



Denver Seminary  
Policy Manual

## **Denver Seminary Sexual Misconduct Policy**

*Applies to sexual and gender-based harassment,  
sexual violence, stalking, and intimate partner violence*

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## **I. Introduction: Institutional Values and Community Expectations**

Denver Seminary is committed to providing a non-discriminatory and harassment-free educational, living and working environment for all members of the Denver Seminary community, including students, faculty, administrators, staff, and visitors. This policy prohibits all forms of sexual or gender-based harassment, discrimination or misconduct, including sexual violence, sexual assault, stalking and intimate partner violence. Misconduct of this nature is contrary to Denver Seminary's institutional and Christian values and prohibited by state and federal law.

Denver Seminary encourages the prompt reporting of any incident of sexual or gender-based misconduct to the Seminary and/or to local law enforcement. Upon receipt of a report, the Seminary will take prompt and effective action by: providing interim remedies and support for individuals who make a report or seek assistance under this policy (referred to as the "Complainant"); conducting a review of the conduct as required under federal law; addressing the safety of individuals and the campus community; and as warranted, pursuing resolution through informal measures or formal disciplinary action against the accused individual (referred to in this policy as the "Respondent"). The policy provides specific procedures for investigation and resolution based on the role of Respondent (student, staff or faculty). All Denver Seminary community members are strongly encouraged to report information regarding any incident of sexual harassment, sexual violence, stalking or intimate partner violence directly to the Title IX Coordinator or a member of the Title IX team.

All members of the Denver Seminary community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The Seminary will not tolerate sexual harassment, sexual violence, stalking or intimate partner violence. Any individual who is found responsible for such conduct under this policy may face disciplinary sanctions up to and including expulsion or termination of employment.

This policy has been developed to reaffirm Denver Seminary's institutional values, to define community expectations, to provide recourse for those individuals whose rights have been violated, and to provide for fair and equitable procedures for determining when this policy has been violated. The Seminary is committed to fostering a climate free from sexual harassment, sexual violence, and intimate partner violence through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of complaints.

Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a grievance procedure is prohibited and is a violation of Seminary policy. Retaliation should be reported promptly to the Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

The Seminary encourages all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus. In particular, the Seminary expects that all Denver Seminary community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who chose to exercise this positive moral obligation will be supported by the Seminary and protected from retaliation.

## **II. Scope of Policy**

The policy applies to all Denver Seminary community members, including students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed,

studying, living, visiting, conducting business or having any official capacity with the Seminary or on Seminary property.

This policy is intended to protect and guide individuals who have been affected by sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, and to provide fair and equitable procedures for investigation and resolution of reports.

When used in this policy, “Complainant” refers to the individual who identifies him/herself as being a victim or survivor of gender-based discrimination, sexual harassment, sexual violence, stalking or intimate partner violence. “Respondent” refers to an individual who has been accused of prohibited conduct under this policy. A third party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

All Denver Seminary community members are required to follow Seminary policies and local, state, and federal law. This policy applies to conduct occurring on Denver Seminary property or at Seminary-sanctioned events or programs that take place off campus, including study abroad, school sponsored trips and internship programs. In situations in which both the Complainant and Respondent are members of the Denver Seminary community, this policy will apply regardless of the location of the incident. In particular, off campus conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the Denver Seminary community or Denver Seminary is covered under this policy.

A Complainant is encouraged to report misconduct regardless of where the incident occurred, or who committed it. Even if the Seminary does not have jurisdiction over the Respondent, the Seminary will still take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

### **III. Notice of Non-Discrimination**

The Seminary does not permit unlawful discrimination or harassment in its programs and activities on the basis of race, color, national origin, ancestry, sex, gender, disability, age, religion, physical and/or mental disability, medical condition, veteran status, marital status and other characteristics protected by institutional policy or state, local, or federal law.

This policy addresses all forms of sexual discrimination, including sexual harassment, sexual violence and intimate partner violence. Denver Seminary does not discriminate on the basis of sex in its educational, extracurricular, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, the Colorado Anti-Discrimination Act, and other applicable statutes.

