtaining a personal protection order (“PPO”).

2.1.4 Any person who wishes to make a report of Sexual Harassment that may also constitute a crime is encouraged to make a complaint to local law enforcement or the St. Jude Security Department (contact information provided below, under Resources). If requested, St. Jude will assist the complainant in notifying the appropriate law enforcement authorities. **In the event of an emergency, please contact 911.**

2.1.5 An individual reporting Sexual harassment to St. Jude may also decline to notify such authorities.

2.2 Reporting Sexual Harassment

2.2.1 Individuals who wish to report Sexual Harassment should submit a report to the Title IX Coordinator, Deputy Title IX Coordinator, Ethics Point, or an Ombuds team member.

2.3 Timing of Reports

80.90.009 *SEXUAL HARASSMENT POLICY*

2.3.1 There is no time limit for reporting an incident of sexual misconduct; however, reports should be made as soon as possible after the incident, preferably within one year, because the passing of time makes a review of the evidence more difficult and the memories of involved Parties become less reliable. Late reporting may limit St. Jude's ability to investigate and respond to the alleged sexual misconduct.

2.3.2 So that St. Jude has sufficient information to investigate a complaint, the complaint should include, to the extent known: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible Witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that St. Jude may follow up appropriately.

2.4 Presumption of Non-Responsibility

2.4.1 Respondents must be given written assurance that they are presumed not responsible. 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.

2.5 Preliminary Assessment

2.5.1 After receiving a report under "Reporting Sexual Harassment," the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of this policy (see "Scope"); and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

2.5.2 If the Title IX Coordinator determines that the conduct reported could not fall within the scope of this 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 privacy requirements. The Title IX Coordinator may refer the report to other St. Jude offices, as appropriate.

2.5.3 If the Title IX Coordinator determines that the conduct reported could fall within the scope of this policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant (Section 2.6 Contacting the Complainant). As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if it is not apparent from the report.

2.5.4 If the Title IX Coordinator determines that the report of Sexual Harassment involves a faculty member or student at the Graduate School, the Title IX Coordinator will keep the Dean of the Graduate School informed throughout the process.

2.6 Contacting the Complainant

2.6.1 If a report is not closed as a result of the preliminary assessment (Section 2.5 Preliminary Assessment) and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (Section 2.7 Supportive Measures); to discuss and consider the Complainant's

80.90.009 *SEXUAL HARASSMENT POLICY*

wishes with respect to Supportive Measures; to inform the Complainant about the availability of Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

2.7 Supportive Measures

2.7.1 If a report is not closed as a result of the preliminary assessment (see “Preliminary Assessment”), the Title IX Coordinator will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

2.7.2 Contemporaneously with the Respondent being notified of a Formal Complaint (see “Notice of Formal Complaint”), the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and St. Jude 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. St. Jude will also offer and make available Supportive Measures to the Respondent before the Respondent is notified of a Formal Complaint, if the Respondent requests such measures.

2.7.3 St. Jude will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair St. Jude’s ability to provide the Supportive Measures in question.

2.8 Interim Removal

2.8.1 At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from one or more of St. Jude’s Education programs and activities on an 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.

2.8.2 In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, St. Jude may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the Investigation and Adjudication process (see “Investigation” and “Adjudication”).

2.8.3 For all other Respondents, including independent contractors and guests, St. Jude 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.

2.9 Making a Formal Complaint

2.9.1 A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that St. Jude investigate and adjudicate a report of Sexual Harassment in accordance with the provisions “Investigation” and “Adjudication.” Provided, however, that at the time the Complainant submits a Formal Complaint, the

80.90.009 *SEXUAL HARASSMENT POLICY*

Complainant must be participating in, or attempting to participate in, one or more of St. Jude's Education Programs or Activities.

2.9.2 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 "Reporting Sexual Harassment." No person may submit a Formal Complaint on the Complainant's behalf.

2.9.3 In a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of St. Jude if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the St. Jude community. Factors the Title IX Coordinator may consider include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident create a risk of occurring again.

2.9.4 If the Complainant or the Title IX Coordinator files a Formal Complaint, then St. Jude will commence an Investigation as specified in "Investigation" and proceed to adjudicate the matter as specified in "Adjudication," below. In all cases where a Formal Complaint is filed, the Complainant will be treated as a Party, irrespective of the Party's level of participation.

2.9.5 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.

2.10 Consolidation of Formal Complaints

2.10.1 St. Jude 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.

2.11 Bad-Faith Complaints and False Information

2.11.1 While St. Jude encourages all good-faith complaints of sexual misconduct, St. Jude has the responsibility to balance the rights of all Parties. 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 are not subject to the Investigation and Adjudication processes in this policy; instead, they may be addressed under the Graduate School Student Professionalism Policy or the St. Jude Code of Conduct in the case of students and other policies and standards, as applicable, for other persons.

2.11.2 If St. Jude's Investigation reveals that a complaint was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline.

80.90.009 *SEXUAL HARASSMENT POLICY*

2.11.3 All Parties and Witnesses involved in the Investigation are expected to cooperate and provide complete and truthful information. A Party or Witness who knowingly provides material false information during an Investigation or fails to cooperate in an Investigation or Hearing will not be retaliated against, but may be subject to discipline.

