

NOTICE OF CHARGES AND INVESTIGATION

Dear Mr. Ittner,

This letter is a notification that you have been accused of violating the following Carroll College policies in several incidents occurring between the dates of January 26, 2017 and January 30, 2017 in Simperman Hall:

Harassment (pg. 29)

Harassment is a form of misconduct that can be demeaning to another person, and is strictly prohibited. It is the policy of the college to prohibit harassment of its staff by anyone, including faculty, staff, students, and vendors or other non-employees, on the basis of sex, race, creed, color, national origin, religion, age, marital status, gender identity, sexual orientation, or physical or mental disability.

Sexual harassment means any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment;*
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or*
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.*

The following are examples of conduct that may constitute sexual harassment:

- 1. Sexual advances which are unwelcome (this may include situations which began as a reciprocal attraction but later ceased to be reciprocal);*
- 2. Sexual gestures;*
- 3. Graphic verbal comments of a sexual nature, including such comments about a person's body, or sexually degrading words used to describe an individual;*
- 4. Displaying sexually suggestive objects, pictures, cartoons, or posters;*
- 5. Verbal abuse of a sexual nature, sexually oriented jokes, innuendoes, obscenities, or sexually suggestive letters, notes or invitations;*
- 6. Reprisals or threats after a negative response to sexual advances;*
- 7. Employment benefits affected in exchange for sexual favors;*
- 8. Physical conduct such as assault, rape, impeding or blocking movements, or unwelcome touching.*

If a student feels as though a fellow student is engaging in harassing behavior, he or she should refer to the Student Conduct Code and Disciplinary Process as outlined in this Student Handbook. If a student feels as though a staff, faculty member, or vendor or other non-employee is engaging in harassing behavior in violation of this policy, he or she should refer to the Equal Opportunity Grievance Procedure for information about how to proceed.

Hate or Bias Incidents (pg. 29)

Carroll College recognizes the uniqueness and dignity of the human person and the religious and moral values implied in one's relationship to God, self and others. In full support of the Carroll College Mission Statement, this policy on hate or bias incidents is designed to help protect the community from actions that undermine the college's mission and to provide assistance and support for those who have been targeted.

Students found in violation of the Carroll Code of Student Conduct for an incident in which hate/bias is a factor can be further sanctioned. The sanctions may be enhanced or increased in severity when it is found that the student has intentionally selected the person or persons against whom the underlying violation was committed, or selected the property which was damaged, or violated other provisions of the Carroll Code because of the person's age, national origin, race, color, sex, physical or mental disability, religion, creed, marital status, gender identity, or sexual orientation. Whether intent is present in the violation shall be determined by consideration of all the relevant circumstances.

Non-Discrimination Policy (pg. 33)

Carroll College admits students of any race, color, national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

Carroll College is also committed to compliance with state and federal anti-discrimination laws applicable to educational institutions. Carroll College will not exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, or privileges of Carroll College because of race, creed, religion, sex, sexual orientation, gender identity, marital status, color, age, physical or mental disability, or national or ethnic origin, unless based on reasonable grounds. Carroll College will also not discriminate against a qualified individual with a handicap on the basis of the individual's handicap in admissions, recruitment, academic programs, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education aid, benefits, or services to which Section 504 of the Rehabilitation Act of 1973 applies.

In addition, Carroll College complies with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any educational programs or activities by recipients of federal financial assistance, including Carroll College. This prohibition extends to employment, admission, and the administration of any of its educational programs and activities. Carroll College's policies prohibit discrimination on the basis of sex in accordance with Title IX. Inquiries concerning Title IX or Carroll's policies prohibiting discrimination on the basis of sex may be directed to the U.S. Department of Education, Office of Civil Rights. Carroll College's Title IX Coordinator is the Director of Human Resources, Renee McMahon, 213 O'Connell Hall, 406.447.5501.