This policy prohibits sexual harassment, sexual violence, stalking and intimate partner violence, as defined in this policy, against Denver Seminary community members of any gender. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

The Seminary, as an educational community, will respond promptly and equitably to reports of sexual harassment, sexual violence, stalking and intimate partner violence in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

The Seminary has designated Debra Kellar, Vice President of Finance and Campus Operations to serve as the Seminary's Title IX Coordinator. The Title IX Coordinator oversees the Seminary's centralized review, investigation, and resolution of reports of sexual harassment, sexual violence and intimate partner violence. The Coordinator also oversees the Seminary's overall compliance with Title IX.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence and intimate partner violence involving students, staff, administrators, faculty, vendors, and visitors;
- Assisted by designated Deputy Title IX Coordinators in student life and human resources, and by a Title IX team as detailed in this policy. These Deputy Title IX Coordinators have a shared responsibility for supporting the Title IX Coordinator and are accessible to any member of the community for consultation and guidance;
- Knowledgeable and trained in Seminary policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the Seminary, both informally and formally, and in the community;
- Available to provide assistance to any Seminary employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, stalking or intimate partner violence;
- Responsible for monitoring full compliance with all procedural requirements and time frames outlined in this policy; and
- Responsible for training, prevention and education efforts and periodic reviews of climate and culture.

The Title IX Coordinator is supported by the Title IX team. Members of this interdepartmental team include the Title IX Coordinator, Title IX Deputy Coordinators, and the Director of Security. In addition, based on the role of the Complainant and the Respondent, the members of the team could include the Provost/Dean of the Seminary and/or the Vice President of Student Life and Enrollment Management, and a representative from the Dean of Student's Office and/or Human Resources. Composition of the team will be limited to a small circle of individuals who "need to know" the relevant information in order to implement procedures under this policy.

Inquiries or complaints concerning the application of this policy, Title IX of the Education Amendments of 1972, or the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act may be referred to the Seminary's Title IX Coordinator or Deputy Title IX:

**Debra Kellar - Title IX Coordinator**

Vice President of Finance and Campus Operations  
303-762-6893  
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**Rob Foley - Title IX Deputy Coordinator (for Students)**

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**Zandy Wennerstrom - Title IX Deputy Coordinator (for Employees)**

Director of Human Resources

## IV. Privacy vs. Confidentiality

The Seminary is committed to protecting the privacy of all individuals involved in a report of sexual harassment, sexual violence, stalking or intimate partner violence. All Seminary employees who are involved in the Seminary's Title IX response, including the Title IX Coordinator, investigators, and hearing panel members, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

### **Privacy and confidentiality have distinct meanings under this policy.**

**Privacy:** Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those Seminary employees who "need to know" the information in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals include mental health providers, ordained clergy acting in their clerical capacity, rape crisis counselors and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

Denver Seminary employees, although they may be ordained clergy or licensed counselors are not acting in their confidential capacity as such when mentoring or teaching on behalf of the Seminary. They are considered responsible employees as described below.

An individual may also seek assistance from a medical provider. In general, the disclosure of private information contained in medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA). The victim has the right to request that a victim advocate be present and to request that law enforcement not pursue a criminal charge. It is expected that neither campus nor community medical providers will notify the Seminary of the report.

**Responsible Employees:** In general, most Seminary employees do not have legally protected confidentiality. Under Title IX, a school is required to take immediate and corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment. A "responsible employee" includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student or employee could reasonably believe has the authority or responsibility to take action.

Using this lens, employees with supervisory and leadership responsibilities on campus are considered "responsible employees." This includes, for example, faculty, training and mentoring directors, and administrators.

The Seminary requires that all “responsible employees” share a report of sexual misconduct with the Title IX Coordinator or a member of the Title IX team as soon as reasonably possible.

The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant’s expressed preferences, if any, as to course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community.

**Request for Confidentiality:** Where a Complainant requests that his/her name or other identifiable information not be shared with the Respondent or that no formal action be taken, the Seminary will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all Seminary community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the Seminary may consider whether there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence, whether there is an increased risk of future acts of sexual violence under similar circumstances, whether the sexual violence was perpetrated with a weapon, the age of the student subjected to the sexual violence, and whether the school possesses other means to obtain relevant evidence.

The Seminary will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the Seminary is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the chosen course of action, which may include the Seminary seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

**Timely Warning:** If a report of misconduct under the policy discloses a serious or continuing threat to the Denver Seminary community, the Seminary may issue a campus wide timely warning (which can take the form of an email to campus) to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant. Even where there is no imminent threat, the Seminary may send campus-wide notifications or alerts on reported sexual misconduct.

At no time will the Seminary release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent’s name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

All Seminary proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state and federal law. No information shall be released from such proceedings except as required or permitted by law and Seminary policy.

