

Western Seminary Title IX Policy

- I. [Introduction](#)
- II. [Purpose and Scope](#)
- III. [Prohibited Conduct](#)
- IV. [Definitions](#)
- V. [Making a Report](#)
- VI. [Filing a Formal Complaint](#)
- VII. [Mandatory and Discretionary Dismissal](#)
- VIII. [Outreach and Initial Assessment](#)
- IX. [Resolution Methods](#)
 - [Informal Resolution](#)
 - [Investigation Procedures](#)
 - [Hearing Procedures](#)
- X. [Appeals](#)
- XI. [Rights, Expectations & Responsibilities](#)
- XII. [Resources](#)
- XIII. [Training Requirements](#)
- XIV. [Record Retention](#)

I. Non-Discrimination Statement

Within the context of its theological convictions and mission, Western Seminary does not discriminate based on race, national origin or ethnic status, gender, age, marital status, or disability.

Inquiries about Title IX may be referred to Western Seminary's Title IX Coordinator, Andy Peloquin at apeloquin@westernseminary.edu or 503-517-1815.

External Reporting: Inquiries about Title IX may also be made to the U.S. Department of Education’s Office for Civil Rights, or both.

II. Introduction

Consistent with Title IX of the Education Amendments Act of 1972, Western Seminary does not discriminate against students, faculty, or staff based on sex in any of its programs or activities, including but not limited to educational programs, employment, and admission. Sex discrimination includes sex-based harassment and is prohibited by Title IX and by Western Seminary. Western Seminary is committed to federal and state compliance in a manner that is consistent with Western Seminary’s mission and values.

What is Title IX?

Title IX is a federal civil rights law passed as part of the Education Amendments of 1972. This law protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

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

Title IX applies to any institution receiving federal financial assistance from the Department of Education, including state and local educational agencies. Educational programs and activities that receive federal funds from the Department of Education must operate in a nondiscriminatory manner. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or because a person made charges, testified, or participated in any complaint action under Title IX.

Western Seminary is committed to responding promptly and effectively when it learns of any form of possible discrimination and harassment based on sex or sexual misconduct. Western Seminary responds to reports of sex discrimination, including sex based harassment, such as sexual violence, as part of its efforts to stop the harassment and prevent the recurrence of possible sex discrimination. An individual who has questions or concerns regarding possible discrimination based on sex should contact Western Seminary’s Title IX Coordinator at apeloquin@westernseminary.edu. An individual also may contact the U.S. Department of Education, Office for Civil Rights (“OCR”) to seek greater clarity.

III. Purpose and Scope

If you are unclear about any of the provisions below and would like to get more information, you may speak on a non-confidential basis with the Title IX Coordinator. If you would like to have more information, but prefer to speak with someone confidentially, you may speak with a confidential resource, as listed below in the resources section.

Western Seminary is committed to a prompt and equitable process for the investigation and resolution of complaints covered by Title IX. This Policy applies to any incident that: (1) affects a student, faculty, or staff who is accessing or attempting to access Seminary programs or activities; (2) includes an allegation of prohibited conduct where the accused is a student, faculty, or staff over whom Western Seminary has substantial control, such as a student or employee; and (3) occurs on any Seminary-owned property in the United States or in connection with any Seminary program or activity, and in the United States; (4) This policy also applies to all individuals participating in or benefitting from Western Seminary programs or activities, including Western Seminary-sponsored events that take place off-campus.

This Policy also covers acts of Prohibited Conduct committed by third parties, including visitors, guests, vendors, and contractors who are affiliated with Western Seminary, or accessing, or attempting to access, a Seminary program or activity; complaints against such third parties may be handled under existing contracts and agreements, and third parties may not be eligible for the procedural protections provided within this Policy.

Individuals making a complaint to the Title IX Coordinator (“Complainant”) and individuals responding to a complaint (“Respondent”) each have rights throughout the complaint resolution and adjudication process and may expect a fair, neutral process that will follow this Policy. For a full list of the Rights, Expectations, and Responsibilities of the Complainant and the Respondent, see Section XI of this document.

IV. Prohibited Conduct

Prohibited Conduct as used throughout this Policy is defined to include any of the following acts when a student, faculty, staff, or third party is participating in Western Seminary-sponsored activities, including those that take place off-campus. t

Discrimination on the Basis of Sex:

Discrimination is defined as treating members of a protected category less favorably because of their actual or perceived membership in that category or as having a policy or practice that adversely impacts the members of one protected category more than others.

Within the context of Western Seminary’s theological convictions and mission, discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, and pregnancy or related conditions.

Sex-Based Harassment

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including discrimination on the basis of sex, sex stereotypes, sex characteristics, and pregnancy or related conditions, all within the context of Western Seminary’s theological convictions and mission.

Sex-based Harassment includes the following:

Dating Violence: Violence committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on the

Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Oregon and California, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of California or Oregon (depending upon the location of the act(s) of violence). Allegations of child abuse under state law will also be referred to Children's Protective Services or local law enforcement.

Sex-Based Stalking: Engaging in a course of conduct on the basis of sex directed at a specific person, that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to:

- Acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Sexual Harassment: Conduct on the basis of sex committed by any person upon any other person, regardless of the sex, sex stereotypes, sex characteristics, and pregnancy or related conditions--all within the context of Western Seminary's theological convictions and mission--.,of those involved which is one of the following:

- Quid pro quo harassment: An employee, agent, or other person authorized by Western Seminary to provide an aid, benefit, or service under Western Seminary's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Western Seminary's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the complainant's ability to access the Western Seminary's education program or activity;

- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the Western Seminary's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the Western Seminary's education program or activity.