2.12 Reporting Sexual Misconduct Outside the Scope of This Policy

2.12.1 Individuals are encouraged to report to Human Resources alleged sexual misconduct or other discriminatory conduct that occurs outside of education programs at St. Jude, occurs outside the U.S., or that does not meet the definition of Sexual Harassment or Retaliation provided in this policy.

2.13 Notice of Formal Complaint

2.13.1 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 any appeal.
- Notifying the Complainant and Respondent of their right to be accompanied by an Advisor of their choice, as specified in Section 2.20 Advisor of Choice.
- Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in Section 2.25 Access to Evidence.
- Notifying the Complainant and Respondent of St. Jude's prohibitions on retaliation and false statements specified in Section 2.47 Retaliation and Section 2.11 Bad Faith Complaints and False Information.
- Information about resources that are available on campus and in the community.

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

2.14 Dismissal Prior to Commencement of Investigation

2.14.1 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:

80.90.009 *SEXUAL HARASSMENT POLICY*

- 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 St. Jude’s education programs and activities and/or the alleged conduct occurred outside the geographic boundaries of the United States.

2.14.2 In the event the Title IX Coordinator determines the Formal Complaint should be dismissed 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 Section 2.40 Appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other St. Jude offices, as appropriate. A dismissal pursuant to this Section 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.

2.15 Resources

2.15.1 Any individual affected by or accused of Sexual Harassment will have equal access to support and counseling services offered through St. Jude. St. Jude encourages any individual who has questions or concerns to seek support of St. Jude identified resources. The Title IX Coordinator is available to provide information about St. Jude’s policy and procedure and to provide assistance. A list of St. Jude identified resources is located at the end of this policy.

2.16 Conflicts of Interest, Bias, and Procedural Complaints

2.16.1 The Title IX Coordinator, Investigator, Hearing Officer, Administrative Officer, appeal 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 St. Jude officials has a material conflict of interest or material bias must raise the concern promptly so that St. Jude 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 “Appeal,” or otherwise.

2.17 Objections Generally

2.17.1 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 St. Jude may evaluate the matter and address it, if appropriate.

2.18 Special Procedure Concerning Complaints Against the Dean, the Title IX Coordinator, or Other Administrators Ranked Higher than the Title IX Coordinator

2.18.1 If a report involves alleged conduct on the part of the St. Jude Graduate School Dean, St. Jude Graduate School’s Board of Trustees (“Board”) will designate appropriate individuals to fulfill appropriate functions under this policy, including, but not limited to, the Investigator, Hearing Officer, Administrative Officer, Informal Resolution Officer, and/or Appeal Officer. Based on the information gathered by the Investigation.

80.90.009 *SEXUAL HARASSMENT POLICY*

2.18.2 If a complaint involves alleged conduct on the part of the Title IX Coordinator or any administrator ranked higher than the Title IX Coordinator, the St Jude CEO will designate appropriate individuals to fulfill appropriate functions under this policy, including, but not limited to, the Investigator, Hearing Officer, Administrative Officer, Informal Resolution Officer, and/or Appeal Officer.

2.19 Advisor of Choice

2.19.1 At any meeting described in this policy 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 but is not required to be an attorney.

2.19.2 Except for the questioning of Witnesses during the Hearing described in "Hearing," 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 St. Jude 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 and "Hearing," St. Jude may preclude the Advisor from further participation, in which case the Party may select a new Advisor of their choice.

2.19.3 In the event a Party is not able to secure an Advisor to attend the Hearing specified in "Hearing," and requests St. Jude to provide an Advisor, St. Jude will provide the Party an Advisor, without fee or charge to the Party, who will conduct questioning on behalf of the Party at the Hearing. St. Jude will have sole discretion to select the Advisor it provides. The Advisor St. Jude provides may be, but is not required to be, an attorney.

2.19.4 St. Jude 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 described in "Hearing," and requests that St. Jude provide an Advisor.

2.20 Commencement of the Investigation

2.20.1 After the written notice of Formal Complaint is transmitted to the Parties, an Investigator selected by the St. Jude Senior Vice President of Human Resources and the Senior Vice President & Chief Legal Officer (or designee) will undertake an Investigation to gather evidence relevant to the alleged misconduct, including inculpatory evidence (which implies or tends to establish responsibility for a violation of this policy as alleged) and exculpatory evidence (which implies or tends to establish a lack of responsibility for a violation of this policy as alleged).

2.20.2 The burden of gathering evidence sufficient to reach a determination in the Adjudication lies with St. Jude and not with the Parties.

2.20.3 The Investigation will culminate in a written Investigation report, as specified in "Investigation Report," 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, St. Jude strives to complete each Investigation promptly and thoroughly.

2.21 Equal Opportunity

80.90.009 *SEXUAL HARASSMENT POLICY*

2.21.1 During the Investigation, the Investigator will provide an equal opportunity for the Parties to identify and have considered Witnesses and other inculpatory and exculpatory evidence; similar and timely access information; equal opportunity to review any statements and evidence provided by the other Party; and equal access to review and comment upon any information independently developed by the Investigator. Each Party has equal ability to be interviewed, to present Witnesses (including fact and expert Witnesses), and to present inculpatory and exculpatory evidence.

