



**SFTS POLICY PROHIBITING SEXUAL VIOLENCE AND MISCONDUCT,
COMPLAINT PROCEDURE, AND COMMUNITY RESOURCES**

I. INTRODUCTION

(a) Notice of Nondiscrimination.

As a participant in certain federal programs, San Francisco Theological Seminary (SFTS) is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* ("Title IX"), which prohibits discrimination on the basis of sex in educational programs or activities, admission, and employment. Under certain circumstances, Sexual Misconduct (as defined below) constitutes sexual discrimination prohibited by Title IX. Inquiries concerning the application of Title IX may be referred to SFTS's Title IX Coordinator or to the U.S. Department of Education's Office for Civil Rights.

San Francisco Theological Seminary's Title IX Coordinator is Scott Clark (Associate Dean of Student Life), and the Associate Title IX Coordinator is Kathleen Waters (Director of Human Resources), referred to in this policy collectively as "the Title IX Coordinator." Their contact information is as follows:

Rev. Scott Clark
Office: 106 Montgomery Hall
sclark@sfts.edu
415-451-2833

Kathleen Waters
Office: 313 Montgomery Hall
kwaters@sfts.edu
415-451-2819

The Seminary's Title IX compliance team includes the Vice President for Administration and Finance, the Associate Dean of Student Life, the Director of Human Resources, the Director of Student Services, and the Campus Security Officer.

(b) Overview of this Policy.

SFTS is committed to creating and maintaining an environment free of all forms of gender-related harassment, violence, exploitation, and intimidation. Every member of the SFTS community should be aware that such behavior is prohibited by law and by school policy. SFTS will not tolerate sexual violence or misconduct in any form, including sexual assault, rape, domestic violence, dating violence, stalking, or other sexual violence or intimidation. SFTS will take appropriate action to prevent, correct, and discipline behavior that is found to violate school policy or laws proscribing such sexual violence and misconduct.

The Seminary is committed to providing programs, activities, and an educational environment free from sex discrimination and to fostering a community that promotes prompt reporting of all types of sexual violence and misconduct and timely and fair resolution of Sexual Misconduct Complaints. In furtherance of these commitments, this Policy states the Seminary's prohibition on sexual violence and misconduct (collectively referred to herein as Sexual Misconduct) (II), describes prohibited conduct (II), explains the several ways to report sexual violence and misconduct (III), sets forth available resources (IV), and establishes procedures for responding to and addressing complaints of sexual violence and misconduct (V-VII).

The Seminary will make this Policy and information about recognizing and preventing Sexual Misconduct readily available to all Students and other members of the Seminary community.

(c) Applicability of this Policy.

This Policy applies to any allegation of Sexual Misconduct made by or against a Student or an employee of the Seminary, regardless of where the alleged Sexual Misconduct occurred, if the conduct giving rise to the Complaint occurred at a Seminary facility, or if it occurred elsewhere is related to the Seminary's academic, educational, or extracurricular programs or activities. The Seminary's disciplinary authority, however, may not extend to third parties who are not Students or employees of the Seminary. Additionally, although there is no geographical limitation to invoking this Policy, Sexual Misconduct that is alleged to have occurred at a significant distance from the Seminary and/or outside of Seminary property may be more difficult for the Seminary to investigate. This policy applies to students enrolled at SFTS and other members of the SFTS community (including faculty, administration, staff, and residents of student housing). Students enrolled at other Graduate Theological Union member schools should also contact their school for policies on sexual violence and misconduct.

In the case of allegations of Sexual Misconduct, this Policy supersedes and applies in place of all other procedures and policies set forth in the Seminary's Faculty Handbook, Employee Handbook, Student Handbook, and any other document containing Seminary policies and/or procedures.

(d) Period of Limitations.

A Complaint of Sexual Misconduct may be filed at any time, regardless of the length of time between the alleged Sexual Misconduct and the decision to file the Complaint. However, the Seminary strongly encourages individuals to file Complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a Complaint may compromise the subsequent investigation, particularly if neither the Complainant nor the Respondent is employed by the Seminary or is enrolled as a Student at the time the Complaint is made.

II. STATEMENT OF POLICY AND RELATED DEFINITIONS

(a) **Prohibition on Sexual Violence and Misconduct and Definition of Affirmative Consent.**

The Seminary prohibits sexual assault, rape, domestic violence, dating violence, stalking, and any other sexual violence or intimidation. These prohibited offenses are defined as follows:

Rape is defined to include all acts of sexual intercourse involving penetration without affirmative consent (as defined below), including acts of sexual intercourse imposed under the following circumstances:

- where the complaining party is incapable, because of a mental, developmental, or physical disability, of giving legal consent and this fact is known or reasonably should be known to the person committing the act;
- where such an act is accomplished against a person's consent by means of force, coercion, duress, violence, or reasonable fear of harm to the complaining party or another;
- where the complaining party is prevented from resisting or giving consent as a result of intoxication, or is unconscious at the time of the act, and this fact is known to the person committing the act;
- where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat; and/or
- any other circumstances constituting rape under California law.

The definition of rape as prohibited by this policy includes what commonly may be referred to as "acquaintance rape," sexual intercourse undertaken by a friend or acquaintance without the consent of the student. "Acquaintance rape" is rape, and it is prohibited by this policy.

Sexual assault is defined as the imposition of non-consensual sexual conduct (other than rape), including but not limited to oral copulation, penetration by a foreign object, or caressing, fondling, or touching of a person's genitalia, buttocks, or breasts.

Domestic violence is abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. Under California law, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Domestic violence includes physical battery and bodily injury, as well as threats of injury.

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined by consideration of the totality of the circumstances including length and type of relationship and the frequency of interaction between the persons involved in the relationship.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Stalking conduct can include willfully, maliciously and repeatedly following or harassing, or making a credible threat such that a reasonable person would fear for their safety.

Consent means "affirmative consent," which means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any

time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

In the determination of whether consent was given to sexual activity, it shall not be a valid excuse to an alleged lack of affirmative consent that the person whose conduct is at issue (“Respondent”) believed that the person who experienced the Respondent’s conduct (“Complainant”) consented to the sexual activity under either of the following circumstances:

1. The Respondent’s belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
2. The Respondent did not take reasonable steps, in the circumstances known to them at the time, to ascertain whether the Complainant affirmatively consented.

In the evaluation of complaints under this Policy, it shall not be a valid excuse that the accused believed that the Complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

1. The Complainant was asleep or unconscious.
2. The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
3. The Complainant was unable to communicate due to a mental or physical condition.

(b) Prohibition on Retaliation.