## **V. Prohibited Conduct and Definitions**

The Seminary prohibits all forms of sexual and gender-based harassment, including sexual violence and intimate partner violence. Each of these terms encompasses a broad range of behavior. In general, sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to incapacitation. Intimate partner violence refers to any act of violence or threatened act of violence, sexual or otherwise, against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with that person.



Within these broad categories, the Seminary prohibits the following specific conduct:

## A. Sexual Harassment

**Sexual Harassment:** Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

(1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a Seminary program or activity;

*or*

(2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, or living, learning, or working environments: specifically, where it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and objective standard.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the Complainant and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

- Physical conduct:
  - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements

- Unwanted sexual advances within the employment or academic context
- Verbal conduct:
  - Making or using derogatory comments, epithets, slurs or humor
  - Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
  - Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes
- Visual conduct:
  - Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum
  - Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate
  - Physical exposure of genital or private body parts.
- Written conduct:
  - Letters, notes or electronic communications containing comments, words, or images described above
- Quid pro quo conduct:
  - Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
  - Offering employment benefits in exchange for sexual favors
  - Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
  - Making or threatening reprisals after a negative response to sexual advances

## B. Other Forms of Prohibited Conduct

The following forms of conduct fall under the broad definition of sexual harassment, and are specifically prohibited under this policy. The Seminary will treat attempts to commit any prohibited conduct as if those attempts had been completed.

**Sexual Assault:** a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent. Sexual assault includes rape, fondling, incest, and statutory rape.

*Sexual intercourse* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

*This definition tracks the FBI's Uniform Crime Report definition of rape: "the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." Under many state laws, including Colorado, however, rape definitions differ in that they require proof of an element of force or threat of force. Our definition incorporates both.*

**Non-Consensual Sexual Contact:** Having sexual contact with another individual without consent, with or without the use of force or threat of force.:

Sexual contact includes intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

**Sexual Exploitation:** Occurs when an individual takes non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

- surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge;
- sexually-based stalking and/or bullying; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**Harm to Others:** Words or types of conduct that threaten or endanger the health or safety of any person including physical abuse, verbal abuse, threats, intimidation and/or harassment. Harm to others that does not involve a potential violation of this Policy will be investigated and addressed using Denver Seminary's Guidelines for a Christian Lifestyle and Harassment Free Workplace and Campus.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Under this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim; and "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

**Retaliation:** Any act or attempted act of retaliation against an individual who makes a complaint alleging a violation of this policy, or participates in the investigation or resolution of such a complaint, is strictly prohibited and will be considered a separate violation of this policy. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others.

### C. Consent: Force, Coercion, Incapacitation, Drugs and Alcohol

**Consent:** Under Colorado law and this policy, consent means voluntary cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Submission under the influence of fear shall not constitute consent.

Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. The following are essential elements of effective consent:

***Informed and reciprocal:*** All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

***Freely and actively given:*** Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.

***Mutually understandable:*** Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

***Not indefinite:*** Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

***Not unlimited:*** Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

*Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time.* The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In the state of Colorado, consent cannot be given by minors under the age of 15, except where the parties are within four years of age of one another or married. Minors ages 15 and 16 cannot give consent except where the parties are within ten years of each other or married.

**Force:** Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

**Coercion:** Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against his/her will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion may include threatening to spread information about someone’s previous sexual exploits and threatening to harm oneself if the other party does not engage in the sexual activity.

**Incapacitation:** Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because s/he lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if s/he is asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known, that the Complainant was incapacitated.

**Alcohol and Other Drugs:** In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. 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 individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence, stalking or intimate partner violence and does not diminish one's responsibility to obtain consent.

#### D. Intimate Partner Violence

Intimate partner violence is also prohibited by this policy and includes dating violence and domestic violence, as defined below, or relationship violence.

Domestic violence means violence by the complainant's current or former spouse, intimate partner, cohabitant or former cohabitant, or person similarly situated; person with whom the complainant shares a child in common; or anyone else protected under domestic or family violence law.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant.

Intimate partner violence also includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with the Respondent. Intimate partner violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.

The Seminary will not tolerate intimate partner violence of any form. The Seminary recognizes that sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation all may be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature with the Complainant.

Under Clery and the Campus SaVE Act, the Seminary will record and report all relevant incidents of intimate partner violence.

## E. Prohibited Relationships by Persons in Authority

Sexual or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, mentors, advisors or other Seminary employees. Similarly, Seminary employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under his/her direct supervision.