Western Seminary recognizes community members' right to the free expression of ideas including those that may be controversial or unpopular. Nothing in this definition is intended to conflict with an individual's First Amendment rights. As a result, any conduct covered by those protections does not meet this definition of sexual harassment.

Sexual Assault, Includes any of the following:

- Rape—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent, as determined by state law.
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V. Definitions

Advisor: All persons who are a Complainant or a Respondent are permitted to bring an Advisor of their choosing to any meeting or interview to provide support. The Advisor may be any person, including a family member, religious leader, a friend, or an attorney. The Advisor may accompany the Complainant or Respondent to any and all portions of the grievance process, including an Informal Resolution. The Advisor may not participate directly in, represent, or interfere with any proceeding, including an Informal Resolution or an investigation. Although reasonable attempts will be made to schedule proceedings consistent with an Advisor's availability, the process will not be delayed to schedule the proceedings at the convenience of the Advisor. The Title IX Coordinator has the discretion to remove the Advisor from any proceeding if the Advisor interferes with the proceedings.

During the investigation and/or informal resolution process, each party may also have a support person present. The support person is available solely to support the party and may not participate in or interfere with any Western Seminary process. Parties do not have a right to a support person at a hearing.

During a hearing, a Complainant and a Respondent must have a [Hearing Advisor](#). The Hearing Advisor may be the same person who serves as the Advisor during the investigation process. Advisors and Support Persons may be required to sign an agreement that they will keep confidential any information learned as part of their participation in the investigation, hearing, informal resolution, and/or appeals processes.

Complainant: An individual who is the victim of, or alleged to be the victim of, conduct that may constitute Prohibited Conduct as defined in this Policy.

Confidentiality and Privacy: Confidentiality and privacy have distinct meanings under this Policy.

- “Confidentiality” generally means that information shared with a licensed confidential resource cannot be revealed to any other person or office unless written permission is granted by the individual to share their information; information reported to employees designated by the institution as exempt from reporting known sex discrimination to the Title IX Coordinator and designated as such for the purpose of providing services to the campus community related to sex discrimination. Such employees must be acting in the scope of that role when they learn of the information about sex discrimination for this exemption to apply.
- “Privacy” generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who “need to know” to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in Western Seminary’s FERPA policy. The privacy of an individual’s medical and related records may be protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA. Access to an employee’s personnel records may be restricted by applicable state and federal law.

While there are certain limitations on privacy, Western Seminary generally will not release the names of the Complainant or the Respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

In addition, no information will be released from a proceeding to enforce this Policy except as required or permitted by law and Seminary policy.

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

- Informed and reciprocal: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- Freely and actively given: Consent cannot be obtained through the use of force, coercion, threats, intimidation, or pressure, or by taking advantage of the incapacitation of another individual.
- Mutually understandable: Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.
- Not indefinite: Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of the sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, and uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately, and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- Not unlimited: Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.
- **Coercion/Force:** Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.
 - Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
 - Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.
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Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

Days: Any reference to days within this Policy should be counted as business days unless otherwise specified.

Complaint: A complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under this policy. Individuals who would like more information about initiating a Complaint are invited to contact the Title IX Coordinator for additional information.

In the event that the Title IX Coordinator initiates the Complaint, this act does not make the Title IX Coordinator the “Complainant” for purposes of this Policy.

Hearing Advisor: During a hearing, a Complainant and Respondent must have a Hearing Advisor. The Hearing Advisor may be the same person who served as the [Advisor](#) throughout the investigation. This person may be of the Complainant’s or Respondent’s choosing. If a Complainant or Respondent does not have a Hearing Advisor who can be present for the hearing, Western Seminary will provide a Hearing Advisor for the purpose of asking questions of the other party and witnesses. Other than asking questions at the hearing of the other Party or of witnesses, the Hearing Advisor may not participate directly in, represent, impede or interfere with the hearing proceedings.

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

- Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual’s:
 - Decision-making ability.
 - Awareness of consequences.
 - Ability to make informed judgments; or
 - Capacity to appreciate the nature and the quality of the act.
- Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known, that the Complainant was incapacitated.

Party or Parties: Complainant(s) or Respondent(s) in a case.

Preponderance of Evidence: The standard of evidence used during the investigation to determine whether the alleged conduct occurred and whether this policy was violated. It means “more likely than not.”

Relevance: Information included in an Investigation Report or questions asked during a hearing must be relevant to the allegations. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred. This includes inculpatory and exculpatory evidence.

Respondent: An individual who is reported or alleged to have engaged in Prohibited Conduct.

Standard of Evidence: The decision regarding a Respondent's responsibility will be determined by a preponderance of the evidence, meaning "more likely than not."

Supportive Measures: Non-disciplinary, non-punitive, individualized services offered free of charge and equitably to a Complainant and/or the Respondent by Western Seminary as appropriate and reasonably available. Such measures are designed to restore or preserve equal access to Western Seminary's education program or activity without unreasonably burdening the other Party. Supportive measures are also available whether a Complaint is initiated. Supportive measures may include, but are not limited to academic support, class and work schedule changes, a mutual ban on contact (no-contact directive), increased security, or other measures as determined on a case-by-case basis. Supportive measures may be offered to the Complainant or Respondent before or after the initiation of a Complaint or where no Complaint has been initiated. Students who experienced sexual misconduct may also seek waivers from the GPA requirements related to participating in an institution-sponsored program or activity. Contact the Title IX Coordinator for information on how to seek a waiver.