The Seminary prohibits any type of retaliation against any person for filing, supporting, or providing information in good faith in connection with a Complaint of Sexual Misconduct. Violations of this prohibition will be addressed through this Policy and/or other Seminary disciplinary procedures, as deemed appropriate in the Seminary’s discretion. Any person who feels that he or she has been subjected to retaliation should make a report to the Assigned Title IX Coordinator (or, if such designation has not yet been made, the Title IX Coordinator).

(c) Prohibition on Providing False Information.

Any individual who knowingly files a false Complaint under this Policy, who knowingly provides false information to Seminary officials, or who intentionally misleads Seminary officials who are involved in the investigation or resolution of a Complaint may be subject to disciplinary action.

(d) Confidentiality.

The Seminary will make efforts to preserve the confidentiality of and prevent the disclosure of the identities of the parties involved in a Sexual Misconduct matter. However, information regarding alleged Sexual Misconduct must be handled in accordance with applicable state and federal laws. Individuals should understand, for example, that under conditions of imminent harm to the community, the Seminary may be required by federal law to inform the community of the occurrence of the incident(s) of Sexual Misconduct. In addition, information regarding alleged Sexual Misconduct may be shared among Seminary administrators as appropriate and necessary. And the Seminary cannot always

control confidentiality violations by Students or third parties.

Complainants, alleged victims (if not the Complainant), and Respondents may request that the Seminary treat information regarding alleged Sexual Misconduct as confidential. The Seminary takes such requests seriously; however, such requests may limit the Seminary's ability to investigate and take reasonable action in response to a Complaint.¹ In such cases, the Seminary will evaluate the request(s) that a Complaint remain confidential in the context of the Seminary's commitment to provide a reasonably safe and non-discriminatory environment.

In order to make such an evaluation, the Assigned Title IX Coordinator (or, if such designation has not yet been made, the Title IX Coordinator) may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh the request(s) with the following factors:

- i. the severity of the alleged Sexual Misconduct;
- ii. the Complainant's age;
- iii. whether there have been other Complaints of Sexual Misconduct against the Respondent;
- iv. the Respondent's right to receive information about the allegations if the information is
- v. maintained by the Seminary as an "education record" under FERPA; and
- vi. the applicability of any laws mandating disclosure.

The Assigned Title IX Coordinator (or, if such designation has not yet been made, the Title IX Coordinator) will inform the person requesting confidentiality if the Seminary cannot ensure confidentiality.

Even if the Seminary cannot take disciplinary action against the Respondent because of a request for confidentiality from the Complainant or victim (if not the Complainant), to the extent possible and appropriate the Seminary will nevertheless take prompt and effective action to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence to the extent warranted and practicable. For instance, the Seminary may issue a "no-contact" order or take other appropriate interim measures to ensure an individual's safety even in the absence of a formal proceeding.

(e) **Related Misconduct.**

The Hearing Panel may hear allegations of, and impose sanctions for, alleged misconduct that is related to the Sexual Misconduct at issue, even if such related misconduct is not, when standing alone, governed by this Policy.

(f) **Individuals with Disabilities.**

The Seminary will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined in this Policy.

III. HOW AND WHERE TO FILE A COMPLAINT ALLEGING SEXUAL VIOLENCE AND MISCONDUCT

¹ For example, a Respondent has a right to know the name of the accuser and information regarding the nature of the allegations in order to defend against the Complaint; thus, the Complainant may not be able to both pursue the Complaint and maintain his or her confidentiality during that process. That said, as explained later in this Section, if the Complainant insists on confidentiality, the Seminary will still take action to limit the effects of the Sexual Misconduct and prevent its recurrence to the extent warranted and practicable.

Any student (or other member of the SFTS community) has several options for seeking help and for filing a complaint based on sexual violence or misconduct.

Individuals may file a complaint with the Seminary under this policy and procedure.

Individuals may also file a complaint and seek the assistance of local law enforcement officials.

Individuals may file a complaint with either or both the Seminary and local law enforcement. (Individuals may also decline to file a complaint with either or both.)

The Seminary encourages individuals to consider reporting alleged Sexual Misconduct promptly to both campus officials and to law enforcement authorities, where appropriate, because Sexual Misconduct may in some instances constitute both a violation of Seminary policy and criminal activity, and because the Seminary grievance process is not a substitute for instituting legal action.

In addition to their responsibilities as to any Complaint brought under the Seminary's policy and procedure, Seminary officials are also available to help an individual file a report or complaint (or otherwise seek assistance) from local law enforcement.

Individuals may file a Complaint at any time, but the Seminary strongly encourages individuals to file Complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding.

For information about seeking medical assistance and emotional support, as well as important contact information, see section I of this Policy, as well as Appendix A to the Policy Prohibiting Sexual Violence and Misconduct.

(a) Filing a Complaint with Local Law Enforcement:

Individuals are strongly encouraged to inform law enforcement authorities about instances of sexual violence or misconduct. Individuals may file a complaint directly with San Anselmo law enforcement, the **Central Marin Police Authority**, by dialing **911** or **415-927-5150**.

Individuals may contact any of the following Seminary officials for assistance in filing a complaint with law enforcement:

- (i) the Seminary's Title IX Coordinator,
- (ii) the Associate Dean of Students,
- (iii) the Director of Student Services,
- (iv) the Director of Human Resources, or
- (v) the Dean of the Seminary.

Individuals may inform law enforcement authorities about Sexual Misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint (or a

Seminary Complaint). Individuals who make a formal criminal complaint may also choose to pursue a Seminary Complaint simultaneously.

A criminal investigation into the matter does not preclude the Seminary from conducting its own investigation (nor is a criminal investigation determinative of whether Sexual Misconduct, for purposes of this Policy, has occurred). However, the Seminary's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the Seminary may take interim measures when necessary to protect the alleged victim and the Seminary community.

(b) Filing a Complaint with Seminary Administration:

Any Student may file a Complaint against other Students or employees of the Seminary. In addition, a Seminary employee may file a Complaint against Students or other employees of the Seminary. Students and employees of the Seminary may also file Complaints against third parties who are not enrolled at or employed by the Seminary if the conduct giving rise to the Complaint is related to the Seminary's academic, educational, or extracurricular programs or activities. The Seminary may not have jurisdiction to discipline third parties, but it can provide a Student or employee with support services and, if appropriate, it will conduct an investigation of the incident to ensure that it does not represent a pattern of Sexual Misconduct occurring at the Seminary or involving its Students or employees. Finally, third parties may file a Complaint against Students or employees of the Seminary under this Policy if the conduct giving rise to the Complaint is related to the Seminary's academic, educational, or extracurricular programs or activities. The Complaint should be set forth on the Complaint Form attached to this policy as Exhibit B.