The Seminary does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the Seminary. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach, mentor or otherwise guide students should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. Intimate or sexual relationships where there is differential in power or authority produce risks for every member of our community and undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with his/her employment or education at the Seminary.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly: 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to his/her own supervisor. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the Seminary.

Any individual may file a complaint alleging harassment or discrimination, including an aggrieved party outside the relationship affected by the perceived harassment or discrimination. Retaliation against persons who report concerns about consensual relationships is prohibited and constitutes a violation of this policy.

## VI. Resources

The Seminary is committed to treating all members of its community with dignity, care and respect. Any individual who experiences or is affected by sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the Seminary. Interim remedies are also available to all parties (see Section XIII).

The Seminary recognizes that deciding whether or not to make a report, either to the Seminary or law enforcement, and choosing how to proceed can be difficult decisions. Making a report means telling someone in authority what happened, in person, by telephone, in writing or by email. All individuals are encouraged to seek the support of campus and community resources. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources which by law cannot share information without the consent of the individual seeking assistance. There are also a variety of Seminary resources that will be discreet and private, but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this policy. For more information about the difference between privacy and confidentiality, see Section IV.

## A. Confidential Resources

The Seminary encourages all community members to make a prompt report of any incident of sexual harassment, sexual violence, stalking or intimate partner violence to local law enforcement and the Seminary. For individuals who are not prepared to make a report, or who may be unsure what happened, but are still seeking information and support, there are several legally-protected confidential resources available as designated below. These confidential resources will not share information with the Seminary or anyone else without the individual's permission.

### **Confidential\* Medical Resources**

\*In Colorado, medical providers are mandated by state law to notify law enforcement of abuse or sexual abuse of children, disabled individuals or the elderly. However, the victim has the right to request that a victim advocate be present when s/he speaks with law enforcement and to request that law enforcement not pursue a criminal charge at that time. Beyond this notification, however, the disclosure of private information contained in medical records is protected by HIPAA. Further, community medical providers will not notify the Seminary unless granted permission to do so by the Complainant.

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (within 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution.

- **Littleton Adventist Hospital**  
(303) 730-8900  
7700 S Broadway  
Littleton, CO 80122  
<http://www.mylittletonhospital.org>
- **Denver Health Medical Center SANE\***  
Denver Contact Phone Number: (303) 602-3007  
Hours of Operation: 24/7  
Area(s)/Counties served: Denver, Adams, Arapahoe, Jefferson Counties  
Services Provided: Adult/Adolescent/Pediatric/Suspect medical – forensic examinations  
[www.denverhealth.org](http://www.denverhealth.org)
- **St. Anthony Central**  
720-321-0000  
200 Garrison Street  
Lakewood, CO

#### **Other Confidential Resources:**

- **The Blue Bench (Formerly known as the Rape Assistance and Awareness Program & Rape Crisis Hotline)**  
P.O. Box 18951  
Denver, CO 80218-0951  
Business line: 303.329.9922  
24-hour hotline: 303.322.7273  
Español: 303.329.0031  
TDD (hearing impaired): 303.329.0023
- **Rape, Abuse and Incest National Network (RAINN)**  
A confidential, anonymous national sexual assault hotline.  
1-(800) 656-4673      Chat: online.rainn.org
- **RAAP – Rape Assistance and Awareness**  
24 hr.rape crisis line – 303-322-7273
- **Women’s Crisis Center – Douglas County**  
303-688-8484
- **National Stalking Resource Center**  
www.victimofcrime.org
- **National Stalking Helpline**  
www.stalkinghelpline.org  
email: advice@stalkinghelpline.org

## **B. Other Resources**

### **Community Resources:**

Students, faculty and staff may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in dealing with the criminal justice system. All individuals are encouraged to use the resources that are best suited to their needs, whether on or off campus.

It may be helpful for survivors to have someone who can help them explore their off-campus options and guide them through legal processes; an advocate can provide assistance in this area.

- **Littleton Police Department - LPD**  
Emergency dispatch 911 (24 hours)  
For non-emergency/dispatch, (303) 794-1551
- **Arapahoe County Sheriff**  
Emergency dispatch 911  
For non-emergency/dispatch, 303-795-4711
- **Victims Assistance Program, Arapahoe County**  
1610 W Littleton Blvd.



