



Sexual Harassment and Sex Offense Policy and Procedures

1. Policy Statement

Westminster is committed to a policy that prohibits sexual harassment, dating violence, domestic violence, rape, sexual assault, stalking, or any type of aggressive sexual behavior. This policy complies with Title IX of the Educational Amendments of 1972 and applicable state laws, and is consistent with the biblical conviction that every person is of worth and dignity, regardless of background or individual difference. The Seminary affirms the scriptural teaching that God intends that all sexual activity take place within the bonds of marriage. Therefore, any premarital or extramarital activity, and especially that which is forced, is a clear violation of biblical teachings.

2. Scope

This policy addresses sexual harassment, dating violence, domestic violence, rape, sexual assault, and stalking involving students or employees of the Seminary.

3. Definitions

3.1. Sexual harassment is a form of sexual discrimination and is defined as unwanted sexual advances or visual, verbal, or physical conduct of a sexual nature. The definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. Following is a list of examples of sexual harassment:

- 3.1.1. Unwanted sexual advances;
- 3.1.2. Offering benefits in exchange for sexual favors;
- 3.1.3. Making or threatening reprisals after a negative response to sexual advances;
- 3.1.4. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, or posters;
- 3.1.5. Verbal conduct such as making or using derogatory comments, epithets, slurs, or jokes;
- 3.1.6. Verbal sexual advances or propositions;
- 3.1.7. 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, telephone calls, or invitation;
- 3.1.8. Physical conduct such as touching, assaulting, impeding, or blocking movements;
- 3.1.9. Creating a hostile environment that interferes with educational opportunities.

3.2. Dating Violence. Violence committed by a person who is or has been in a social relationship of a romantic nature with the victim. This violence includes but is not limited to sexual, physical abuse, or abusive taunting and threats.

3.3. Domestic Violence. Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, or by a person who is cohabitating with or has cohabitated with the victim.

3.4. Rape. If a person engages in non-consensual sexual intercourse caused by physical force, coercion or threat, actual or implied, the act is considered rape. A person is unable to consent to sexual intercourse if he or she is mentally incapacitated, asleep, physically helpless due to drug or alcohol consumption, or unconscious. **Acquaintance Rape** occurs when a person is forced, by someone who is known to him/her, to enter into sexual activity despite objections or reservations.

3.5. Sexual Assault. Any harmful or threatening nonphysical behavior of a sexual nature such as threats or intimidation, or an actual, attempted or threatened unwanted sexual act accomplished against a person's will by means of force, duress, manipulation, or fear or when a person is incapacitated due to sleep, unconsciousness or substance use.

3.6. Stalking. According Pennsylvania law, a person commits the crime of stalking when the person either: (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent



to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

4. Protocol for Sexual Harassment Complaints

4.1. Rights and Responsibilities. Under federal and state law, it is a student's or employee's right and obligation to report instances of sexual harassment to the Seminary. Both federal and state law and Seminary policy protect from reprisal those who report harassment whether they themselves are the victims of the harassment or are witnesses to it. Because problems related to harassment may be of a personal or sensitive nature, students or employees may discuss incidents of harassment with several people within Seminary administration. Those with whom students or employees may wish to discuss such incidents include, but are not limited to, the Associate Deans, the Vice President of Campus Life and Dean of Students, or Provost. The Seminary prefers that individuals submit complaints or reports in written form so that facts may be accurately documented. However, oral reports will also be responded to promptly and given equal consideration.

4.2. Informal Report. A person may contact the Associate Deans or Vice President of Campus Life and Dean of Students when s/he wishes to discuss an incident. Confidentiality will be maintained. However, when the health and safety of a student or employee are involved, it may be necessary to inform the Provost.

4.3. Formal Report. A person may provide a written or taped statement after the initial contact to discuss an incident. The detailed statement shall be provided directly to the Vice President of Campus Life and Dean of Students (or if the complaint involves the Vice President of Campus Life and Dean of Students, to the Provost). The fact-finding process shall be handled in the following manner:

4.3.1. A meeting shall be arranged which will include the Vice President of Campus Life and Dean of Students (or Provost) and the person who made the complaint. The purpose of this meeting is to gather information relating to the complaint and to determine a possible resolution of the matter.