Note: Any supportive measures put in place will be kept confidential, except to the extent that doing so impairs the ability of the institution to provide the supportive measures.

Third-Party Reporter: A person other than the Complainant who reports an incident or allegation of Prohibited Conduct.

Title IX Coordinator: Western Seminary official charged with ensuring Western Seminary's overall compliance with Title IX and related Western Seminary policies and procedures, including supportive measures.

VI. Making a Report

Western Seminary encourages individuals to report incidents involving [Prohibited Conduct](#) and other potential incidents of sex discrimination. Western Seminary does not limit the timeframe for reporting an incident regardless of when the incident occurred. However, Western Seminary encourages individuals to report as soon as practical, as memories may fade, and evidence may be lost over time.

Individuals may also notify the Title IX Coordinator if they believe someone else may have experienced conduct that would be a violation of this Policy, in which case the Title IX Coordinator will reach out to the Complainant to gather additional information.

Other than those serving in the capacity of Confidential Resources, described in this policy, all Western Seminary employees must promptly report to the Coordinator information about conduct that may reasonably constitute discrimination or harassment under this policy.

This report must include the employee's name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information.

Reports of potential violations of this Policy may be made to the Title IX Coordinator, Andy Peloquin, apelouin@westernseminary.edu.

Reports to the Title IX Coordinator of potential violations of this Policy will be kept private to the extent possible for Western Seminary to respond to the report, but reports made to the Title IX Coordinator are not confidential.

Upon being notified of a report the Title IX Coordinator will reach out to the Complainant to schedule an Intake Interview and will also provide the Complainant information regarding:

- An invitation to meet to offer assistance and explain their rights, resources, and options under this policy;
- Access to this policy;
- Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
- The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution is initiated; The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;
- The right to notify law enforcement as well as the right not to notify law enforcement;
- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Campus Safety or local law enforcement in preserving evidence;
- The right to an advisor of choice, if applicable, during Western Seminary proceedings under this policy including the initial meeting with the Title IX Coordinator
- A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited.
- Information on how to initiate the Investigation or Resolution-Based Agreement process.

Anonymous Reports: Any individual who has experienced potential sex discrimination may make an anonymous report concerning an act of Prohibited Conduct. Employees cannot anonymously report sex discrimination they learn about or observe. Depending on the extent of information available about the incident or the individuals involved, however, Western Seminary's ability to respond to an anonymous report may be limited. The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as may be appropriate, and ensure compliance with all Clery Act obligations.

Required Referrals: Western Seminary encourages all members of the Western Seminary community to make Western Seminary a safe and supportive environment for everyone. This includes calling 911 or campus security in an emergency or reporting a crime or other incident that poses a risk of harm to the Western Seminary community. However, Western Seminary employees have a particular duty to report safety or security concerns and crimes or

Policy violations, including potential violations of this Policy. Any Western Seminary employee who is not a confidential resource under this Policy and who witnesses, is advised of, or learns about an alleged violation of this Policy must promptly notify the Title IX Coordinator of the incident by email, or telephone. The employee must report to Western Seminary's Title IX Coordinator all relevant details about the alleged misconduct known to the employee or shared with them so that the Title IX Coordinator can reach out to the Complainant to offer services and support and give them information about their rights and options.

Amnesty: The health and safety of every student at the Western Seminary is of the utmost importance. The Western Seminary recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at a time that sex discrimination occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The Western Seminary strongly encourages students to report sex discrimination to Western Seminary officials. A witness or reporting party acting in good faith who discloses any incident of sexual misconduct to college officials or law enforcement will not be subject to discipline under the Student Code and Conduct Policy for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the sex discrimination. This policy does not provide amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate Prohibited Conduct. Under Western Seminary's Amnesty for Drug and Alcohol Policy, personal drug use and possession, whether it is intentional or accidental, will not form the basis of student disciplinary charges.

The Western Seminary will also not subject students to discipline under Western Seminary policy for trespassing or unauthorized entry to school facilities if discovered or disclosed in the context of an investigation of sex discrimination. The Western Seminary will not subject students to discipline for other violations of policy discovered in connection with the alleged sex discrimination unless those violations are egregious, including but not limited to those violations that threaten the health and safety of others.

In any instance in which disciplinary action is taken against an individual who has reported sexual misconduct, Western Seminary shall review the disciplinary action to determine if there is a link between the disclosed sex discrimination and the misconduct that led to the reporting party's being disciplined.

VII. Outreach and Initial Assessment

Intake Interview

Upon receipt of information alleging a potential violation of this Policy, the Title IX Coordinator will reach out to the Complainant to schedule an intake or informational interview and provide a copy of this Policy and the following information:

- Availability of [Supportive Measures](#) with or without initiating a Complaint.
- How to initiate the Complaint process;
- Options under this Policy;
- Right to notify law enforcement and the right not to notify law enforcement.

- Importance of preserving evidence.
- Resources for counseling, health care, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services; and,

Right to an [Advisor](#) of choice.

The Title IX Coordinator will discuss the Complainant's rights and options, and will also assess for, and provide, appropriate [Supportive Measures](#), taking into consideration the Complainant's wishes, which are available with, or without, initiating a Complaint.

A Complainant may choose to receive Supportive Measures only and not proceed with initiating a Complaint, or any other resolution process. A Complainant may also request an [informal resolution](#) or an [investigation](#) and hearing. If a Complainant chooses to pursue an investigation and hearing.

For those Complainants who wish to proceed with a resolution process, the Title IX Coordinator will also assess the facts as presented to determine whether the information provided suggests a potential violation of this Policy.