2.21.2 The Investigator retains discretion to limit the number of Witness interviews the Investigator conducts or the other evidence the Investigator seeks to gather if the Investigator finds that testimony or evidence would be unreasonably cumulative (that is, repeats what has already been established), if the Witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the Witnesses or evidence are offered to provide information that is categorically inadmissible, such as information concerning sexual history of the Complainant, as specified in "Sexual History." The Investigator will not restrict the ability of the Parties to gather and present relevant evidence on their own.

2.21.3 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.

2.22 Witnesses

2.22.1 The Investigator retains discretion to limit the number of Witness interviews the Investigator conducts or the other evidence the Investigator seeks to gather if the Investigator finds that testimony or evidence would be unreasonably cumulative (that is, repeats what has already been established), if the Witnesses are offered solely as character references and not have information relevant to the allegations at issue, or if the Witnesses or evidence are offered to provide information that is categorically inadmissible, such as information concerning sexual history of the Complainant, as specified in "Sexual History." The Investigator will not restrict the ability of the Parties to gather and present relevant evidence on their own.

2.22.2 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.

2.23 Clear and Convincing Evidence Standard

2.23.1 In making any determination on the resolution of a complaint and Investigation, St. Jude will apply a clear and convincing evidence standard; that is, it will determine whether it is highly and substantially more probable to be true than not that Sexual Harassment occurred and the Hearing Officer must have a firm belief or conviction in its factuality.

80.90.009 *SEXUAL HARASSMENT POLICY*

2.24 Documentation of Investigation

2.24.1 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.

2.25 Access to the Evidence

2.25.1 At the conclusion of the evidence-gathering phase of the Investigation, but before the completion of the Investigation report, the Investigator will transmit to each Party and their Advisor, in either electronic or hard copy form, all evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint, including (1) evidence on which St. Jude may choose not to rely at any Hearing and (2) inculpatory or exculpatory evidence whether obtained from a Party or some other source.

2.25.2 The Parties will have ten (10) days in which to submit to the Investigator a written response, which the Investigator will consider before completing the Investigation report.

2.25.3 The Parties and their Advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

2.26 Investigation Report

2.26.1 After the period for the Parties to provide any written response as specified "Access to Evidence" 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.

2.27 Adjudication Process Selection

2.27.1 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 this policy. The notice will explain that the 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 Section 2.38 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, consult with their Advisor, and consult with other persons as they deem appropriate (including an attorney) before consenting to Administrative Adjudication

2.27.2 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

80.90.009 *SEXUAL HARASSMENT POLICY*

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.

2.28 Hearing Process

2.28.1 The default process for adjudicating Formal Complaints is the Hearing process specified in this Section. The Hearing process will be used to adjudicate all Formal Complaints unless both Parties timely consent to Administrative Adjudication as specified in Section 2.38.

2.29 Hearing Officer

2.29.1 After selection of the Hearing process as the form of Adjudication, the St. Jude Senior Vice President of Human Resources and the Senior Vice President & Chief Legal Officer (or designee), 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 this policy.

2.30 Pre-Hearing Conference

2.30.1 Before 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 St. Jude 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.

2.30.2 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.

2.30.3 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.

2.31 Hearing Notice and Response to the Investigation Report

2.31.1 After the Hearing Officer is appointed by the St. Jude Senior Vice President of Human Resources and the Senior Vice President & Chief Legal Officer (or designee), the Hearing Officer will promptly transmit written notice to the Parties:

- notifying the Parties of the Hearing Officer's appointment;

80.90.009 *SEXUAL HARASSMENT POLICY*

- 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;
- providing a copy of St. Jude'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 2.31.

2.31.2 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, the prohibition on the use of sexual history specified in Section 2.42 or for any other reason.
- A list of any Witnesses that the Party contends should be requested 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 St. Jude'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 St. Jude provide an Advisor for purposes of conducting questioning as specified in Section 2.19.

2.31.3 A Party's written response to the Investigation report also may include:

- 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.

2.32 Issuance of Notices of Attendance

2.32.1 After the Pre-Hearing conference, the Hearing Officer will transmit notices of attendance to any St. Jude employee (including administrator, faculty, or staff) or student whose attendance is requested at the Hearing as a Witness. The notice will advise the subject of the specified date and time of the Hearing and advise the subject to contact the Hearing Officer immediately if there is a material and unavoidable conflict.

80.90.009 *SEXUAL HARASSMENT POLICY*

2.32.2 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.

2.32.3 St. Jude will not issue a notice of attendance to any Witness who is not an employee or a student, or education program participant.

2.33 Hearing

2.33.1 After the Pre-Hearing conference, the Hearing Officer will convene and conduct a Hearing pursuant to St. Jude's Hearing Procedures. The Hearing will be audio recorded. The audio recording will be made available to the Parties for inspection and review upon reasonable notice, including for use in preparing any subsequent appeal.

2.33.2 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 St. Jude 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.

2.33.3 At 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.

2.33.4 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.

2.33.5 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 St. Jude personnel. With the exception of the Investigator and the Parties, Witnesses will be sequestered until such time as their testimony is complete.

80.90.009 *SEXUAL HARASSMENT POLICY*

2.33.6 During the Hearing, the Parties and their Advisors will have access to the Investigation report and evidence that was transmitted to them pursuant to "Access to Evidence."

2.33.7 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, at the discretion of the Hearing Officer.