Littleton, CO 80120  
303-794-4890

- **18th Judicial District Attorney's Office**  
720-874-8500

#### **Campus Resources:**

In addition to the confidential resources listed above, Denver Seminary community members have access to a variety of resources provided by the Seminary. The staff members listed below are trained to support individuals affected by sexual harassment or misconduct and to coordinate with the Title IX Coordinator consistent with the Seminary's commitment to a safe and healthy educational environment. Although these are not confidential resources, , these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

- **Title IX Coordinator Debra Kellar**  
Vice President of Finance and Campus Operations  
Available on weekdays during regular office hours to coordinate a fair and equitable response to reports of sexual misconduct.  
debbie.kellar@denverseminary.edu; (303)762-6893
- **Deputy Title IX Coordinator Zandy Wennerstrom (HR)**  
Director of Human Resources  
Available on weekdays during regular office hours  
zandy.wennerstrom@denverseminary.edu ; (303)762-6887
- **Deputy Title IX Coordinator Rob Foley (Student Life)**  
Dean of Students  
Available on weekdays during regular office hours  
rob.foley@denverseminary.edu; (303)357-5838
- **Dean of Students Office**  
Available on weekdays during regular office hours.  
rob.foley@denverseminary.edu; (303)357-5838
- **Campus Security**  
Available as a first option to report an incident of sexual violence or intimate partner violence. Also provides an escort service on campus to any student and can reach the Guard on Duty at any time.  
Available 24 hours a day, 7 days a week.  
(303)783-3120, or dial 1001 from any campus phone.

## **VII. Reporting**

**The Seminary encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.**

The Seminary encourages all individuals to make a report to the Seminary and to local law enforcement. Reporting options are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously.

The Seminary has a strong interest in supporting victims and survivors of sexual harassment, sexual violence, stalking and intimate partner violence and encourages all individuals or third party witnesses to report any incident to the Seminary.

Making a report means telling someone in authority what happened -- in person, by telephone, in writing or by email. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The Seminary provides support that can assist each individual in making these important decisions, and to the extent legally possible will respect an individual's autonomy in deciding how to proceed. In this process, the Seminary will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the Seminary community.

Any individual who reports sexual harassment, sexual violence, stalking or intimate partner violence can be assured that the Seminary will resolve all reports in a fair and impartial manner. A Complainant, a Respondent and all individuals involved can expect to be treated with dignity and respect. In every report under this policy, the Seminary will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

## A. Emergency Reporting Options

The Seminary encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The Seminary will help any Denver Seminary community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

- **Littleton Police Department - LPD**

For Emergencies: 911

For concerning situations call non-emergency/dispatch: (303) 794-1551

- **Arapahoe County Sheriff**

For emergencies: 911

For concerning situations call non-emergency/dispatch: 303-795-4711

## B. Campus Reporting Options

The Seminary encourages all individuals to report misconduct to any Seminary employee the Complainant trusts and feels comfortable with.

The Seminary requires that all "responsible employees" share a report of misconduct with the Title IX Coordinator or a member of the Title IX team. The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant's expressed preferences, if any, as to course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community.

All Denver Seminary community members, even those who are not obligated to do so by this policy, are strongly encouraged to report information regarding any incident of sexual harassment, sexual violence, stalking or intimate partner violence directly to the Title IX Coordinator or a member of the Title IX team.

- **Title IX Coordinator Debra Kellar**  
Vice President of Finance and Campus Operations  
Available on weekdays during regular office hours to coordinate a fair and equitable response to reports of sexual misconduct.  
debbie.kellar@denverseminary.edu; (303)762-6893
- **Deputy Title IX Coordinator Zandy Wennerstrom (HR)**  
Director of Human Resources  
Available on weekdays during regular office hours;  
Zandy.wennerstrom@denverseminary.edu ; (303) 762-6887
- **Deputy Title IX Coordinator Rob Foley (Student Life)**  
Dean of Students  
Available on weekdays during regular office hours;  
Rob.foley@denverseminary.edu ; (303) 357-5838
- **Campus Security**  
Available as a first option to report an incident of sexual violence or intimate partner violence. Also provides an escort service on campus to any student and can reach the Security Guard on Duty at any time. Available 24 hours a day, 7 days a week.  
(303) 783-3120, or dial 1001 from any campus phone.
- **Dean of Students Office**  
Can provide reasonable accommodations, academic flexibility and stay-away letters. Available on weekdays during regular office hours and located in the Student Life and Enrollment Management office suite on the first floor of the Graber Administration Center.