Anyone wishing to make a Complaint under this Policy should contact one of the following individuals or offices:

- (i) the Seminary's Title IX Coordinator,
- (ii) the Associate Dean of Students,
- (iii) the Director of Student Services,
- (iv) the Director of Human Resources, or
- (v) the Dean of the Seminary.

If any of the parties designated above are the Respondent or are otherwise at issue in a Complaint, or if an individual is otherwise uncomfortable making a complaint to one or more of the parties listed above, he or she may report alleged Sexual Misconduct to any other party or office listed above.

If any employee of the Dean's Office, the Student-Services team, or Human Resources receives a report of alleged sexual violence or misconduct, that employee must promptly notify the Seminary's Title IX Coordinator.

Individuals may also file anonymous reports by calling the SAVE line at 415-451-2862. Individuals who choose to file anonymous reports are advised that it may be very difficult for the Seminary to follow-up or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

If an individual reports alleged Sexual Misconduct to a faculty or staff member other than those referenced above, the individual should identify it as such a report and ask the faculty or staff member who receives such a report or who otherwise has knowledge about a known or suspected incident of Sexual Violence or Misconduct (other than health-care professionals and other individuals who are statutorily barred from reporting) to report the incident to one of the Seminary officials designated above, in which case the employee must do so. No employee is authorized to investigate or resolve Complaints without the involvement of the Seminary's Title IX Coordinator or an Assigned Title IX Coordinator. No member of the Seminary community may discourage an individual from reporting alleged incidents of Sexual Misconduct.

The Seminary may start an investigation even in the absence of a filed Complaint if information about Sexual Misconduct comes to the attention of the Seminary. In addition, the Seminary may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations in the Complaint.

IV. OTHER RESOURCES AVAILABLE TO INDIVIDUALS WHO HAVE EXPERIENCED SEXUAL VIOLENCE AND MISCONDUCT

The primary concern of the Seminary is the safety and well-being of its Students and all other members of the Seminary community. In addition to the resources listed elsewhere in this Policy, if any member of the community experiences sexual violence or misconduct, the following community resources are also available to help:

(a) Local Law Enforcement – the Central Marin Police Authority: **911 (emergency)** or **415-927-5150 (non-emergency)**.

(b) Medical Assistance –

- Emergency help: 911;
- Marin General Hospital, 250 Bon Air Rd, Greenbrae, CA 94904, 415-925-7000; and
- Kaiser San Rafael Medical Center, 99 Montecillo Rd, San Rafael, CA 94903, 415-444-2000.

(c) Counseling, mental health and other services:

- Psychiatric Social Worker at Marin General Hospital. The person answering the line may be able to tell you if the person needs to be brought in immediately, or can help you know what to do next. **24 hour line: 415-925-7000, ex. 50321 or pager # 313;**
- Lucas Walker, Pastoral Care Associate, a trained crisis counselor and experienced social worker, is working as a part of the Chaplain's Office: 980-691-0977;
- The person's own medical or mental health provider (for example, the individual's doctor or therapist).

These professionals expect to receive emergency calls:

- Community Violence Solutions or Marin (formerly Rape Crisis Center), 30 North San Pedro Road #170, San Rafael, CA 94903, 415-259-2850
24-Hour Crisis Hotline: 1-800-670-7273
- California Counseling Institute, 2220 Cedar Street, Berkeley 510-704-8046;
- Bay Area Women Against Rape, 470 27th Street,

Oakland 510-845-7273;

- Highland Hospital, Highland Sexual Assault Response Team, 1411 E. 31st Street, Oakland 510-534-9290 or 510-437-4019;
- Men Overcoming Violence, 1385 Mission Street, Suite 300, San Francisco 415-626-6683.

V. PROCEDURES APPLICABLE TO ALL COMPLAINTS OF SEXUAL MISCONDUCT

(a) Overview.

All responses by the Seminary to claims of Sexual Misconduct will be undertaken with sensitivity to the painful nature of bringing and responding to an allegation of Sexual Misconduct. Those charged with responding on behalf of the Seminary will do so with care for persons and processes.

If any administrator designated by this Policy to participate in the investigation or resolution of a Complaint is the Respondent (including, but not limited to, the Title IX Coordinator), then the President will appoint another Seminary administrator to perform such person's duties under this Policy. (If the President is the Respondent, then, the Title IX Coordinator will appoint another Seminary administrator to perform his or her duties under this Policy.)

- (i) **Oversight.** The Assigned Title IX Coordinator will be responsible for overseeing the investigation and resolution of Complaints filed with the Seminary.
- (ii) **Timing.** The Seminary will make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as timely and efficient a manner as possible. The Seminary's investigation and resolution of a Complaint (not including an appeal, if applicable) will generally be completed within 60 calendar days of the receipt of the Complaint, absent extenuating circumstances. Any party may request an extension of any deadline contained in this Policy by providing the Assigned Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Assigned Title IX Coordinator may modify any deadlines contained in this Policy as necessary and for good cause.
- (iii) **Request Not to Pursue Complaint.** A Complainant may determine after filing a Complaint that he or she does not wish to pursue resolution of the Complaint through the Seminary. The Seminary takes such requests seriously. However, Complainants are advised that such requests may limit the Seminary's ability to take action in response to a Complaint. Title IX requires the Seminary to evaluate the request(s) that a Complaint not be adjudicated in the context of the Seminary's commitment to provide a reasonably safe and non-discriminatory environment. In order to make such an evaluation, the Assigned Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh the Complainant's request(s) against the following factors:
 - 1) the seriousness of the alleged Sexual Misconduct;
 - 2) the Complainant's age;
 - 3) whether there have been other Complaints of Sexual Misconduct against the Respondent;
 - 4) the Respondent's right to receive information about the allegations if the information is maintained by the Seminary as an "education record" under FERPA, and
 - 5) the applicability of any laws mandating disclosure.

Even where the Seminary is in receipt of a request not to pursue an investigation, Title IX requires the Seminary to investigate and take reasonable action in response to the information known to it; thus, the Seminary may take such measures and impose such discipline as are deemed necessary by the Assigned Title IX Coordinator. The Complainant's Complaint may also be used as an anonymous report for data

collection purposes under the Clery Act.