4.3.2. A meeting shall then be arranged which will include the Vice President of Campus Life and Dean of Students (or Provost) and the accused individual, if the accused individual is a student. If the accused individual is an employee, the appropriate administrator will also attend the meeting. The purpose of this meeting is to notify the accused of the allegation, to gather information from the accused, and to determine a possible resolution to the matter.

4.3.3. As a result of these meetings, one of the following may occur:

4.3.3.1. The complaint may be withdrawn and no further action taken.

4.3.3.2. If the complaint is lodged against a student and if evidence strongly indicates that the accusation is true, the Vice President of Campus Life and Dean of Students (or Provost) may take appropriate disciplinary action in the form of a written reprimand (with documentation of such to be included in the student's file), suspension, or dismissal.

4.3.3.3. If the complaint is lodged against an employee and if evidence strongly indicates that the accusation is true, the appropriate administrator may take appropriate disciplinary action in the form of a written reprimand (with documentation of such to be included in the employee's file), suspension, or termination.

4.3.3.4. In response to the disciplinary action, the accused, if a student, has the right to a hearing headed up by either the Vice President of Campus Life and Dean of Students or the Provost. If the accused is an employee, s/he has the right to a hearing headed by the appropriate administrator.

4.3.3.5. After the hearing, either individual (complainant or accused), if a student, may appeal directly to the Vice President of Campus Life and Dean of Students or Provost, or, if an employee, to the appropriate



administrator, whereupon the Seminary's procedures for addressing grievances will be followed. For a student, the grievance procedure can be found in the student handbook. For an employee, the grievance procedure can be found in the employment manual.

4.3.4. The investigation process will be concluded at any point at which the complainant withdraws from participation in the process.

5. Preventing Dating Violence, Rape, Sexual Assault and Stalking

5.1. To deter dating violence, rape, and sexual assault, you should:

5.1.1. Walk in lighted and familiar areas;

5.1.2. Walk with a companion;

5.1.3. Be direct and firm with someone who is pressuring you sexually;

5.1.4. Avoid the use of alcohol or illegal use of drugs because they cloud your judgment. Furthermore, alcohol consumption on campus and the illegal use of drugs violates the Seminary's standards of conduct.

5.1.5. Follow these guidelines when on dates:

5.1.5.1. Clearly establish the expectation that you and your date will agree, in advance, of where you will go and what you will do. Set boundaries.

5.1.5.2. Let someone know where you are going, when you expect to return, and whom you will be with.

5.1.5.3. When feeling uncomfortable, pay attention to that feeling and begin to plan a way to get to a safe place.

5.2. To avoid instigation of inappropriate behavior you should:

5.2.1. Know that you are expressing hostility and aggression if you try to force or coerce someone to engage in sex.

5.2.2. Accept the other person's decision not to have sexual contact.

5.2.3. Not assume that because a person is flirtatious that s/he wants to have a sexual relationship.

5.2.4. Not assume that paying for a date means that the partner owes sexual favors.

5.2.5. Avoid the use of alcohol and illegal use of drugs.

6. Protocol for Sex Offense—Dating Violence, Domestic Violence, Rape, Sexual Assault and Stalking—Victims

6.1. Immediate Response: The following steps should be taken in any instances of physical or sexual abuse or threats to well-being in any sex offense situation.

6.1.1. Get to a safe place.

6.1.2. Try to preserve all physical evidence. In the case of any bodily contact, physical abuse or sexual abuse, do not wash, take a shower, use the toilet, apply medications, or change clothing if possible. If changing clothes is necessary, put all clothing worn at the time of the attack in a paper rather than a plastic bag.

6.1.3. Contact someone who can be trusted to be with and support you through the decision making, medical treatment, and interviews which will follow. **THIS IS YOUR RIGHT.** This might be a close friend, family member, roommate, advisor, etc.

6.1.4. Get medical attention as soon as possible to assure your physical well-being and to collect important evidence in the event legal action is taken at a later time. It is important to seek immediate and follow-up medical attention for several reasons: (1) to assess and treat any physical injuries that may have been sustained; (2) to determine the risk of sexually transmitted diseases or pregnancy.

6.1.5. Contact the Campus Life and Student Development Office to receive psychological and spiritual support. The long-term negative effects of such an incident may be minimized with the help of a trained professional counselor. Confidentiality will be maintained by these professionals to the extent possible.