In the event the allegation involves a sexual assault, dating or domestic violence, or stalking, within Clery geography, the Title IX Coordinator will also notify the Clery Coordinator of the allegations.

Complainants will also be provided with information about their right to file with law enforcement, their right to decline to do so, and, when applicable, information about seeking a personal protection order from the local courts.

If the complaint does not meet the required definitions of this Policy, then the Title IX Coordinator will not initiate the Resolution Process, but may still offer Supportive Measures.

The Title IX Coordinator will have the discretion to initiate a Complaint and initiate an investigation when a Complainant's allegations involve violence, use of weapons, serial predation, multiple complainants, or similar factors. When the Title IX Coordinator initiates a Complaint, the Title IX Coordinator does not become the "Complainant" for purposes of this Policy. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a complainant include:

- The complainant's request not to proceed with initiation of a complaint;
- The complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
- The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the Western Seminary;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

- The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred; and
- Whether Western Seminary could end the alleged sex discrimination and prevent its recurrence without initiating its resolution procedures under this policy.
- Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents Western Seminary from ensuring equal access on the basis of sex to its education program or activity.

Emergency Removal Provisions

If at any time Western Seminary determines that the conduct, as alleged, poses a risk of physical harm to one or more members of the Western Seminary community or Western Seminary's educational environment, Western Seminary may instruct that a Respondent be suspended, on an interim basis, from specific programs or activities. Any such assessment will be made on a case-by-case basis, based on an individualized safety and risk analysis. If Western Seminary determines that an immediate physical threat to the health or safety of students or others justifies removal from campus, then a Respondent may be suspended on an interim basis. The decision to do so will be provided to the Respondent in writing.

Further, Western Seminary will have the authority to place any employee Respondent on an administrative leave of absence pending the outcome of an investigation and hearing.

The decision to place any Respondent on an interim suspension or administrative leave must not be considered as evidence that any determination has been made regarding potential responsibility for violating this Policy.

Opportunity to Challenge Decision to Suspend or Remove: A Respondent will have an opportunity to challenge the decision of suspension or removal or administrative leave. To challenge suspension or removal, the Respondent should contact the Andy Peloquin, Head of Student Success and Title IX Coordinator, within 5 days of the interim suspension, who will explain Western Seminary's process for challenging the emergency removal.

VIII. DISCRETIONARY DISMISSAL

Upon being notified of a potential violation of this Policy, the Title IX Coordinator will reach out to the Complainant to schedule an Intake Interview.

The Title IX Coordinator's contact information is:

Title IX Coordinator: Andy Peloquin

Address: 5511 SE Hawthorne Blvd Portland, OR 97215

Email: apeloquin@westernseminary.edu

Western Seminary has the discretion to dismiss a complaint.

Discretionary Dismissal: Before dismissing the complaint, Western Seminary will make reasonable efforts to clarify the allegations with the complainant.

Western Seminary may dismiss a complaint if:

- Western Seminary is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Western Seminary's education program or activity and is not employed by Western Seminary;
- The complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint.
- The complainant voluntarily withdraws some but not all allegations in a complaint in writing, and the Western Seminary determines that, the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this policy; or
- Western Seminary determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this policy.

Upon dismissal, Western Seminary will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Western Seminary will notify the parties simultaneously in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these grievance procedures, the Title IX Coordinator will include that information in the notification.

Western Seminary will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then Western Seminary will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Western Seminary will follow the procedures outlined in the Appeals section of these grievance procedures.

- When a complaint is dismissed, Western Seminary will, at a minimum:
- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Western Seminary's education program or activity.

A complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

If the complaint or particular allegation within a complaint is dismissed, it may be addressed under a different Western Seminary policy or a different section of this policy. The Title IX Coordinator will refer such allegations to the appropriate office.

IX. Resolution Methods

This Policy contains three resolution methods:

1. Support-Based resolution
2. Informal Resolution
3. Formal Resolution

Support-Based Resolution

A support-based resolution is an option for a complainant who does not wish Western Seminary to take any further steps to address their concern, and when the Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling.

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to Western Seminary and the Title IX Coordinator determines there is need for additional steps to be taken, or the complainant later decides to pursue a Resolution Agreement or investigation and Hearing.

Informal Resolution

The Complainant may request, in writing, to proceed with an Informal Resolution. Participation in the Informal Resolution process is voluntary for the Complainant and the Respondent and both Parties and the Title IX Coordinator must agree to the use of Informal Resolution to resolve the Complaint. If an Informal Resolution option is preferred, the Title IX Coordinator will assess whether the Complaint is suitable for Informal Resolution and will then take steps to determine if the Respondent is also willing to engage in Informal Resolution. Both parties must agree, in writing, to an Informal Resolution.

When the Complainant requests an Informal Resolution, the Title IX Coordinator will provide the Complainant and Respondent written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred.
- Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations.
- Notice that an agreement resulting from the Informal Resolution process is binding only on the parties and is not subject to appeal.
- Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared.
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred and that the Respondent is presumed not responsible, unless and until, at the conclusion of the formal investigation and adjudication processes, there is a determination of responsibility.
- An explanation that each Party may be accompanied by an [Advisor](#) and a support person of their choice, who may be a parent, clergy, friend, or attorney.
- The date and time of the initial meeting with the Title IX Coordinator, with a minimum of 2 days' notice.