(iv) Interim Measures. If at any point during the complaint, investigative, or disciplinary processes, the Assigned Title IX Coordinator reasonably believes that a Respondent who is a member of the Seminary community poses a substantial threat of harm to the Respondent, the Complainant, or other members of the campus community; threatens or endangers Seminary property; or disrupts the stability and continuance of normal Seminary operations and functions, the Assigned Title IX Coordinator may take actions such as the following:

- 1) For Student Respondents:
 - a) requesting that the Registrar cause a transcript hold to be placed on the Respondent's transcript; or
 - b) requesting that the Dean of the Seminary:
 - i) summarily suspend the Respondent from campus housing on an interim basis (as permitted under applicable law) and/or restrict his or her movement on campus, or
 - ii) summarily suspend the Respondent;²
- 2) For employee Respondents, requesting that the individual authorized to make personnel decisions regarding the employee at issue:
 - a) take such steps as are reasonable, appropriate and necessary to restrict the Respondent's movement on campus; or
 - b) reassign or place on administrative leave such staff or faculty Respondent. Determinations regarding employee discipline will be made in accordance with the Seminary's policies and procedures governing such matters.

These actions may be appealed to the President, whose decisions regarding their imposition will be final.

(b) Initial Meetings with the Assigned Title IX Coordinator.

(i) Complainant's Initial Meeting with the Assigned Title IX Coordinator. As soon as is practicable, the Assigned Title IX Coordinator will contact the Complainant to schedule an initial meeting. At this initial meeting, the Assigned Title IX Coordinator will, as applicable:

- 1) provide the Complainant a copy of this Policy;
- 2) provide the Complainant with a Sexual Misconduct Complaint Form (a form of which is attached as Exhibit A) on which the Complainant may, if he or she agrees to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location and general nature of the alleged Sexual Misconduct.

The Complainant may either complete the complaint form him- or herself or he or she may choose to dictate the information to the Assigned Title IX Coordinator,

² A summary suspension may be imposed only when, in the judgment of the Dean, the Student Respondent's presence on the Seminary's campus would constitute a threat to the safety and well-being of members of the campus community.

- who will confirm the accuracy of his or her documentation with the Complainant;
- 3) explain avenues for formal resolution and informal resolution (mediation) of the Complaint;
 - 4) explain the steps involved in a Sexual Misconduct investigation;
 - 5) discuss confidentiality standards and concerns with the Complainant;
 - 6) determine whether the Complainant wishes to pursue a resolution (formal or informal) through the Seminary or no resolution of any kind;
 - 7) refer the Complainant to community resources, as appropriate; and
 - 8) discuss with the Complainant, as appropriate, possible interim measures that can be provided to the Complainant during the pendency of the investigative and resolution processes. The Seminary may implement such measures if requested, appropriate, and reasonably available, whether a formal Complaint has been filed or whether an investigation by either campus administrators or law enforcement agencies has commenced. Interim measures may include, but are not limited to:
 - a. issuing no-contact orders to prevent any contact between the Complainant, the Respondent, witnesses, and/or third parties;
 - b. changing a Complainant's or a Respondent's on-campus housing, if any, to a different on-campus location and providing assistance from Seminary support staff in completing the relocation;
 - c. arranging to dissolve a housing contract and pro-rating a refund;
 - d. rescheduling class work, assignments, and examinations;
 - e. arranging for the Complainant to take an incomplete in a class;
 - f. permitting a temporary withdrawal from the Seminary;
 - g. providing alternative course completion options; and
 - h. providing academic support services.

If the Complainant is not the alleged victim, then the Assigned Title IX Coordinator will, as soon as is practicable, contact the alleged victim and attempt to schedule and conduct a similar meeting with him or her.

Following the initial meeting with the Complainant, the Assigned Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided to the Complainant. Such determination will be promptly communicated to the Complainant (and in no event later than the point at which it is communicated to the Respondent) and the Respondent.

(ii) Respondent's Initial Meeting with the Assigned Title IX Coordinator. If the Complainant wishes to pursue a formal or informal resolution through the Seminary or if the Seminary otherwise deems that further investigation is warranted, as soon as is reasonably practicable after the Assigned Title IX Coordinator's initial meeting with the Complainant (and, if applicable, the alleged victim), the Assigned Title IX Coordinator will schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Assigned Title IX Coordinator will, as applicable:

- 1) provide the Respondent, in writing, sufficient information consistent with state and federal privacy laws and, if applicable, the Complainant's and/or the alleged victim's request for confidentiality, to allow him or her to respond to the substance of the allegation, if possible including the name of the Complainant and

the alleged victim (if not the Complainant) and the date, location and nature of the alleged Sexual Misconduct;

- 2) provide the Respondent a copy of this Policy;
- 3) explain the Seminary's procedures for formal and informal (mediation) resolution of the Complaint;
- 4) explain the steps involved in a Sexual Misconduct investigation;
- 5) discuss confidentiality standards and concerns with the Respondent;
- 6) discuss non-Retaliation expectations with the Respondent;
- 7) inform the Respondent of any interim measures already determined and being provided to the Complainant and the alleged victim (if not the Complainant) that directly affect the Respondent (e.g., changing his or her class schedule, or moving him or her to an alternate residence hall);
- 8) refer the Respondent to community resources, as appropriate; and
- 9) discuss with the Respondent, as appropriate, possible interim measures that can be provided to the Respondent during the pendency of the investigative and resolution processes. The Seminary may implement such measures if requested, appropriate, and reasonably available, whether a formal Complaint has been filed or whether an investigation by either campus administrators or law enforcement agencies has commenced.

(c) The Investigation.

i) The Assigned Title IX Coordinator's Initial Determination.

The Assigned Title IX Coordinator will forward the Complainant's Complaint to an Investigator unless it is clear on its face and/or based on the Assigned Title IX Coordinator's initial meetings with the parties that no reasonable grounds exist for believing that the conduct at issue (1) constitutes Sexual Misconduct, or (2) denies or limits the Complainant's (or the victim's, if he or she is not the Complainant) ability to participate in or receive the benefits of the Seminary's programs or activities based on sex, or (3) the Coordinator can properly take effective corrective action without doing so.

In the event that the Complaint was made by someone other than the victim, the Assigned Title IX Coordinator will consider the following factors in determining whether it is reasonable for the Investigator to investigate the Complaint:

- 1) the source and nature of the information,
- 2) the seriousness of the alleged incident,
- 3) the specificity of the information,
- 4) the objectivity and credibility of the source of the information,
- 5) whether the individuals allegedly subjected to the Sexual Misconduct can be identified, and
- 6) whether those individuals wish to pursue the matter.

In the event that the Assigned Title IX Coordinator does not forward the Complainant's Complaint to the Investigator, he or she will determine and document (in consultation, as necessary, with the Complainant, Respondent, and other Seminary

administrators) the appropriate resolution of the Complaint and inform the parties of the same.

(ii) The Appointment of the Investigator.

After a Complaint (formal or informal) has been filed with the Seminary, the Assigned Title IX Coordinator may appoint an Investigator and, if so, will share his or her name and contact information with the Complainant, the alleged victim (if not the Complainant), and the Respondent. Within three days of such appointment, the Investigator, the Complainant, the alleged victim (if applicable) or the Respondent may identify to the Assigned Title IX Coordinator in writing any real or perceived conflicts of interest posed by assigning such Investigator to the matter. The Assigned Title IX Coordinator will carefully consider such statements and will assign a different individual as Investigator if it is determined that a material conflict of interest exists.