2.33.8 Subject to the minimum requirements specified in this Section ("Hearing"), 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 is not a formal judicial proceeding and strict rules of evidence do not apply. 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 ("Hearing") are met.

2.34 Subjection to Questioning

2.34.1 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. However, 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.

2.34.2 In applying this Section ("Subjection to Questioning"), 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.

2.35 Deliberation and Determination

2.35.1 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 "Subjection to Questioning." The Hearing Officer will resolve disputed facts using a clear and convincing standard and reach a determination regarding whether the facts that are supported by a clear and convincing standard constitute one or more violations of this policy as alleged in the Formal Complaint.

2.36 Discipline and Remedies

80.90.009 *SEXUAL HARASSMENT POLICY*

2.36.1 If the Hearing Officer determines that the Respondent is responsible for violating this policy, the Hearing Officer will, before issuing a written decision, consult with an appropriate St. Jude official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The Hearing Officer will also, before 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.

2.36.2 If the Respondent is a faculty member or student at the Graduate School, the Dean of the Graduate School will be involved in the discipline and remedy process.

2.37 Written Decision

2.37.1 After reaching a determination and consulting with the appropriate St. Jude official and Title IX Coordinator as required by Sections 13 and 2.36 Discipline and Remedies, 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 St. Jude 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 clear and convincing, 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 St. Jude official as referenced in Section 2.36 Discipline and Remedies.
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator.
- A description of St. Jude's process and grounds for appeal, as specified in "Appeal."

2.37.2 The Hearing Officer's written determination will be transmitted to the Parties. This transmission concludes the Hearing process, subject to any right of appeal as specified in "Appeal." Although the length of each Adjudication by Hearing will vary depending on the totality of the circumstances, St. Jude strives to issue the Hearing Officer's written determination within fourteen (14) days of the conclusion of the Hearing.

2.38 Administrative Adjudication (Optional)

2.38.1 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 "Adjudication Process Selection." At any time before the Administrative Officer's determination is issued, a Party has the right to withdraw from administrative Adjudication and request a live Hearing as specified in "Hearing Process."

80.90.009 *SEXUAL HARASSMENT POLICY*

2.38.2 If Administrative Adjudication is selected, the St. Jude Senior Vice President of Human Resources and the Senior Vice President & Chief Legal Officer (or designee) will appoint an Administrative Officer. The Title IX Coordinator will confirm 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 "Access to Evidence."

2.38.3 The Administrative Officer will promptly send written notice to the Parties notifying them 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.

2.38.4 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, the prohibition on the use of sexual history specified in "Sexual History," or for any other reason.
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a clear and convincing standard of the evidence.
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

2.38.5 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.

2.38.6 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 clear and convincing standard and reach a determination regarding whether the facts that are supported by a clear and convincing standard of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

2.38.7 Thereafter, the Administrative Officer will consult with St. Jude official(s) and the Title IX Coordinator, in the manner specified in Section 2.35 "Deliberation and Determination" and will prepare and transmit a written decision in the manner as specified in Section 2.37 "Written Decision" which shall serve as a resolution for purposes of Informal Resolution. If the Respondent is a faculty member or student at the Graduate School, the Dean of the Graduate School will be involved in the resolution process.

80.90.009 *SEXUAL HARASSMENT POLICY*

2.38.8 Transmittal of the Administrative Officer's written determination concludes the Administrative Adjudication, subject to any right of appeal as specified in Section 2.40 "Appeal."

2.38.9 Although the length of each Administrative Adjudication will vary depending on the totality of the circumstances, St. Jude 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 2.38 "Administrative Adjudication."

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

2.39 Discipline

2.39.1 In the event a policy violation is determined to have occurred, the Hearing Officer or Administrative Officer will also recommend appropriate sanctions and corrective actions for the Respondent, including termination, dismissal, or other appropriate sanctions. The decision on sanctions will be communicated to the Parties, in a manner consistent with applicable law. The decision on sanctions shall be final.

2.39.2 Possible sanctions and corrective actions can include, but are not limited to:

- Verbal warning
- Written warning
- Disciplinary hold on academic and/or financial records
- Performance improvement/management process
- Required counseling
- Required training or education
- Campus access restrictions
- No trespass order (with respect to campus locations)
- No contact directive (with respect to an individual)
- Loss of privileges
- Loss of oversight, teaching, or supervisory responsibility
- Probation
- Demotion
- Loss of pay increase
- Transfer (employment or rotational/clinical assignment)
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Suspension with pay
- Suspension without pay
- Dismissal
- Degree revocation
- Termination of employment
- Revocation of tenure
- Termination of contract (for contractors)

80.90.009 *SEXUAL HARASSMENT POLICY*

2.39.3 St. Jude may assign other sanctions as appropriate in each particular situation. To the greatest extent possible, sanctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable St. Jude policies or handbooks that may be developed over time, or contracts. In addition, St. Jude may take steps to remediate the effects of a violation on victims and others.

2.40 Dismissal During Investigation or Adjudication

2.40.1 St. Jude 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" because the alleged conduct did not occur in the St. Jude's education programs or activities and/or the alleged conduct occurred outside the geographic boundaries of the United States.

2.40.2 St. Jude 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 St. Jude, as the case may be.
- Specific circumstances prevent St. Jude 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.

2.40.3 If 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 Section 2.41 "Appeal." The Title IX Coordinator may refer the subject matter of the Formal Complaint to other St. Jude 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.