- Information regarding [Supportive Measures](#), which are available equally to the Respondent and to the Complainant;
- A statement that any party has the right to withdraw from the Informal Resolution process and initiate or resume resolution procedures at any time before agreeing to a resolution;
- The potential terms that may be requested or offered in an Informal Resolution agreement.
- A statement that the respondent is presumed not responsible for violating this policy, unless respondent admits to violations of this policy.

If either Party does not voluntarily agree in writing to pursue an Informal Resolution, or if the Complainant, Respondent, or Title IX Coordinator, at any time, determines that Informal Resolution is no longer appropriate, the Title IX Coordinator will promptly inform the Complainant and Respondent in writing that the Complaint may proceed through the Investigation and Hearing Process. If an Informal Resolution process is ended prior to its completion, any information obtained will not be used in a subsequent investigation of the Complaint.

Informal Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. The investigator or Decisionmaker for the matter may not facilitate an Informal Resolution in that same matter.

Once the final terms of an Informal Resolution have been agreed upon by both parties, in writing, the matter will be considered closed, and no further action will be taken. Once agreed upon, the terms of any Informal Resolution are not subject to appeal. Examples of agreements may include but are not limited to:

- an agreement that the respondent will change classes or housing assignments;
- an agreement that the Parties will not communicate or otherwise engage with one another;
- an agreement that the Parties will not contact one another;
- completion of a training or educational project by the respondent;
- completion of a community service project by the respondent;
- an agreement to engage in a restorative justice process or facilitated dialogue; and/or
- discipline agreed upon by all parties.

In order to facilitate Informal Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the Informal Resolution process may be disseminated to any outside person, provided that any party to the Informal Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Informal Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Informal Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of any Informal Resolution will be maintained and can be shared with other offices as appropriate.

Any violations of the terms of the Resolution Agreement may result in disciplinary action.

Investigation Process

Western Seminary expects that all individuals who participate in the investigation process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the investigation and hearing process do so fairly and without prejudice or bias.

Consolidation of Cases

In the event that the allegations under this Policy also involve allegations of a violation of a separate Policy, the Title IX Coordinator will have sole discretion to consolidate those other allegations within one investigation and/or hearing. Allegations of a violation of a separate Policy are not required to be handled using the procedural requirements set forth in this Policy.

Prohibition on False Evidence Provided During Title IX Process

Each Party and every witness are expected to provide truthful information to the Investigator, Hearing Officer, and the appeals officer.

Notice of Investigation, and Investigation Process

Within a reasonable period from initiation of a [Complaint](#) and prior to the start of an investigation, the Respondent and Complainant will be provided, in writing, with a Notice of Investigation. Such notice will include:

- The specific allegation and the specific conduct that is alleged to have occurred.
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s).
- A copy of this Policy, which contains the process that will be followed, including an explanation that each Party will have the right to inspect and review all relevant and not otherwise impermissible evidence before the completion of the investigation.
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred and that the Respondent is presumed not responsible, unless and until, at the conclusion of the process below, there is a determination of responsibility.

- An explanation that each Party may be accompanied by an [Advisor](#) of their choice, who may be a parent, friend, attorney, or union representative.
- The date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.
- Expected length of the major stages of the resolution process, as well as any applicable deadlines.
- The Notice will inform the parties that the investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s).
- Information regarding amnesty granted during this process.
- Information about the Informal Resolution Process.
- The name and contact information of the assigned Investigator.
- The process for raising a challenge to the appointed investigator, Decisionmaker or Title IX Coordinator, and the deadline for doing so.
- Notice of the complaint process.
- A statement that retaliation is prohibited.
- Information regarding [Supportive Measures](#).

Should additional allegations be brought forward, a revised Notice of Investigation will be provided to both parties, in writing.

Conflict of Interest or Bias

After a Formal Notice of Investigation is issued to Complainant and Respondent, each Party may object to the Title IX Coordinator or designated Investigator on the grounds of a demonstrated bias or actual conflict of interest. Both Parties will have three (3) business days from the date of the Notice of Investigation to object to the selection of the Investigator or the Title IX Coordinator.

Objections to the appointment of the Investigator will be made, in writing, to the Title IX Coordinator.

Objections to the Title IX Coordinator must be made, in writing, to the Dean of Students, Rebekah Buchterkirchen. If the objection is substantiated as to either the Investigator or the Title IX Coordinator, that individual will be replaced.

A conflict of interest may include, for example, situations where an individual charged with a role in this process is a Party's family member, close friend, current or former faculty member, advisor, or has another similar relationship with a Party. The fact that an individual is of the same or different gender, race, etc. of a Party or individual involved in the process is not a conflict of interest.

Timeline

Western Seminary strives to complete the investigation process, up to evidence review, within 45 days, which may be extended for good cause by the Title IX Coordinator. Both Parties will be notified, in writing, of any extension granted, the reason for the extension, and the new anticipated date of conclusion of the investigation.

Interviews

The Investigator will interview all available Parties and relevant witnesses and gather relevant documentary evidence provided by the Parties and any identified witnesses. Interviews may be conducted in person, or via video conference. The Investigator will take notes of the interview, and those notes will be made available to the person interviewed for review and will also be included with the evidence review (see below). Interviews may also be recorded by the Title IX Coordinator; the transcript of the recorded interview will be shared with the person interviewed and will also be included in the evidence review.

When reviewing interview notes, or a transcript, the interviewee will have three (3) days to correct or comment on any statements in the notes or transcript. The deadline may be extended for good cause, upon request to the Investigator. If the interviewee has corrections or comments to notes or transcripts, the interviewee may submit a written response within three (3) days reflecting any additions or changes that the interviewee believes are necessary to ensure the accuracy of the interviewee's statement. If no response is received from the interviewee by the deadline, the notes or summary shall be presumed to be accurate.