### C. Anonymous Reporting

Any individual may make an anonymous report concerning an act of sexual harassment, sexual violence, stalking or intimate partner violence. An individual may report the incident without disclosing his/her name, identifying the Respondent or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the Seminary's ability to respond to an anonymous report may be limited. The Anonymous Reporting Form can be found [at this link](#). An anonymous report may also be submitted via the Seminary's automated reporting system available on the [website](#) or at [Alert Line](#).

The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with the Director of Campus Security, and in compliance with all Clery Act obligations.

### D. Reporting Considerations: Timeliness and Location of Incident

Complainants and third-party witnesses are encouraged to report sexual harassment, sexual violence and intimate partner violence as soon as possible in order to maximize the Seminary's ability to respond promptly and effectively. The Seminary does not, however, limit the time frame for reporting. If the Respondent is not a member of the Denver Seminary community, the Seminary will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the Respondent may be limited.

An incident does not have to occur on campus to be reported to the Seminary. Off-campus conduct that is likely to have a continuing effect on the Complainant's on-campus life and activities or poses a threat or danger to members of the Denver Seminary community may also be addressed under this policy.

### E. Amnesty for Alcohol or Other Drug Use

The Seminary community encourages the reporting of prohibited conduct under this policy. It is in the best interest of this community that as many Complainants as possible choose to report to Seminary officials, and that witnesses come forward to share what they know. To encourage reporting, an individual who reports sexual harassment or misconduct, either as a Complainant or a third-party witness, will not be subject to disciplinary action by the Seminary for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The Seminary may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs per the behavioral expectations outlined in the Seminary guidelines for a Christian Lifestyle.

### F. Coordination with Law Enforcement

The Seminary encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence and intimate partner violence that may also be crimes under Colorado law. The Seminary will assist a Complainant in making a criminal report and cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The Seminary's policy, definitions and burden of proof may differ from Colorado criminal law. A Complainant may seek recourse under this policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, the Seminary may agree to delay temporarily its fact gathering and investigation while the police are gathering evidence. The Seminary will nevertheless communicate with the Complainant regarding rights, procedural options and the implementation of interim measures to assure safety and well-being. The Seminary will promptly resume its fact gathering and investigation as soon as it is informed that law enforcement has completed its evidence gathering stage of any criminal investigation.

### G. Prohibition against Retaliation

It is a violation of Seminary policy to retaliate in any way against an individual because s/he raised allegations of sexual harassment, sexual violence, stalking or intimate partner violence. The Seminary recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a Complainant, Respondent or third party may commit or be the subject of retaliation.

The Seminary will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting sexual harassment or misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

### H. False Reports

The Seminary will not tolerate intentional false reporting of incidents. The Seminary takes the accuracy of information very seriously as a charge of sexual harassment, sexual violence, stalking or intimate partner violence may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a Complainant or third party

witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant may be subject to disciplinary action. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

## I. Reports Involving Minors or Suspected Child Abuse

Under Colorado law, certain designated individuals must make a mandatory report of suspected child abuse and neglect, including sexual assault when that individual, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes a minor under the age of 18 whom the individual knows or reasonably suspects has been the victim of child abuse or neglect.

In addition to the reporting obligations under Colorado law, all Seminary employees, whether designated as a mandatory reporter under Colorado state law or not, are required to immediately report any suspected child abuse and neglect to the Title IX Coordinator and the Director of Campus Security. The source of abuse does not need to be known in order to file a report.

The Seminary will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to the Arapahoe County Children, Youth and Family Services Division. The Seminary must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the Title IX Coordinator and Director of Security, any individual may make a direct report as follows:

- If a child is in immediate danger, call 911.
- If there is no immediate danger, contact the Arapahoe County 24/7 hotline at (303) 636-1750.

## VIII. Interim Measures, Remedies and Accommodations

### A. Overview

Upon receipt of a report, the Seminary will offer reasonable and appropriate interim measures designed to protect the parties involved. The Seminary will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the Seminary.

A Complainant or Respondent may request a Stay-Away Letter or other protection, or the Seminary may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader Seminary community and/or the integrity of the process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The Seminary will take immediate and responsive action to enforce a previously implemented measure.