Carroll College is also an equal opportunity employer, committed to compliance with state and federal anti-discrimination laws. Carroll College will not refuse employment to a person, bar a person from employment, or discriminate against a person in compensation or in a term, condition, or privilege of employment because of race, color, or national origin or because of age, physical or mental disability, marital status, gender identity, sexual orientation, creed, religion, or sex, except when the reasonable demands of the position require an age, physical or mental disability, marital status, gender identity, sexual orientation, creed, religion, or sex distinction. In the case of religion and creed, such distinctions may be appropriate under state and federal constitutional provisions due to the religious character and Catholic identity of Carroll College and the nature of the particular employment position at issue.

Postings and Notices (pg. 34)

Bulletin boards are one of the major means of communication on campus. For this reason, some coordination and regulation is needed. Notices for Carroll related functions may be posted on any college bulletin board. The sponsor must remove notices when they are outdated. They must be confined to public bulletin boards unless otherwise authorized. No postings are permitted on trees. The Director of Student Activities and Leadership must approve all posters, flyers, newsletters, brochures, notices, and banners, especially those of off-campus and commercial advertising. The name of the sponsoring organization should appear on all advertising.

As the Conduct Administrator assigned to this case, I am conducting an investigation and need to meet with you to discuss the case and the conduct procedures. I have set up a time to meet on Thursday, February 2, 2017 at 9:00 AM in the Student Life Office in O'Connell Hall. If this time poses a conflict, please let me know by Wednesday, February 01, 2017 at 8:00 PM so we can reschedule. Also, please note that per your Interim Suspension letter, you will meet with Title IX Coordinator Renee McMahon immediately after meeting with me.

As a reminder, due to the Family Educational Rights and Privacy Act (FERPA) I cannot discuss the details of your case with anyone outside of Carroll College Administrators and Appointees without your written consent.

Sincerely,



Emily Weideman
Assistant Director of Community Living
Carroll College - Student Life

ref: Incident Report 16-091

Skylar Ittner
Student ID# [REDACTED]



Dear Mr. Ittner:

It has come to our attention that you were involved in incidents between the dates of January 26, 2017 and January 30, 2017, in which you continued to post derogatory messages based on sexual orientation despite being told by the administration not to do so. You also followed and videotaped two administrators as they moved around Simperman Hall checking bulletin boards, and you physically blocked an administrator and tried to physically remove the posters she had in her hand.

As a result of your conduct, you have been TEMPORARILY SUSPENDED from Carroll College. This means you MAY NOT PARTICIPATE in any aspect of Carroll life, including, but not limited to attending classes, eating in the dining hall, or being on campus property. The only exception will be for you to meet with me on Thursday, February 2, 2017 at 9:00 AM as part of the Student Code of Conduct process to discuss the charges that are being brought against you related to the recent incidents. Immediately following our meeting, you will meet with Renee McMahon, Title IX Coordinator, as part of the Equal Opportunity process relating to your posters. If this date and time does not work for you, please let me know by 8:00 PM, Wednesday, February 1, 2017 so we can work to reschedule. While you are on campus for these meetings, you are not permitted to access any other department or building or be on campus more than ten minutes prior to or following the meetings. Failure to comply will result in your arrest for trespassing on college property and the possibility of disciplinary action. Please note that while not attending classes you ARE responsible for contacting your professors about staying up to date with classwork and tests. Let me reiterate, however, that you are not permitted to actually attend classes on campus.

Except as set forth in this letter, this temporary suspension prohibits all contact with Carroll College, including in person, by phone, in writing, through electronic methods, through a third party, or in any other way.

Should you have any questions during this temporary suspension, you can contact me via phone at 406-447-5509 or via email at eweideman@carroll.edu.

I refer you to the student conduct code and process information, including sections related to temporary suspension, at the following college webpage:

<https://www.carroll.edu/public/carroll-college-student-handbook>.

Sincerely,

A handwritten signature in black ink that reads "Emily C. Weideman". The signature is written in a cursive style.

Emily C. Weideman
Assistant Director of Community Living
Carroll College