2.41 Appeal

2.41.1 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; and/or

80.90.009 *SEXUAL HARASSMENT POLICY*

- 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.

2.41.2 No other grounds for Appeal are permitted.

2.41.3 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 five (5) 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.

2.41.4 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.

2.41.5 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.

2.41.6 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.

2.40.7 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.

2.41.8 No further review beyond the Appeal is permitted.

2.41.9 Although the length of each Appeal will vary depending on the totality of the circumstances, St. Jude strives to issue the Appeal Officer's written decision within thirty (30) days of an Appeal being filed.

2.42 Treatment Records and Other Privileged Information

2.42.1 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

80.90.009 *SEXUAL HARASSMENT POLICY*

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 St. Jude has obtained the Party's voluntary, written consent to do so for the purposes of the Investigation and Adjudication process.

2.42.2 However, the Investigator and/or Adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section if the Party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

2.43 Sexual History

2.43.1 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. However, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section.

2.44 Informal Resolution

2.44.1 At any time after the Parties are provided written notice of the Formal Complaint as specified in "Notice of Formal Complaint," and before the completion of any Appeal specified in "Appeal," 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 "Administrative Adjudication" is a form of Informal Resolution.

2.44.2 The specific process for any Informal Resolution will be determined by the Parties and the Title IX Coordinator, in consultation together. Before 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 St. Jude 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.
- 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.

2.44.3 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 process may begin.

80.90.009 *SEXUAL HARASSMENT POLICY*

2.44.4 During the Informal Resolution process, the Investigation and Adjudication processes that would otherwise occur are stayed (that is, paused) and all related deadlines are suspended.

2.44.5 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 put the terms of the agreed resolution in writing and give them to the Parties for their written signature indicating their agreement. Once both Parties and the Title IX Coordinator sign the written resolution, the resolution is final; the allegations addressed by the resolution are considered resolved and will not be subject to further Investigation, Adjudication, remediation, or discipline by St. Jude, unless 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 St. Jude.

2.44.6 However, if the form of Informal Resolution is administrative Adjudication (see "Administrative Adjudication") there shall not be 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.

2.44.7 Except for a resolution resulting from the "Administrative Adjudication" process, all other forms of Informal Resolution pursuant to this Section are not subject to appeal.

2.44.8 A Party may withdraw their consent to participate in Informal Resolution at any time before a resolution has been finalized.

2.44.9 Unless the Title IX Coordinator provides an extension, any Informal Resolution process must be completed within twenty-one (21) days from the Parties agreeing to the Informal Resolution process. If an Informal Resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance—that is, a temporary suspension of the Informal Resolution process, or other contrary ruling by the Title IX Coordinator—the Informal Resolution process will be deemed terminated, and the Formal Complaint will be resolved through the Investigation and Adjudication procedures provided in this policy. The Title IX Coordinator may adjust any time periods or deadlines in the Investigation and/or Adjudication process that were suspended as provided in this Section.

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

2.45 Relationship with Criminal Process

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

2.46 Recordings

80.90.009 *SEXUAL HARASSMENT POLICY*

2.46.1 Wherever this policy specifies that an audio or video recording will be made, the recording will be made only by St. Jude and is considered property of St. Jude, subject to a right of access that a Party may have under this policy, or other applicable federal, state, or local laws. Only St. Jude 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.

2.47 Vendors, Contractors and Third Parties

2.47.1 St. Jude does business with various vendors, contractors, and other third parties who are not students or employees of St. Jude. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, St. Jude retains its right to limit any vendor, contractor, or third-party's access to campus for any reason and St. Jude 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.

2.48 Retaliation

2.48.1 It is a violation of this policy to engage in Retaliation, retaliate against any member of the St. Jude community who reports or assists in making a complaint of Sexual Harassment or who participates, or refuses to participate, in the Investigation or resolution of a report of Sexual Harassment in any way. Persons who believe they have experienced retaliation in violation of this policy should make a complaint in the manner set forth in this policy.

2.48.2 Reports and Formal Complaints of retaliation may be made in the manner specified in Section 2.2 "Reporting Sexual Harassment," and Section 2.9 "Making a Formal Complaint." 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. St. Jude 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.

2.49 Confidentiality

2.49.1 St. Jude 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. St. Jude 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.

2.49.2 However, St. Jude may reveal the identity of any person or the contents of any record, if necessary to carry out St. Jude'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 St. Jude's general obligation to maintain confidentiality as specified in

80.90.009 *SEXUAL HARASSMENT POLICY*

this policy, the Parties to a report or Formal Complaint will be given access to Investigation and Adjudication materials as provided in this policy.

2.49.3 While St. Jude will maintain confidentiality as provided in this Section, St. Jude 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.

2.49.4 Note that certain types of Sexual Harassment are considered crimes for which St. Jude must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

2.50 Other Violations of This Policy

2.50.1 Alleged violations of this policy, other than violations of the prohibitions on Sexual Harassment and Retaliation, will be subject to review under the Graduate School Student Professionalism Policy for students, the Faculty Handbook for faculty, or other applicable St. Jude policies and standards.

2.51 Signatures and Form of Consent

2.51.1 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.