Each party will be provided with an opportunity to offer relevant witnesses and evidence. The Investigator will consider all relevant and not otherwise impermissible evidence, both inculpatory and exculpatory.

Information or evidence that is not provided to the Investigator will not be allowed during the hearing unless it can be clearly demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation.

Evidence Review

At the conclusion of all interviews and fact gathering, and when the evidence has been gathered, the Investigator will provide each party, and their Advisor, the opportunity to review all the evidence gathered that is relevant and not otherwise impermissible to the allegation(s). This will include both inculpatory and exculpatory evidence. Given the sensitive nature of the information provided, the information will be provided in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Neither the Complainant nor the Respondent (nor their Advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this Policy may be subject to discipline. Any Advisor who fails to abide by this Policy may be subject to discipline and/or maybe excluded from further participation in the process.

Each Party may respond to the evidence gathered. Each Party will have ten (10) days in which to respond to the evidence. Each may provide a response in writing to the Investigator. The Investigator will incorporate any response provided by the Parties into the Summary of Evidence Report. Along with their response to the evidence, each Party may also submit a written request for additional investigation, such as a request for a follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the Investigator to pose to witnesses or to the other Party. This response may include written, relevant questions that a Party would

like the Investigator to ask of the other Party or any witness. If any of the questions posed will be excluded as not relevant, or not likely to lead to relevant information, the Investigator will explain to the Party who proposed the questions any decision to exclude a question as not relevant.

Upon receipt of each party's response to the evidence reviewed, the Investigator will determine if any additional investigation is needed.

In addition, either party may offer new witnesses or other new evidence. The Investigator will consider the responses provided, will pose questions to parties or witnesses as appropriate, interview new relevant witnesses, and accept new, relevant, evidence.

If new relevant evidence is provided by either party or gathered by the Investigator, the newly gathered evidence (including answers to clarifying questions) will be made available for review by each party. The length of time for this second period of review shall be determined by the Title IX Coordinator and based upon the quantity and complexity of the new evidence gathered. Each party may provide a response in writing to the Investigator. The Investigator will incorporate any written response provided by the parties into the Summary of Evidence Report.

Any evidence to be considered by the Hearing Officer must be provided to the Investigator. Information that was not provided to the Investigator will not be allowed during the hearing itself unless it can be clearly demonstrated that such information was not reasonably known to, or available to, the parties at the time of the investigation. Should new evidence be presented at the hearing, the Hearing Officer will have the authority to either exclude the evidence or to send the matter back for further, limited investigation.

Exclusion of Questions Regarding Complainant's Past Sexual Behavior, or Predisposition Questions and evidence about the Complainant's sexual predisposition or prior sexual behaviors are not relevant and will not be permitted unless such questions and evidence about the Complainant's prior sexual behavior are offered for one of two reasons: (a) to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (b) if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.

A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Western Seminary obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Investigation Report

The Investigator will then prepare a written report summarizing all the relevant and not otherwise impermissible evidence gathered and all investigative steps taken to date. For those cases in which there are allegations of other Seminary policies, the Investigator will also make preliminary factual findings if requested to do so by the Title IX

Coordinator. Each Party, as well as their Advisor, will be provided with a copy of the written report and will have 10 days to provide a response. This is not an opportunity to provide new evidence. The Investigator's report, together with any response(s) received, shall be forwarded to the Hearing Officer(s).

Conclusion of Investigation, Notice of Hearing

Each party will be provided with a Notice of Hearing, which will include information regarding the date of the hearing, the identity of the Hearing Officer, and any deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure relevance. The hearing will be scheduled no less than 10 business days from the date of the Notice of Hearing.

Within three (3) days of receipt of the Notice of Hearing, either party may object to the Hearing Officer on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will remove the Hearing Officer and appoint another.

Hearing Procedures

Hearing Advisor

Each party is entitled to one Advisor at the hearing who will be referred to as the Hearing Advisor. The role of the Hearing Advisor is to ask questions of the other party and of witnesses, but not to advocate for, or otherwise speak on behalf of, the advisee during the hearing. No party will be permitted to ask questions of the other party, or of a witness. A Hearing Advisor of Western Seminary's choosing will be provided for any party who does not have a Hearing Advisor.

There will be a pre-hearing meeting with each party at which time, should the Complainant or the Respondent not have a Hearing Advisor, one will be assigned.

Hearing

Hearings may be conducted in person or via videoconferencing. At the request of either party, Western Seminary will provide separate rooms for individuals participating in the hearing process. If by videoconference, prior to the hearing, the Hearing Officer will have received instruction regarding the operation of any audio-visual equipment for the hearing. The Hearing Officer will also provide the participants with instructions on how to participate in the video-conference hearing. No Complainant or Respondent or witness will be compelled to participate in the hearing. However, the Title IX Coordinator may choose to continue with the hearing in the absence of the Complainant,

Respondent, or any witness. No party or witness is required to participate in the hearing. The Hearing Officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing, nor on any party or witness's refusal to answer questions at the hearing.

Each hearing will be recorded by the Hearing Officer and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of Western Seminary but will be available for listening by contacting the Title IX Coordinator.

The Complainant, the Respondent, and the Hearing Officer all have the right to call witnesses. The Hearing Officer will afford the highest weight relative to other testimony to firsthand testimony by parties and witnesses regarding their own memory of specific facts that occurred. No party will be permitted to call as a witness any one who was not interviewed by the Investigator as part of Western Seminary's investigation. Each party must submit to the Hearing Officer the names of witnesses they would like to call no less than five (5) days in advance.