The Seminary has established an agreement with the Christian Counseling & Educational Foundation (CCEF) for the initial counseling of any student or employee who has been or believes himself/herself to have been subjected to sexual assault or rape or physical abuse. The Seminary will pay the cost of at least the initial visit and possibly, upon recommendation by counselor, the cost of subsequent visits. If a student or employee prefers to seek counseling from a source other than CCEF, s/he may request this of the Seminary. If approved, the Seminary will supply this benefit as described above.

6.1.6. When calm, the student or employee should prepare written notes of the incident.

6.2. Report the Incident

6.2.1. Assistance in notifying the local police will be provided by the Campus Life and Student Development Office, if requested. Individuals deciding to report incidents should speak to an Associate Dean or the Vice President of Campus Life and Dean of Students. A statement will be taken to document what happened, including a description of the assailant(s), and whether or not the assailant(s) was/were known to the victim. Questions will be asked about the scene of the crime, witnesses, and what happened before and after the incident. These questions are part of a standard investigation. A support person may be present during the interview.

6.2.2. Reporting an incident is a separate step from choosing to prosecute. When a report is filed there is no obligation to continue with legal proceedings or Seminary disciplinary action. Adjudication through the Seminary disciplinary system, the criminal justice system, or both is at the discretion of the victim.

6.2.3. The Campus Life and Student Development Office is required by law to contact local police any time a crime has been committed. An Associate Dean or the Vice President of Campus Life and Dean of Students will provide a written copy of his/her report to the police. Victims considering filing a criminal complaint may ask a local police officer to take part in the interview process. Victims may request that their identity be kept confidential until/unless a commitment is expressed to proceed with criminal prosecution.

7. Seminary Disciplinary Action

7.1. A student or employee who has been the victim of a sex offense and is considering Seminary action shall arrange to meet with the Vice President of Campus Life and Dean of Students as described in Section 1.2.

7.2. In cases involving alleged sex offense, both the complainant and the accused are entitled to the same opportunities to have an advisor present during a disciplinary proceeding.

7.3. Both the complainant and the accused shall be informed of the outcome of the proceeding with respect to the alleged sex offense and sanction, if any, of the accused.

NOTE: Compliance with this requirement does not constitute a violation of FERPA.

7.4. A student or employee who is the victim of a sex offense has several options with regard to how the case is handled. The student or employee may choose to:

7.4.1. Press criminal charges through the local police department;

7.4.2. Press charges through both the judicial and Seminary disciplinary systems concurrently;

7.4.3. Press no charges, but request a facilitated meeting with the assailant to discuss the incident; or

7.4.4. Press no charges, but have the Vice President of Campus Life and Dean of Students discuss the incident with the assailant.

7.5. If the student or employee chooses to participate in the Seminary adjudication process, s/he must contact the Vice President of Campus Life Dean of Students. Charges may be filed directly by the complainant or by the Seminary on the basis of the complainant's written statement. If the complainant is a student, such charges are handled in accordance with the Non-Academic Grievance Policy as outlined in the student handbook. If the complainant is an employee, such charges are handled in accordance with the Grievance Procedure outlined in the employment policy manual. The outcome of cases charging sex offense will be made known to both the complainant and the accused.



7.6. At the complainant's request, the Vice President of Campus Life and Dean of Students will make special provisions for alternate campus housing or campus employment, if applicable.

7.7. At the complainant's request, the Provost's Office will instruct the Registrar to effect changes in the complainant's academic schedule such as:

7.7.1. Change of classes;

7.7.2. Change of academic adviser;

7.7.3. Extension on assigned quizzes, papers, or exams;

7.7.4. Approval to take the course elsewhere and transfer credit back to the Seminary;

7.7.5. Independent study with a different professor and with fee waived;

7.7.6. Other special support, provided as appropriate upon request.

8. Disciplinary Procedures

8.1. The following sanctions may be imposed following a final determination of the Seminary's disciplinary proceeding regarding sex offenses.