2.52 Deadlines, Time, Notices, and Method of Transmittal

2.52.1 Where this policy specifies a period of days by which some act must be performed, the relevant time period will be calculated as follows:

- 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; and
- 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.

2.52.2 All deadlines and other time periods specified in this policy are subject to modification by St. Jude where, at St. Jude'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 St. Jude's legal counsel; unforeseen weather events; and the like.

80.90.009 *SEXUAL HARASSMENT POLICY*

2.52.3 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. The 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 at the sole discretion of St. Jude.

2.52.4 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.

2.52.5 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.

2.52.6 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 St. Jude email addresses.

2.52.7 A Party is deemed to have received notice upon transmittal of an email to their St. Jude email address. In the event notice is provided by mail or similar method of post (like FedEx, courier, etc.), a Party will be deemed to have received notice three (3) days after the notice in question is postmarked or otherwise marked as delivered by the carrier.

2.52.8 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 at the sole discretion of St. Jude, 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 St. Jude officials; approaching holidays or closures; and the number and length of extensions already granted.

2.53 Other Forms of Discrimination

2.53.1 This policy applies only to Sexual Harassment. Complaints of other forms of sex discrimination are governed by St. Jude’s Non-Discrimination Policy.

2.54 Education

2.54.1 St. Jude offers educational programming to a variety of groups such as: campus personnel; incoming students and new employees participating in orientation; and members of student organizations. Among other elements, such training will cover relevant definitions, procedures, and sanctions. To learn more about education resources, please contact the Title IX Coordinator. In addition, training events and their cadence are included in the Compliance Training and Awareness Subcommittee (CTAS) calendar of regulatory training.

2.55 Outside Appointments, Dual Appointments, and Delegations

80.90.009 *SEXUAL HARASSMENT POLICY*

2.55.1 St. Jude retains discretion to retain and appoint suitably qualified persons who are not St. Jude employees to fulfill any function of St. Jude under this policy, including, but not limited to, the Investigator, Hearing Officer, Administrative Officer, Informal Resolution Officer, and/or Appeal Officer.

2.55.2 St. Jude 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 Appeal Officer.

2.55.3 The functions assigned to a given St. Jude 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 Appeal Officer, will, in St. Jude's discretion, be delegated by the St. Jude Senior Vice President of Human Resources and the Senior Vice President & Chief Legal Officer (or designee) and such delegation may be recalled by St. Jude at any time.

2.56 Training

2.56.1 St. Jude will ensure that St. Jude officials acting under this policy, including but not limited to the Title IX Coordinator, Investigators, Hearing Officers, Administrative Officers, Informal Resolution facilitators, St. Jude provided Advisors, and Appeal Officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

2.57 Recordkeeping

2.57.1 St. Jude 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, at St. Jude'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.

2.58 Discretion in Application

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

2.58.2 Despite St. Jude's reasonable efforts to anticipate all potential circumstances 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 St. Jude retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

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

2.59 Confidential Resources

80.90.009 **SEXUAL HARASSMENT POLICY**

2.59.1 If a Complainant or Witness, other than a mandatory reporter or Reporting Official, desires to talk confidentially about an incident of Sexual Harassment or other sexual misconduct, there are resources available. The confidential resources listed below will not further disclose the information provided, unless otherwise required to do so by law (e.g., if the victim is a minor).

<i>Confidential resource</i>	<i>Contact</i>
RAINN (24-hour Rape, Abuse & Incest National Network)	National Sexual Assault Hotline: 800-656-4673 https://hotline.rainn.org/ (online hotline)
Ombuds Team	https://www.mwi.org/sj-ombuds/ Allison Monyei Whaley (allison-ombuds@mwi.org and 202-422-2421) Michael Stephens (Michael-ombuds@mwi.org and 413-341-6977) Ellen Reardon (ellen-ombuds@mwi.org and 858-769-9802)

DEFINITIONS

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

- **Appeal Officer** – The person designated in accordance with this policy to determine the outcome of a party’s appeal of a decision or dismissal. The decision to engage a third-party to serve as Appeal Officer will be the responsibility of the Senior Vice President of Human Resources and the Senior Vice President & Chief Legal Officer (or designee).

- **Coercion** – Direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act that otherwise would not have been performed or acquiesced in an act that the person would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity.

Coercive behavior differs from seductive behavior based on the type of pressure used to get consent from another. A person’s words or conduct cannot amount to Coercion for purposes of this policy unless the words or conduct wrongfully impair the other’s freedom of will and ability to choose whether or not to engage in sexual activity.

- **Complainant** – Is an alleged victim of Sexual Harassment.
- **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.

80.90.009 *SEXUAL HARASSMENT POLICY*

Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.

There is no consent if:

- Coercion, intimidation (unreasonably creating a fearful environment), threats, and/or physical force are used (see definition of Coercion).
- 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, (see definition of Incapacitation).
- A person is asleep or unconscious.
- A person is below the minimum age of consent in the applicable jurisdiction.

Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being in a romantic relationship with someone does not alone imply consent to any form of sexual activity. Consent can be withdrawn. A person who initially consents to sexual activity and later withdraws that consent is deemed not to have consented to any sexual activity that occurs after they have withdrawn consent.