Three days prior to the hearing, each party is asked to submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party or a witness. If the Hearing Officer determines that any are not relevant, the Hearing Officer will explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to have the question reframed. Each party, through their Advisor, will also be permitted to ask additional relevant questions at the hearing. In the event that a party does not appear for the Hearing, the Advisor for that party is expected to appear and question the other party, and witnesses.

The Hearing Officer will have the authority to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. Any such limitation will be communicated to the parties no later than three (3) days before the hearing.

The Hearing Officer has the authority to maintain order and decorum at the hearing. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. Any party or witness who is disruptive may, at the discretion of the Hearing Officer, be removed and directed to continue their participation via video conferencing. Any Advisor who is disruptive may be removed, and the Hearing Officer will appoint another Advisor for the remainder of the hearing.

The following types of evidence are impermissible during the hearing:

- Exclusion of Questions Regarding Complainant's Past Sexual Behavior, or Predisposition Questions and evidence about the Complainant's sexual predisposition or prior sexual behaviors are not relevant and will not be permitted unless such questions and evidence about the Complainant's prior sexual behavior are offered for one of two reasons: (a) to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (b) if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Western Seminary obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Following the hearing, the Hearing Officer will then prepare a report. To the extent credibility determination needs to be made, such determinations will not be based on a person's status as a Complainant, a Respondent, or a witness.

The Hearing Officer's report will include:

- The allegations.
- A reference to the policies and procedures used to evaluate the allegations.
- Description of all procedural steps.
- Findings of fact, evaluating the relevant and not otherwise impermissible evidence.
- Conclusion of application of facts to the Policy; and

Rationale for each allegation.

The Hearing Officer's report will be provided to the Title IX Coordinator within 14 days of completion of the hearing. If there is no finding of responsibility, the Title IX Coordinator will communicate the findings, along with a copy of the Hearing Officer's report, to the parties, together with [procedures for appeal](#).

If there is a finding of responsibility, the Title IX Coordinator will contact the appropriate sanctioning officer who will determine the sanction and notify the Title IX Coordinator of the sanctioning determination. The Title IX Coordinator will then simultaneously provide each party with the Hearing Officer's report, the determination of the appropriate sanction, and the [procedure for appeals](#). The Title IX Coordinator will also inform the Complainant of any appropriate remedies.

Sanctions and Remedies

Upon conclusion of the adjudicating process, when there is a finding of responsibility, the Complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity. Some examples are tutoring, counseling, or other services described as Supportive Measures. The Title IX Coordinator is responsible for the implementation of remedies.

Anyone or more of the sanctions listed here may be imposed on a Respondent who is found responsible for a violation of Western Seminary's policies. Sanctions not listed here may be imposed in consultation with the Title IX Coordinator. Sanctions are assessed in response to the specific violation(s) and any prior discipline of the Respondent.

Possible sanctions include, but are not limited to:

- Warning
- Censure
- Behavioral Contract
- Demotion or Change in Employment Status
- Probation
- Restrictions on Access or Duties

- Termination of Employment
- Suspension
- Expulsion
- Withholding Degree
- Other: Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education, or research projects may also be assigned.
- Multiple Disciplinary Actions: More than one of the actions listed above may be imposed for any single violation.

X. Appeals

Appeals may be filed by either party. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the appeals officer. When an appeal is filed, the other party will be notified, in writing, within two business days, and will then have five (5) days to respond to the appeal with a written statement in support of, or challenging, the outcome. Any party's decision not to submit a reply to an appeal is not evidenced that the non-appealing party agreed with the appeal. Each party will be allowed to meet with the appeals officer.

The appeals officer will not have any actual conflict of interest or bias and will not be the same person as the hearing officer in the claim. Within three (3) days of the assigned Appeals Officer, either party may object to the appeals officer on the basis of an actual bias or conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will remove the appeals officer and appoint another.

Appeals May be Filed Only on the Following Three Grounds:

- **Procedural Error:** A procedural error occurred that significantly impacted the outcome of the investigation or hearing. A description of the error and its impact on the outcome of the case must be included in the written appeal; or,
- **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation or hearing, and that could significantly impact the findings. Information that was known to the Appellant during the investigation or hearing but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal; or,
- **Actual Conflict of Interest or Demonstrated Bias:** The Title IX Coordinator, Investigator, or decision-maker had an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

The written appeals decision will be sent simultaneously to both parties which describe the result of the appeal and the rationale for the result.

If no appeal is filed, the determination regarding responsibility and the sanction will become final on the first day after the deadline to file an appeal has passed. If an appeal is filed, the determination regarding responsibility and the sanction will become final on the date that the decision regarding the appeal is communicated to the parties.

XI. Rights, Expectations & Responsibilities

Individuals making a complaint to the Title IX Coordinator (“Complainant”) and individuals responding to a complaint (“Respondent”) each have rights throughout the complaint resolution and adjudication process and may expect a fair, neutral process that will follow this Policy.