(iii) The Investigator's Activities and Report.

Upon receipt of the Complaint, the Investigator will promptly begin his or her investigation, taking steps such as

- 1) conducting interviews with the Complainant, the alleged victim (if not the Complainant), the Respondent, and third-party witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form;
- 2) visiting, inspecting, and taking photographs at relevant sites; and
- 3) where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal complaints, this step may be coordinated with law enforcement agencies).

Throughout the investigation, the Investigator will remain neutral.

The Investigator should obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure, as contemplated by this Policy, of any Personally Identifiable Information contained in the Complainant's Complaint, the Investigative Report, and/or any other documents the disclosure of which is contemplated by this Policy in order to further the resolution of the Complainant's Complaint.'

The Investigator will complete a written investigative report that includes items such as summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question (the "Investigative Report"). The Investigator will share the Investigative Report with the Assigned Title IX Coordinator, who may in her/his judgment distribute all or portions or none of the report, concurrently, to the Complainant, the alleged victim (if not the Complainant) and the Respondent. All parties to whom the Investigative Report or portions thereof are distributed pursuant to this Policy must maintain it in confidence; the Investigative Report may only be disclosed as is contemplated by this Policy.

(iv) The Assigned Title IX Coordinator's Evaluation of the Investigative Report.

The Assigned Title IX Coordinator is responsible for determining and documenting, based on the Investigative Report, whether reasonable grounds exist to believe that the conduct at issue (1) constitutes Sexual Misconduct and (2) denies or limits the Complainant's (or the victim's, if he or she is not the Complainant) ability to participate in or receive the benefits of the Seminary's programs or activities based on sex, and (3) the appropriate corrective action, if any.

The Assigned Title IX Coordinator will direct that the case will proceed unless it is clear from the Complaint and the Investigative Report that no reasonable grounds exist for believing that the conduct at issue (1) constitutes Sexual Misconduct, or (2) denies or limits the Complainant's (or the victim's, if he or she is not the Complainant) ability to participate in or receive the benefits of the Seminary's programs or activities based on sex, or (3) the Coordinator can properly take effective corrective action without doing so. The Assigned Title IX Coordinator will specify which allegations and, if applicable, which other, related alleged misconduct, will go forward for resolution under this Policy.

If the Assigned Title IX Coordinator finds no reasonable grounds to believe that the conduct at issue (1) constitutes Sexual Misconduct or (2) denies or limits the Complainant's (or the victim's, if he or she is not the Complainant) ability to participate in or receive the benefits of the Seminary's programs or activities based on sex, then the Assigned Title IX Coordinator will determine (in consultation, as necessary, with the Complainant, Respondent, and other Seminary administrators) and document the appropriate resolution of the Complaint and will promptly notify the parties of that determination, which may include effective action to prevent future misconduct or future harm to the Seminary or members of the community.

The Complainant, alleged victim (if not the Complainant), and/or the Respondent may appeal the Assigned Title IX Coordinator's decision in writing to the President of the Seminary (providing a copy of the appeal to the Assigned Title IX Coordinator) within ten days of receipt of the notice of closure. The Assigned Title IX Coordinator will promptly inform the other parties of the appeal. Following receipt of an appeal, the President will make a determination as to whether the Complaint should proceed to hearing or the case should be closed and whether any additional or different remedial action is necessary. The President will notify the Complainant, the alleged victim (if not the Complainant), and the Respondent concurrently of his or her decision.

(d) Formal Versus Informal Resolution.

At any time before the Hearing Panel provides notice of the hearing in accordance with Section VI(b)(iii)(2), the Complainant may elect to resolve his or her Complaint through the informal resolution (mediation) process in accordance with section VII of this Policy, provided that (i) the Complainant is the alleged victim, (ii) the Respondent agrees to such resolution, (iii) the Complainant and the Respondent are both Students or are both employees of the Seminary, (iv) the Assigned Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving the Complaint, and (v) the Complaint does not involve Sexual Assault. Otherwise, a Complaint that is not closed pursuant to the Assigned Title IX Coordinator's evaluation of the Investigative

Report will proceed to formal resolution in accordance with section VI of this Policy.

VI. FORMAL RESOLUTION

(a) General Procedures and Policies.

At any time prior to the date of the hearing, the Respondent may elect to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct. In such a situation, the Assigned Title IX Coordinator will propose sanction(s) for the Respondent, and any other corrective action. If the Complainant, the victim (if not the Complainant), and the Respondent agree to such proposed sanction(s), then the Complaint will be resolved without a hearing and without any further rights of appeal by any party. If either the Complainant or the Respondent objects to such proposed sanction(s), then a Hearing Panel will convene for the exclusive purpose of determining a sanction, which determination may be subject to appeal pursuant to Section VI(b)(v) of this Policy.

(b) The Formal Resolution Process.

In the case of formal resolution, a Hearing Panel will conduct a hearing or a series of hearings in which it will interview and question the Complainant, the victim (if not the Complainant), the Respondent, and any witnesses or other third parties whose testimony the Hearing Panel deems relevant.

(i) The Hearing Panel. The Assigned Title IX Coordinator will appoint (with approval of the Dean of the Seminary) the members of the "Hearing Panel," to include at least three faculty and/or staff members. The Hearing Panel shall include at least one faculty member. The Assigned Title IX Coordinator will designate one member of the Hearing Panel as the Chair of the Hearing Panel. The Assigned Title IX Coordinator will share the Complaint and the Investigative Report with the Chair of the Hearing Panel and, if only a portion of the misconduct alleged in the Complaint justifies continuing to the hearing process, the Assigned Title IX Coordinator will specify which part(s) of the alleged misconduct will be the subject of the hearing.

(ii) Notice of the Composition of the Hearing Panel. Promptly after appointing the members of the Hearing Panel, the Assigned Title IX Coordinator will provide concurrent written notice to the Complainant, the alleged victim (if not the Complainant) and the Respondent, setting forth the names of the individuals selected to serve on and chair the Hearing Panel. If only a portion of the alleged misconduct justifies continuing to the hearing process, the Assigned Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the hearing.

The parties may challenge the participation of any member of the Hearing Panel by submitting a written objection to the Assigned Title IX Coordinator within three days of receipt of the notice of the composition of the Hearing Panel. Such objection must state the specific reason(s) for the objection. The Assigned Title IX Coordinator will evaluate the objection and determine whether to alter the composition of the Hearing Panel. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the Hearing Panel. Any changes in the composition of the Hearing Panel will be provided in writing to both parties prior to the date of the hearing.