- **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; and
 - 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 individuals involved in the relationship.
- **Domestic Violence** – 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 Tennessee; 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 Tennessee.
- **Education Programs and (or) Activities** – Refers to all the operations of the St. Jude Community, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, dining services, community engagement, and outreach programs. The term applies to all educational activity that occurs on campus or on other property owned or occupied by the St. Jude community. It also includes off-campus locations, events, or circumstances over which St. Jude exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs.

80.90.009 *SEXUAL HARASSMENT POLICY*

The St. Jude community educational programs and activities that this policy applies to are related to formal and instructional programs designed to lead to a degree; educational credit; and experience (beyond mere on-the-job training) required to secure a professional credential, licensure, or job in a specific occupation, and include:

- All Graduate School programs and activities.
 - Elementary, middle, and high school educational programs and activities.
 - Undergraduate and graduate educational programs and activities.
 - Post-doctoral scholar and clinical fellow programs and activities.
 - Medical and nursing rotations, residencies, and internships, and academic clinical placements.
- **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 St. Jude 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 a St. Jude education program or activity. 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.
 - **Hearing Officer** – The person(s) who is effectively the judge of Title IX cases. A Hearing Officer presides over hearings, if applicable, and issues the verdict in the form of written determinations. A Hearing Officer may not serve as the Appeal Officer. The decision to engage a third-party to serve as Hearing Officer will be the responsibility of the St. Jude Senior Vice President of Human Resources and the Senior Vice President & Chief Legal Officer (or designee).
 - **Hostile Environment Sexual Harassment** – In determining whether a hostile environment exists, St. Jude 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. St. Jude 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.

St. Jude encourages members of the St. Jude Community to report any and all instances of Hostile Environment, even if they are unsure whether the conduct rises to the level of a policy violation.

Some specific examples of conduct that may constitute Hostile Environment Sexual Harassment 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.

80.90.009 SEXUAL HARASSMENT POLICY

- Using sexually explicit profanity.
 - Asking about, or talking 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.
 - Indecent or lewd exposure or exposing others, or inducing others to expose themselves, in-person or electronically without consent.
 - Sending sexually explicit emails, text messages, or social media posts.
 - Distributing personal sexual information, images, or recordings about another person without that person's consent (applies even if the images or recordings were obtained with consent).
 - Commenting on a person's dress or body 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.
- **Incapacitated** – Refers to the state where a person cannot consent to 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. or is physically or mentally helpless or otherwise unaware that sexual activity is occurring.
 - Incapacitation can only be found when the respondent knew or should have known that the complainant was incapacitated when viewed from the position of a sober, reasonable person.
 - Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone is insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's decision making, awareness of the consequences, ability to make informed judgments, or appreciate the nature of circumstances of the act. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other person's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.
 - No single factor alone is determinative of incapacitation. Common signs that a person is incapacitated may **include**: slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.
 - **Mandatory reporters** – Are any person who may report sex discrimination and sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Harassment. Mandatory reporters are required to report to the Title IX Coordinator any Sexual Harassment which they observe, or which is reported to them, that occurs in educational programs or activities. When obligated to do so, mandatory reporters must contact the Title IX Coordinator as soon

80.90.009 *SEXUAL HARASSMENT POLICY*

as practicable. Mandatory reporters may assist disclosing individuals with contacting the Security department, law enforcement, or other people or resources at the request of a disclosing individual.

- All members of the St. Jude community should be aware that all mandatory reporters have an obligation to report information about Sexual Harassment to the Title IX Coordinator for review and Investigation, and they may not keep this information confidential. Resources for confidential reporting are provided below, under Resources.
- Although the Title IX Coordinator will attempt to maintain the confidentiality of the information, if requested, the mandatory reporter has no right to confidentiality from the Title IX Coordinator and has no right to withhold information that may assist the Title IX Coordinator in its Investigation and potential remediation of the Sexual Harassment. A mandatory reporter who fails to properly report Sexual Harassment may receive disciplinary action up to and including termination from employment.
- Mandatory reporters also may have duties to report to the St. Jude Security Department other crimes or incidents not involving Sexual Harassment. The Title IX Coordinator can facilitate such reports if requested.
- Reporting may be in person, by mail, telephone, or electronic mails, using the contact information listed for the Title IX Coordinator. Reporting also may be any other means that result in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number, electronic mail address, or mail to the office address listed for the Title IX Coordinator.
- Mandatory Reporters are:
 - All Graduate School employees;
 - All St. Jude Children's Research Hospital K-12 school teachers and staff;
 - All Children's GMP staff;
 - All St. Jude community faculty and staff leading or supervising academic activities and programs on and off campus;
 - All St. Jude community faculty and staff who serve in formally designated academic Advisory positions;
 - All St. Jude community faculty and staff assisting students with Title IX complaints, reporting, or response; and
 - All St. Jude community faculty and staff with management or supervisory duties.
- St. Jude employees who are not Reporting Officials are encouraged, but are not required to, forward reports of Sexual Harassment to the Title IX Coordinator.
- Where an individual is serving in a role in which confidentiality or privilege is provided by law, such as in the role of a treating physician or clergy member, that individual is not a mandatory reporter. For example, a physician treating or counseling a patient on medical issues must

80.90.009 *SEXUAL HARASSMENT POLICY*

protect confidentiality in most cases; however, a physician who is supervising a resident is a mandatory reporter as to Sexual Harassment observed or reported in educational programs or activities. Mandatory reporters who serve in roles in which confidentiality or privilege is provided by law are expected to know and follow the law's parameters and exceptions, such as required reporting in cases of imminent harm.