### B. Range of Interim Measures

Interim measures will be implemented at the discretion of the Seminary. Potential remedies, which may be applied to the Complainant and/or the Respondent, include, but are not limited to:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of campus "Stay-Away Letter"

- Separation of the parties
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Provision of alternative course completion options (with the agreement of the appropriate faculty)
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Change in on-campus housing arrangements
- Limitations on access to certain Seminary facilities or activities pending resolution
- Security escort to ensure safe movement between classes and activities
- Specialized parking
- Assistance with medical services
- Academic support services, such as tutoring
- Interim suspension or Seminary-imposed leave (see below)
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

Interim measures will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the Seminary to provide the interim measures. The Seminary will provide information to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims by the Seminary and in the community. Students and employees also will be provided with written information about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures, as well as a copy of the policy prohibiting discrimination, harassment and retaliation. They will also be informed that the Seminary shall make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

### C. Interim Suspension or Separation

Where the report of sexual harassment, sexual violence, stalking or intimate partner violence poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal Seminary functions, the Seminary may place a student or student organization on interim suspension or impose leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities and/or all other Seminary activities or privileges for which the student might otherwise be eligible, as the Seminary determines appropriate. When interim suspension or leave is imposed, the Seminary will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

The full provisions for Interim Suspension for students are contained in the Student Handbook. Provisions for suspension of faculty members are contained in the Faculty Handbook. Staff may be placed on leave at the discretion of the Seminary.

### D. Consequences and Possible Sanctions

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the Seminary reserves the right to impose differing sanctions, ranging from verbal warning to expulsion or termination of employment, depending on the severity of the offense. The Seminary reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect the individuals’ rights and personal safety. Such measures include, but are not limited to:

EXAMPLE STUDENT SANCTIONS	EXAMPLE EMPLOYEE SANCTIONS
Reprimand/warning	Reprimand/warning
Modification of living arrangements	Mandatory training
Counseling/counseling assessment	Demotion
Social or disciplinary probation	Termination of employment
Suspension	Arrest and prosecution
Expulsion	
Arrest and prosecution	

## IX. Process

### A. Overview

Upon receipt of a report, the Seminary’s Title IX team will conduct an Initial Title IX Assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual harassment or misconduct. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the Complainant’s expressed preference for resolution.

At the conclusion of the assessment, the Seminary may choose to pursue Informal Resolution, a remedies-based approach that does not involve disciplinary action against a Respondent, or refer the matter for Investigation. The goal of the Investigation is to gather all relevant facts and determine if there is sufficient information to refer the report to Formal Resolution procedures. Both parties shall be provided with timely and equal access to information that will be used during any informal or formal disciplinary proceedings.

The initial steps for resolution of a complaint against a student, an employee or a faculty member will involve the same stages: an initial assessment, and either informal or formal resolution. There are specific procedures for resolving complaints against a student, faculty or staff respondent.

### B. The Role of the Title IX Team

The Title IX team, led by the Title IX Coordinator, assists in the review, investigation and resolution of reports. Members of this interdepartmental team include the Title IX Coordinator, Title IX Deputy Coordinators, and the Director of Security. In addition, based on the role of the Complainant and the Respondent, the members of the team could include the Provost/Dean of the Seminary, Vice President of Student Life and Enrollment Management, and a representative from the Dean of Students Office and/or Human Resources. Composition of the team will be limited to a small circle of individuals who “need to know” in order to implement procedures under this policy.

Although a report may be made to any Seminary employee and certain personnel are considered “responsible employees” obligated to report, all reports shall be referred to the Title IX team to provide for consistent application of the policy to all individuals and allow the Seminary to respond promptly and equitably to eliminate the harassment, prevent its recurrence and address its effects.

The members of this team oversee the resolution of a report under this policy. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the

investigation and resolution of the complaint. Interim Remedies are also available to provide protection and security (see section VIII. B. above).

### C. Initial Title IX Assessment

In every report of sexual harassment or misconduct, the Seminary will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, the investigation may be initiated depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

### D. Investigation

Where the Title IX assessment finds appropriate, the Seminary will initiate an investigation. The Seminary will designate an investigator who has specific training and experience investigating allegations of sexual harassment and sexual misconduct. For matters involving alleged or suspected sexual assault, sexual violence, domestic violence, dating violence, or stalking, the official(s) designated to conduct the investigation shall be trained in the investigation of, and other issues related to, domestic violence, dating violence, sexual assault, stalking and other misconduct covered by this policy; shall not have a conflict of interest or bias for or against any parties involved in the potential policy violation; and shall have received at least annual training on issues related to sexual assault, domestic violence, dating violence and stalking. The investigator may be an employee of the Seminary or an external investigator engaged to assist the Seminary in its fact gathering. Any investigator chosen to conduct the investigation shall be impartial and free of any conflict of interest or bias.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent and any witnesses. The interviews will be supplemented by the gathering of any physical, documentary or other evidence. As part of the investigation, the Seminary will provide an opportunity for the parties to present witnesses and other evidence.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in the Privacy and Confidentiality section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

Information gathered during the investigation will be used to determine whether the Respondant is responsible for a violation of the Policy, provide for the safety of the Complainant and the Seminary campus community, and impose remedies as necessary to address the effects of any conduct substantiated in the report. At the conclusion of the investigation, the Seminary will notify all parties that the investigation is complete and provide information about next steps in the process.