(iii) Hearing Policies and Procedures.

- 1) **Submission of Written Materials by the Parties.** Within five days of receipt of the notice of composition of the Hearing Panel, the Complainant, the alleged victim (if not the Complainant), and the Respondent may provide the Chair of the Hearing Panel with (1) a list of witnesses, if any, that they propose that the Hearing Panel call and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute, and (2) a written statement of position.
- 2) **Notice of the Hearings.** Not less than five days but not more than ten days after delivery of notice of the composition of the Hearing Panel to the parties, the Hearing Panel will provide a separate notice to each of the Complainant, the alleged victim (if not the Complainant), the Respondent, and any witnesses of other third parties whose testimony the Hearing Panel deems relevant, requesting such individual to appear before the Hearing Panel. The notice should set forth, as applicable, the date, time, and location of the relevant individual's hearing. In its notices to the Complainant, the alleged victim (if not the Complainant), and the Respondent, the Hearing Panel will provide the names of the witnesses or other third parties that the Hearing Panel plans to call.
- 3) **Failure to Appear.** If the Complainant, the alleged victim (if not the Complainant) or the Respondent fails to appear before the Hearing Panel if requested to do so, and such party was provided proper notice of the hearing as set forth above, then absent extenuating circumstances, the Hearing Panel will proceed to determine the resolution of the Complaint.
- 4) **Counsel and Support Persons.**
 - a) **Legal Counsel.** No party or witness may be accompanied by legal counsel during any hearing held pursuant to this Policy. The Seminary, however, may seek advice from the Seminary's in-house or outside counsel on questions of law and procedure throughout the hearing process.
 - b) **Support Persons.** Both the Complainant and the Respondent may have a member of the Seminary community present to support and assist them during their respective hearings. The Chair of the Hearing Panel may disallow the attendance of such support person if such support person is also a witness or if, in the discretion of the Chair of the Hearing Panel, such support person's presence would be obstructive to the hearing or otherwise warrant his or her removal from the hearing. A support person may communicate with a party privately, but he or she may not address the Hearing Panel, cross-examine witnesses, or have any other speaking role. A support person may not be an attorney. A support person must maintain confidentiality regarding any and all communications exchanged pursuant to this Policy.
 - c) **Other Advisors.** Absent accommodation for disability and except as set forth in this Section VI(b)(iii)(4), the parties may not be accompanied by any other individual during the hearing process.
- 5) **Evidentiary Matters.** The Complainant and the Respondent will have an equal opportunity to present evidence during their respective hearings. Formal rules of evidence will not be observed during the hearings.

Evidence of the past sexual histories of the Complainant, the alleged victim (if not the Complainant) and the Respondent will not be permitted at the hearing, with

the following exceptions:

- a) evidence is permitted to show that the Complainant or the alleged victim (if not the Complainant) has in the past been formally disciplined by the Seminary for falsely filing Complaints alleging Sexual Misconduct,
- b) evidence is permitted to show that the Respondent has in the past been either convicted in a criminal proceeding or formally disciplined by the Seminary for Sexual Misconduct, and
- c) evidence regarding the past sexual activity of the Respondent (regardless of whether the Respondent was formally charged with a violation of the Policy with respect to such conduct) may be permitted to show that the Respondent has engaged in a pattern of behavior similar to the alleged Sexual Misconduct at issue before the Hearing Panel, provided that (1) the Respondent has not been found "not responsible" by the Seminary in a proceeding related to such sexual activity and (2) the Chair of the Hearing Panel has made written findings both that the evidence is reliable and trustworthy and that the conduct is sufficiently and substantially similar to the conduct at issue before the Hearing Panel to suggest a pattern of behavior.

6) Conduct of the Hearings.

- a) **Generally.** During the hearing, the Hearing Panel has the role and responsibility for asking questions of the parties and the witnesses and developing evidence through testimony. The Chair of the Hearing Panel will resolve any questions concerning procedure or the admission of evidence or testimony (including the relevancy and reliability of the evidence and testimony). Members of the Seminary community are expected to provide truthful testimony. No party or witness may record the proceeding in any manner. The Chair of the Hearing Panel may direct that the proceeding be recorded or transcribed, and the appropriate means for such recording or transcription.
- b) **Testimony of the Respondent.** The Respondent may choose not to testify or appear before the Hearing Panel; however, his or her exercise of that option will not preclude the Hearing Panel from making a determination regarding the Complaint filed against the Respondent.

(iv) Outcome.

- 1) **The Decision of the Hearing Panel.** The Hearing Panel shall evaluate the evidence and make its determinations applying a preponderance of the evidence standard of proof. Following the conclusion of the hearings, the Hearing Panel will confer and by majority vote determine whether the evidence (including the information provided in and by the Investigative Report, the parties' written statements, if any, the evidence presented at the hearings, and the testimony of the parties and witnesses) establishes that it is more likely than not that the Respondent committed Sexual Misconduct and that the Sexual Misconduct was so severe or pervasive as to deny or limit the Complainant's (or the victim's, if he or she is not the Complainant) ability to participate in or receive the benefits of the Seminary's programs or activities based on sex.
- 2) **Sanctions.**
 - a) **Generally.** Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for Sexual Misconduct, or both. Sanctions may include, without limitation, withholding a promotion or pay

increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from the Seminary, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions deemed appropriate by the Hearing Panel.

The Hearing Panel will determine sanctions, giving consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. The Hearing Panel will forward its determinations regarding sanctions to the Assigned Title IX Coordinator.

- b) Implementation of Sanctions.** Sanctions imposed are not effective until the resolution of any timely appeal pursuant to Section VI(b)(v), below. However, if it is advisable in order to protect the welfare of the Complainant, the victim (if not the Complainant) or the Seminary community, the Hearing Panel (or other decision-making body, if applicable) may recommend and the Assigned Title IX Coordinator may determine that any sanctions be effective immediately and continue in effect until such time as the appeal process is exhausted.
- 3) Final Accommodations and Corrective Action.** In addition to any sanctions imposed on the Respondent, promptly following the conclusion of the hearing and the Hearing Panel's issuance of a determination of responsibility, the Assigned Title IX Coordinator will determine the final accommodations to be provided to the Complainant and/or the victim (if not the Complainant), if any, and the Assigned Title IX Coordinator will communicate such decision to the Complainant and the victim (if applicable), respectively, and, to the extent that it affects him or her, to the Respondent. Such accommodations may include, but are not limited to, those listed in Section VI(a)(iv) above.