- **Power or authority** – Is any direct or indirect influence over another's pay, promotion, evaluation, or opportunity for professional or academic growth and development. A position of power or authority encompasses supervisory, teaching, evaluation, advising, coaching, and counseling power or authority.
- **Quid Pro Quo Sexual Harassment** – An employee of the St. Jude Community conditioning the provision of an aid, benefit, or service of St. Jude on an individual's participation in unwelcome sexual conduct.
- **Reporting Official** – Any person with managerial authority over other St. Jude employees, including, deans, department heads, unit supervisors, and other managers (collectively "Reporting Officials") who must promptly forward a report of Sexual Harassment to the Title IX Coordinator. St. Jude employees who are not Reporting Officials are encouraged, but are not required to, forward reports of Sexual Harassment to the Title IX Coordinator.
- **Respondent** – An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- **Retaliation** – Is intimidation, Coercion, or discrimination against any individual for the purpose of interfering with any right or privilege protected 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.
- **Sexual Assault** – Includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.
 - "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 their age or because of their temporary or permanent mental or physical incapacity.
 - "Incest" is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Tennessee law.
 - "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 their age or because of their temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ or any other body part of the other person. Attempted Rape is included.
 - "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 their

80.90.009 SEXUAL HARASSMENT POLICY

age or because of their temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.

- “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 their age or because of their temporary or permanent mental or physical incapacity.
- “Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent in the relevant jurisdiction. (18 years old under Tennessee law.)

Note: The definition of “Sexual Assault” is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Aligning this policy with those regulations, St. Jude adopts a definition of “Sexual Assault” that incorporates various forcible and non-forcible sex crimes as defined by the FBI’s Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

- **Sexual Harassment** – 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.
- **Sexual misconduct** – Collectively, sex discrimination, sexual harassment, sexual violence, and related retaliation (regardless of whether it rises to the level of Sexual Harassment prohibited by this policy or otherwise).
- **Stalking** – 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.
- **Supportive Measures** – 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 St. Jude education programs and activities without unreasonably burdening another Party, including measures designed to protect the safety of all Parties implicated by a report or St. Jude’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, mutual restrictions on contact between the Parties implicated by a report, and other similar measures
- **Student or Education Program Participant** – Any person engaged in educational programs or activities who is:
 - in school (elementary, middle, or high school), or in an undergraduate or graduate program;
 - a research or post-doctoral scholar, or clinical fellow;
 - at St. Jude on a medical, nursing, or Social Work rotation; or
 - is on St. Jude’s campus for any type of learning, regardless of whether that person is enrolled at another educational institution.

80.90.009 *SEXUAL HARASSMENT POLICY*

REFERENCE DOCUMENTS

- St. Jude Romantic or Sexual Relationships with Students or Trainees Policy
- St. Jude Workplace Sexual Harassment Policy
- St. Jude Non-discrimination Policy
- Graduate School Non-Retaliation Policy
- Graduate School Student Professionalism Policy
- Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq. (external reference)

FORMS AND OTHER DOCUMENTS

- Formal Complaint Form
- Title IX Coordinator Desk Reference
- Sexual Harassment Process Checklist
- Investigation Log
- Sexual Harassment Report Intake Form
- Acknowledgement of Report of Sexual Harassment (Complainant)
- Formal Complaint Declined Documentation Form
- Complainant Rights and Options
- Respondent Rights and Options
- Notice of Formal Complaint and Investigation to Parties
- Notice of Dismissal Form-Complainant-Pre Investigation
- Notice of Dismissal Form-Respondent-Pre Investigation
- Support Person, Advisor, and Affirmation Form
- Complainant Interview Form
- Respondent Interview Form
- Investigation Witness List
- Witness Interview Form
- Evidence Tracking Form
- Access to Evidence Form
- Investigation Report
- Notice of hearing (Parties)
- TIX Hearing Procedures
- Written Decision Template
- Notice of Appeal Being Filed
- Notice of Appeal Decision
- Agreement to Participate in Informal Resolution
- Informal Resolution Agreement
- Notice of Dismissal Form During Investigation or Adjudication
- Notice of Dismissal of Formal Complaint During Investigation or Adjudication

80.90.009 *SEXUAL HARASSMENT POLICY*

- Title IX Incident Tracking Template
- Prevention and Awareness Program Tracking Template

POLICY DETAILS

Policy Type	Policy Revision
Policy Number	80.90.009
Policy Category	Administrative Policy
Policy Sponsor	Stacey Schultz-Cherry
Approval Authority	Dean of the Graduate School
Policy Effective Date:	July 1, 2023
Policy Owner (Contact Info)	Stacey Schultz-Cherry (stacey.schultz-cherry@stjude.org)
Policy Alternate	Stacey Schultz-Cherry
Last Review Date	May 30, 2025
Next Scheduled Review Date	By June 1, 2026

REVISION HISTORY

- V1.0 – May 25, 2023
- V2.0 – August 19, 2024
- V3.0 – April 4, 2025

APPROVALS

- Dean of the Graduate School – Approved on May 25, 2023
- Dean of the Graduate School – Approved on August 19, 2024
- Dean of the Graduate School – Approved on April 4, 2025