The Title IX Coordinator will document each report or request for assistance in resolving a case involving charges of sexual misconduct, whether formal or informal, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.



## E. Informal Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Where the Title IX assessment concludes that informal resolution may be appropriate, the Seminary will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the Seminary and to eliminate a hostile environment. Examples of protective remedies are provided in the Interim Remedies section (Section VIII). Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the Seminary. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The Seminary will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Informal resolution, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the Seminary has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

## F. Formal Resolution

Disciplinary action against a Respondent may only be taken through Formal Resolution procedures. Because the relationship of students, staff, and faculty to the Seminary differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy.

The specific procedures for Formal Resolution will vary based upon the role of the Respondent and any disciplinary action/sanction levied will be carried out by the appropriate Seminary oversight authority, as follows:

- For a *complaint against a student*, disciplinary action may be taken by the Vice President of Student Life and Enrollment Management or the Dean of Students or his/her designee following a finding of responsibility by an Administrator or a hearing Panel.
- For a *complaint against an employee*, disciplinary action may be taken at the conclusion of the investigation by the Director of Human Resources or the Vice President for Finance and Campus Operations.
- For a *complaint against a faculty member*, disciplinary action may be taken at the conclusion of the investigation by the Provost and Dean of Seminary or the Faculty Concerns Committee pursuant to procedures established in the Faculty Handbook.

## G. Time Frame for Resolution

The Seminary seeks to resolve all reports within 60 calendar days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond the 60-day period set forth above if the Seminary determines in its discretion that good cause exists to extend the time to resolve the report, in which case the parties will be notified and provided with an explanation of the reason for the extension of the 60-day period.

## H. Educational Programming

The Seminary will provide the following educational programming designed to promote the awareness of sexual assault, domestic violence, dating violence and stalking.

### 1. Officials with Responsibility for Investigating or Adjudicating Alleged Violations of this Policy Related to Sexual Assault, Domestic Violence, Dating Violence or Stalking

- Training on at least an annual basis on the issues related to sexual assault, domestic violence, dating violence and stalking; and
- Training on at least an annual basis on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

### 2. Primary Prevention and Awareness Programs

The Seminary will provide primary prevention and awareness programs for all incoming students and new employees that include the following:

- a statement that the Seminary prohibits the offenses of sexual assault, domestic violence, dating violence and stalking, and a description of the Seminary's policies that prohibit this conduct;
- the definition of consent, in reference to sexual activity, as defined in the applicable jurisdiction;
- the definition of sexual assault, domestic violence, dating violence, and stalking (or similar offenses) in this Policy and in the applicable jurisdiction;
- a description of safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual assault, domestic violence, dating violence, or stalking against a person other than such individual;
- information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- the procedures that a complainant should follow if sexual assault, domestic violence, dating violence, or stalking has occurred, as described in this Policy;
- the possible sanctions and protective measures that the Seminary may impose following a final determination of a violation of Seminary policy regarding sexual assault, domestic violence, dating violence, or stalking;
- the procedures for Seminary disciplinary action in cases of alleged sexual assault, domestic violence, dating violence, or stalking, as described in this Policy, including the standard of proof that is used;
- information about how the Seminary will protect the confidentiality of complainants, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the complainant, to the extent permissible by law, and how the Seminary will maintain as confidential any accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the Seminary to provide the accommodations or protective measures;
- a statement that the Seminary will provide written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for student and employee complainants both within the Seminary and in the community;
- a statement that the Seminary will provide written notification to complainants about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures, if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to campus security or local law enforcement; and

- a statement that, when a complainant reports to the Seminary that the complainant has been a victim of sexual assault or relationship violence, whether the offense occurred on or off campus, the Seminary will provide the complainant a written explanation of the complainant’s rights and options.

**3. Ongoing prevention and awareness campaigns**

The Seminary will also provide ongoing prevention and awareness campaigns for students and employees that include the information covered in the primary prevention and awareness programs.

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