The Assigned Title IX Coordinator will also take steps, where necessary, to prevent the further harassment of or Retaliation against the Complainant, the victim (if not the Complainant) or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing trainings for the school community, and providing Sexual Misconduct or other counseling for the Respondent. The Assigned Title IX Coordinator will also, where appropriate, take steps to prevent the harassment of the Respondent.

Furthermore, the Assigned Title IX Coordinator will take prompt corrective action if the Complainant or the victim (if not the Complainant) experiences Retaliation or is subjected to further Sexual Misconduct or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant, the victim (if not the Complainant) or other members of the Seminary community. In cases involving Sexual Harassment, the Assigned Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created, such as conducting trainings and disseminating informational materials. In taking the above-outlined steps, the Assigned Title IX Coordinator will make every reasonable effort to minimize the burden on the Complainant.

- 4) Final Outcome Letter.** As soon as is practicable following the conclusion of the hearing, the Hearing Panel will issue a written decision letter (the "Final Outcome Letter") concurrently to the Respondent, the Complainant and the victim (if not the Complainant).

The Final Outcome Letter will set forth (1) the name of the Respondent, (2) the violation(s) of this Policy for which the Respondent was found

responsible, if any, (3) sanctions imposed on the Respondent, if any, and it may set forth names of other individuals, such as a victim or witness, provided that such other individuals provide their written consent to such inclusion. However, in order to comply with FERPA, the letter will not include information considered part of a Respondent's "education record" (as that term is defined by FERPA), such as information about sanctions that do not relate to the Complainant or the victim (if not the Complainant).

- 5) **Confidentiality and Disclosure.** In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearing (including the Investigative Report, the notice of hearing, and the pre-hearing submissions referenced above) and documents, testimony, or other information introduced at the hearing may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

If it is determined, however, that the Respondent committed Sexual Misconduct and that the Sexual Misconduct was so severe or pervasive as to deny or limit the Complainant's (or the victim's, if he or she is not the Complainant) ability to participate in or receive the benefits of the Seminary's programs or activities based on sex, Seminary policy does not prohibit the further disclosure of the Final Outcome Letter by either the Complainant, the victim (if not the Complainant) or the Respondent.

- (v) **Appeals.** The Complainant or the Respondent may appeal the decision of the Hearing Panel and/or the sanction imposed on the Respondent within 14 calendar days from the date of the Final Outcome Letter. The decision of the Hearing Panel and the sanction imposed on the Respondent may, if desired, be appealed simultaneously.

- 1) **Appeals of the Decision of the Hearing Panel Regarding Responsibility for Sexual Misconduct.** The only permissible grounds for an appeal are (a) availability of germane new evidence not available at the time of the hearing that could significantly impact the outcome of the hearing and/or (b) procedural errors during the hearing that significantly impacted the outcome of the hearing.

Appeals of the decision of the hearing panel must be made in writing to the President of the Seminary (providing a copy of the appeal to the Assigned Title IX Coordinator), unless the Respondent is a member of the faculty or the Administrative Cabinet of the President, in which case appeals must be made in writing to the Chair of the Board of Trustees, who will refer the matter to the Executive Committee of the Board of Trustees (the "Executive Committee"). The Assigned Title IX Coordinator will promptly inform the other parties (i.e., the Complainant, the alleged victim (if not the Complainant), and/or the Respondent) of the filing of the appeal.

The President (or the Executive Committee, in the case of a Respondent who is a member of the faculty or the Administrative Cabinet of the President) will make a determination (i) that the decision of the Hearing Panel should stand; (ii) that the decision of the Hearing Panel should be overturned; or (iii) that additional hearings should occur or evidence should be obtained before making an appellate determination.

In the event that the President or Executive Committee determines that the

decision of the Hearing Panel should be overturned or that additional hearings should occur or additional evidence should be obtained, the President or Executive Committee will specify, after consultation with the Assigned Title IX Coordinator and other Seminary administrators, as necessary, the appropriate steps to be taken to come to a final resolution of the Complaint (which may or may not include an additional hearing or set of hearings before a different Hearing Panel, the President and/or the Executive Committee). The President or Executive Committee will notify the Complainant, the alleged victim (if not the Complainant) and the Respondent concurrently of the decision or action.

2) Appeals of Sanctions.

The sanctions imposed on the Respondent may be appealed on grounds that the severity of the sanction imposed is incommensurate to the gravity of the Sexual Misconduct for which the Respondent was found responsible. Appeals of the sanctions should be made according to the same process set forth in section VI(b)(5)(1).

The President or Executive Committee will make a determination (a) that the decision of the Hearing Panel should stand, (b) that the decision of the Hearing Panel should be overturned, or (c) that additional hearings should occur or evidence should be obtained before making an appellate determination. In the event that the President or Executive Committee determines that the decision of the Hearing Panel should be overturned or that additional hearings should occur or additional evidence should be obtained, the President or Executive Committee will specify (after consultation with the Assigned Title IX Coordinator and other Seminary administrators, as necessary) either (1) the final sanctions to be imposed on the Respondent, which will not be subject to further appeal, or (2) that another hearing will be convened before the Hearing Panel, the President, and/or the Executive Committee for the sole purpose of considering sanctions, in which case the final sanctions set by the Hearing Panel will not be subject to further appeal. The President or Executive Committee will notify the Complainant, the alleged victim (if not the Complainant) and the Respondent concurrently of the decision.

- (vi) **Documentation.** The Seminary will retain documentation (including but not limited to the written Complaint, notifications, the Investigative Report, any written findings of fact, petitions for appeal, and any written communication between the parties), for at least seven years. Documentation pertaining to terminations, expulsions or degree revocations may be retained indefinitely.

VI. INFORMAL RESOLUTION (MEDIATION)

Informal resolution is only appropriate if (i) the Complainant is the alleged victim, (ii) the Complainant/Victim agrees to informal resolution, (iii) the Respondent agrees to such resolution, (iv) the Complainant and the Respondent are both Students or are both employees of the Seminary, (v) the Assigned Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving the Complaint, and (vi) the Complaint does not involve rape or sexual assault.

The Complainant has the right to terminate the informal resolution process at any time and proceed with formal resolution. Furthermore, the Assigned Title IX Coordinator may, where appropriate, terminate or decline to initiate informal resolution, and proceed with

formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution process may be considered in the subsequent formal resolution proceedings.

(a) Respondent's Acknowledgement of Responsibility.

At any time prior to the imposition of sanctions, the Respondent may elect to acknowledge his or her actions and take responsibility for the alleged Sexual Misconduct. In such a situation, the Assigned Title IX Coordinator will propose sanction(s) for the Respondent. If both the Complainant and the Respondent agree to such proposed sanction(s), then the Complaint will be resolved without any further rights of appeal by either party.