8.2. Disciplinary Dismissal: In extreme situations, students may be dismissed or an employee terminated from the Seminary for serious and/or repeated violations. A student dismissed or employee terminated for disciplinary reasons may be prohibited from visiting on campus or attending Seminary functions. In such a case, after one year, the student or employee may submit a written request to the Vice President of Campus Life and Dean of Students requesting permission to visit on campus. To gain reentrance to a degree program or employment at the Seminary, such students must follow regular admission procedures and such employees must follow regular job application processes.

8.3. Disciplinary Expulsion/Permanent Dismissal/Termination from Employment: In extreme cases, a student may be permanently dismissed or an employee terminated from the Seminary. A student who has been expelled or an employee who has been terminated may not apply for readmission or return to the campus for any reason. Expulsion or termination requires approval of the Provost or President.

8.4. If the student or employee wishes to dispute the alleged charges, the student or employee shall arrange to meet with the Vice President of Campus Life and Dean of Students to resolve the disagreement.

9. Appeals Process

9.1. Following a disciplinary decision, a student or employee has a right to appeal the disciplinary action. Appeal requests must be made in writing within three calendar days after receipt of the written decision, and must state the basis for the appeal. Appeals are considered when the student or employee believes one or more of the following conditions exist:

9.1.1. The discipline imposed is disproportionate to the offense (including consideration of the student's or employee's prior offenses or willingness to cooperate);

9.1.2. The student or employee was not accorded his/her rights as outlined by this policy and this failure significantly affected the student's or employee's right to receive a fair hearing;

9.1.3. The decision was not supported by sufficient evidence;

9.1.4. New evidence has become available that would have significantly altered the results.

9.2. Written appeals shall be submitted to the Provost with a copy to the Vice President of Campus Life and Dean of Students. The Vice President of Campus Life and Dean of Students will be invited to submit a response to the appeal. Imposition of discipline may be deferred pending the review of the appeal request.

9.3. The Provost will provide a written determination to the student or employee within five days.

9.4. Parental notifications for students under age 21: The Seminary may notify the parents of students under the age of 21 of disciplinary violations, suspensions, or expulsions related to alcohol or controlled



substances. In such cases, parents are notified only after appeals have been satisfied. When possible, students will be given the opportunity and encouraged to discuss the situation with their parents prior to the Seminary's notification to them.

10. Emergency Response Resources

[AIDS](#): 800-232-4636 (800-CDC-INFO)

[National Organization for Victim Assistance](#): 800-879-6682 (800-TRY-NOVA)

[Victim Services of Montgomery County](#): 888-521-0983

11. Sex Offender Registration and Access to Related Information

The Federal Campus Sex Crimes Prevention Act went into effect on October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. It also requires that sex offenders, already registered in a state, provide notice of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

Pennsylvania's Megan's Law, 42 PA.C.S. § 9799.1, requires the State Police to create and maintain a registry of persons who have either been convicted of, entered a plea of guilty to, or been adjudicated delinquent of certain sex offenses listed in 42 PA.C.S. §§ 9795.1 and 9795.2.

Additionally, the [Pennsylvania State Police](#) are required to make certain information on registered sex offenders available to the public through an Internet website. The Pennsylvania State Police [has established this website](#) according to the requirements of 42 PA.C.S. § 9798.1:
<http://www.pameganslaw.state.pa.us/EntryPage.aspx>.

Information regarding the possibility of registered sex offenders on the campus of Westminster Theological Seminary may also be obtained from the [Cheltenham Township Police Department](#), 8230 Old York Road, Elkins Park, PA 19027, (215) 885-1600.

12. The Federal Campus Sexual Assault Victim's Bill of Rights

12.1. Rights

Survivors shall be notified of their options to notify law enforcement.

Accuser and accused must have the same opportunity to have others present.

Both parties shall be informed of the outcome of any disciplinary proceeding.

Survivors shall be notified of counseling services.

Survivors shall be notified of options for changing academic and living situations.

12.2. Background

The Campus Sexual Assault Victim's Bill of Rights was signed into law by President George W. Bush in July of 1992. This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. Schools found to have violated this law can be fined up to \$35,000 or lose their eligibility to participate in federal student aid programs. Complaints about schools that have failed to comply with this law should be made to the U.S. Department of Education. The Campus Sexual Assault Victim's Bill of Rights exists as a part of the campus security reporting requirements commonly known as the Jeanne Clery Act.