Complainant and Respondent Rights

- Be treated with respect by all Western Seminary officials throughout this process.
- Be informed of the available support resources or measures available.
- Be free of any form of retaliation and free to report such retaliation for disciplinary action.
- Obtain a mutual no-contact directive with the other party upon request.
- Be accompanied by one [Advisor](#) throughout the process, including at any interviews or hearings.
- An adequate, reliable, impartial, and prompt investigation of the allegations conducted within a reasonable period of time after a [Complaint](#) is initiated.
- Receive written notice of the date, time, and location of any interview scheduled with the Investigator.
- Be informed of the status of the investigation, to the extent possible.
- Review all evidence that is relevant and not otherwise impermissible to the allegations prior to the conclusion of the investigation.
- Meet with the Investigator and present information on their behalf, identify witnesses or other third parties who might have relevant information, and identify or provide relevant documents or other information that may be helpful to the investigation.
- Have past unrelated behavior excluded from the investigation process.
- Question the selection of the Investigator or Hearing Officer on the basis of an actual conflict of interest or demonstrated bias.
- Have a hearing Advisor of Western’s choosing provided, at no charge, for purposes of asking questions of the other party or witnesses during the hearing proceeding.
- Be notified of the hearing outcome and any sanctions applied, if applicable.
- Initiate and participate in an appeal process.
- Waive any of the rights contained herein.

Respecting Privacy

Western Seminary is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. Concerning any report under this Policy, Western Seminary will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while

balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All Seminary employees who are involved in Western Seminary's Title IX response receive specific instruction about respecting and safeguarding private information.

Retaliation

Retaliation is prohibited under this Policy. Retaliation is defined as any materially adverse action against a person who reports, complains about, or who otherwise participates in good faith in any manner related to this Policy. Materially adverse action includes conduct that intimidates, threatens, coerces, discriminates against, harasses, or in any other way seeks to discourage participation in or activity under this Policy. Retaliation does not include good-faith actions lawfully pursued in response to a report of Prohibited Conduct.

The exercise of rights protected under the First Amendment does not constitute retaliation. Further, charging an individual with a code of conduct violation for making a materially false statement in bad faith as part of the adjudication process will not constitute retaliation. However, a determination that there is not enough evidence to support a finding will not, by itself, be sufficient to conclude that a party or a witness made a knowingly false material statement.

Any person who believes they have experienced retaliation under this Policy should contact the Title IX Coordinator.

No Conflict of Interest or Bias

Any individual carrying out this Policy must be free from any actual conflict of interest or demonstrated bias that would impact the handling of this matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Dean of Students, Rebekah Buchterkirchen who will take the role of Acting Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any Investigator, Hearing Officer, or Appeals Officer have a conflict of interest, the Investigator is to notify the Title IX Coordinator upon discovery of the conflict.

Presumption of Non-Responsibility

The decision to proceed with an investigation is not in and of itself a determination that the Respondent has engaged in the conduct as alleged. Any Respondent is presumed not responsible for the conduct that is the subject of the investigation, unless and until a decision of responsibility has been made upon the completion of the adjudication process.

Requests for Delays, and Extensions of Time

The Title IX Coordinator may extend any deadlines within this Policy, for good cause. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

XII. Resources

- I. Confidential
- Call for Safety (Formerly Portland Women’s Crisis Line)- 24-hour crisis line
 - 503.235.5333
 - calltosafety.org
 - Christ Centered Empowerment for Families
 - Linda Green 541.904.0619
 - www.cceff.net
 - Sexual Assault Resource Center
 - 24-hour crisis line- 503.640.5311
 - www.sarcoregon.org
 - Multnomah County Crisis Line -503.988.4888 ▪ Clackamas Women’s Services
 - 24-hour crisis line (English and Spanish) 888-654-2288
 - <https://www.cwsor.org/>
 - Rape Victim Advocates 503.988.3222
 - First Image (formally Pregnancy Resource Center)
 - 503.777.7997 (SE Portland Center)
 - <http://first-image.org/pregnancy-resource-centers/>
 - A New Day Counseling Located on the Portland Campus; Able to provide ongoing counseling or referrals- A professor is only considered a confidential source if they are in a formal counseling setting.
 - 503.517.1895
 - <https://www.anewdaycounseling.org/>
 - YWCA- YWCA provides support and information related to situations of domestic violence.
 - 503.988.6400
 - ywcapdx.org
 - portlandoregon.gov/gatewaycenter
 - Raphael House- Raphael House provides support and information related to situations of domestic violence.
 - 503.222.6507
 - raphaelhouse.com
- II. Non-Confidential: The following employees are obligated to report student disclosures to the Seminary if they receive information about potential prohibited conduct. Therefore, these employees are considered responsible employees. Students may choose to connect with these offices and individuals if they want Western Seminary to engage its Title IX processes and policies.

If a campus administrator, faculty member, or staff member is not specifically designated as a Confidential Employee as described above, the individual has a duty to report information to the Title IX Office. Individuals on campus who have a duty to report are sometimes referred to as “Responsible Employees.”

- Title IX Office ○
503.517.1815
 - apeloquin@westernseminary.edu
- All Seminary Faculty, except for counseling faculty in a role of a formal counseling relationship
- All Seminary employees with any supervisory duties
- All Seminary employees with administrative and management duties

XIII. Training for Investigators, Hearing Officers, Hearing Panel, Appeals Officers, Title IX Coordinator

All individuals involved in the Title IX response, investigation, hearing, and appeals process receive training in accordance with applicable state and federal law.). This training may be viewed upon request to the Title IX Coordinator.

XIV. Record Retention

The Office of the Title IX Coordinator will maintain all records relating to complaints and resolutions under this Policy for seven (7) years. These records shall include:

- The sexual Harassment investigation file
- Audio or audiovisual recordings or transcripts
- Disciplinary sanctions imposed
- Remedies provided to the Complainant
- Appeals
- Informal resolutions
- Training materials
- Supportive measures