If either the Complainant or the Respondent objects to such proposed sanction(s), then a Hearing Panel will convene for the exclusive purpose of determining sanctions, which determination may be subject to appeal by either party pursuant to Section V(b)(v) of this Policy. For purposes of this sanction hearing, all of the other provisions of this Policy relating to the imposition of a sanction for Sexual Misconduct shall apply.

(b) The Informal Resolution Process.

(i) The Mediation; the Presiding Officer. When the Complainant's Complaint is to be resolved according to the informal resolution process, there will be a mediation overseen by a Presiding Officer. The Assigned Title IX Coordinator will appoint the Presiding Officer.

(ii) Notice of the Mediation. Promptly after the Assigned Title IX Coordinator has appointed the Presiding Officer, the Assigned Title IX Coordinator will provide concurrent written notice to the Complainant and the Respondent, setting forth (1) the date, time and location of the mediation, and (2) the name of the individual selected to serve as the Presiding Officer. If only a portion of the alleged misconduct justifies continuing to mediation, the Assigned Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the mediation.

Any party may challenge the participation of the Presiding Officer by submitting a written objection to the Assigned Title IX Coordinator within three days of receipt of the notice of the mediation. Such objection must state the specific reason(s) for the objection. The Assigned Title IX Coordinator will evaluate the objection and determine whether to change the Presiding Officer. Failure to submit a timely and proper objection will constitute a waiver of any right of objection. Any substitution of the party serving as the Presiding Officer will be provided in writing to both parties prior to the date of the mediation.

(iii) No Contact Prior to Mediation. The parties may not contact each other outside of the mediation, even to discuss the mediation.

(iv) Attendance. Both the Complainant and the Respondent are expected to attend the mediation. If either party fails to appear at the mediation, and such party was provided proper notice of the mediation as set forth above, then absent extenuating circumstances, the Presiding Officer may either direct that resolution of the Complaint be determined according to the formal resolution process set forth above, or if the Complainant fails to appear without good cause,

dismiss the Complaint.

(v) **The Mediation.**

- 1) **The Complainant's Rights.** During the mediation, the Complainant may
 - a) confront the Respondent in the presence of, and facilitated by, the Presiding Officer,
 - b) communicate his or her feelings and perceptions regarding the incident and the impact of the incident, and
 - c) relay his or her wishes and expectations regarding protection in the future.
 - 2) **Counsel and Advisors.**
 - a) **Legal Counsel.** Under no circumstances may legal counsel be present at the mediation on behalf of the Complainant or the Respondent. The Seminary, however, may seek advice from the Seminary's in-house or outside counsel on questions of law and procedure throughout the mediation process.
 - b) **Other Advisors.** Absent accommodation for disability, the parties may not be accompanied by an advisor during the mediation.
 - 3) **Resolution.** During the mediation, the Presiding Officer will attempt to facilitate the parties' resolution of the Complaint. If the mediation results in a resolution between the parties and the Assigned Title IX Coordinator finds the resolution to be appropriate under the circumstances (giving consideration to the extent to which the resolution will protect the safety of the Complainant and the entire school community), the informal disciplinary procedure will be concluded and the Complaint will be closed. If the parties are unable to reach a resolution, the formal resolution process outlined in Article V of this Policy will promptly commence.
- (vi) **Privacy and Disclosure.** In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the informal resolution process is not open to the general public. Accordingly, documents prepared in anticipation of the mediation (including the Investigative Report and the notice of the mediation) and other information introduced at the mediation may not be disclosed outside of the mediation, except as may be required or authorized by law.

Adopted and effective: August 18, 2014; Revised August 2015

APPENDIX A

SEEKING HELP FOR SEXUAL VIOLENCE AND INTIMIDATION

If you have witnessed or experienced violence, the safety of you and your loved ones comes first.

FIRST STEPS

- Call 911 if you or someone else is threatened, or in immediate danger.
- Get to a safe location if necessary.
- Call or text someone you trust.
- Check if you need medical attention, and preserve evidence if you can.
- Consider your reporting options.

YOUR RIGHTS

SFTS Policy: *“SFTS is committed to creating and maintaining an environment free of all forms of harassment, violence, exploitation, and intimidation; such behavior is prohibited by law and by school policy. SFTS will not tolerate sexual violence or misconduct in any form, including sexual assault, rape, domestic violence, dating violence, stalking, or other sexual violence or intimidation. SFTS will take appropriate action to prevent, correct, and discipline behavior that is found to violate school policy or laws.”*

YOUR OPTIONS

Option 1. File a complaint with the Seminary through a Title IX Coordinator.

Option 2. File a complaint with law enforcement.

Option 3. File a complaint with both the Seminary and law enforcement.

Option 4: Decline to file a complaint with either SFTS or law enforcement.

The Seminary strongly encourages Option 3: reporting complaints promptly to both campus officials and to law enforcement authorities. You may file a complaint at any time, but the Seminary strongly encourages all victims and witnesses to file complaints promptly.

The full SFTS Policy Prohibiting Sexual Violence and Misconduct, which details your rights and options is available at: <http://sfts.edu/student/policy.asp>.

RESOURCES

Law Enforcement and Medical Care

- 911 (All emergency services)
- Central Marin Police 415.927.5150
- Marin Sheriff's Office 415-473-7282
- Marin General Hospital
415.925.7000
250 Bon Air Rd, Greenbrae 94904
- Marin General Psychiatric Services
415.925.7000 Ext. 50321 or Pager #313
- Kaiser San Rafael Medical Center
415.444.2000
99 Montecillo Rd, San Rafael 94903
- Kaiser San Rafael Downtown
415.444.2000
1033 Third St, San Rafael 94901

SFTS Title IX Coordinators

- Kathleen Waters, HR Director
415.451.2829 kwaters@sfts.edu
Montgomery Hall #313
- Scott Clark, Associate Dean of Student Life
415.451.2833 sclark@sfts.edu
Montgomery Hall #106

Crisis Centers and Support

- Community Violence Solutions of Marin
800.670.7273
30 N. San Pedro #170, San Rafael 94903
cvsolutions.org
- Center for Domestic Peace
(formerly Marin Abused Women's Services)
415.924.6616
734 A St., San Rafael 94901
maws.org
- Interfaith Counseling Center
415.924.6616
15 Austin Ave, San Anselmo 94960
interfaithcc.org
- National Domestic Violence Hotline:
800.799.SAFE

Pastoral Care and Support

- Lucas Walker, Pastoral Care Associate & Crisis Counselor
24-hr Cell: 970.691.0977
lucaswalker80@gmail.com

The full SFTS Policy Prohibiting Sexual Violence and Misconduct, which details your rights and options is available at: <http://sfts.edu/student/policy.asp>.