

WESTMINSTER COLLEGE ANNUAL SECURITY REPORT

Published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report is prepared by Richard J. Hura, Esq., Director of Compliance and Risk Management, with the help of the Dean of Students Office, Title IX Coordinator, Director of Public Safety, ARISE Project Director, and campus security authorities.

Material in this brochure is updated annually and provided to students, faculty, staff, and potential students or employees via the internet. All students and employees receive annual notification by email advising them of where to locate this information on the Westminster College website and the link is included. This portion of our website is printable for anyone desiring a hard copy of the information. Admissions or the Department of Public Safety will print and mail a copy of this report to any requestor without access to the internet. The material contained in this document is located in the Director of Compliance and Risk Management's Office, 215 Old Main. The Policies and Procedures were last updated on or about the 30th day of September 2022.

NOTE: The Department of Public Safety reserves the right to change or cancel, without notice, policies, regulations, procedures, or any of the following information based on the needs of the Westminster College community and new compliance standards enacted by the Department of Education for the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Here, as in all other municipalities, public safety, crime prevention and the impact of criminal activity are significant concerns and our Department of Public Safety has the safety and security of all members of the College Community as its primary responsibility. However, this task is not one we can accomplish alone. Campus crime is an occasional but unfortunate reality and preventing it is a responsibility shared among the College, its students, and employees. Indifference and apathy are a criminal's greatest allies. Together we can maintain vigilance, practice prevention, report crimes or suspicious circumstances, and keep our campus safe and secure. If you observe a crime or become the victim of one, please contact authorities immediately. If you do not wish to come forward as a victim, you may still report a crime anonymously by using the anonymous crime reporting form available through this link

TABLE OF CONTENTS

Institutional Profile.....	3
Department of Public Safety.....	3
Department of Public Safety Law Enforcement Authority and Jurisdiction.....	4
Department of Public Safety Relationship with Local Law Enforcement.....	4
Reporting Emergencies and Incidents.....	5
Crime Reporting to a Campus Security Authority (CSA).....	5
Confidential Crime Reporting.....	6
Access to Campus Facilities and Residence Halls / Titan Card.....	6
Emergency Management Plan.....	7
Emergency Notification.....	8
Testing of the Emergency System.....	9
Emergency Notifications and Timely Warnings.....	9
Emergency Notification and Timely Warnings Defined.....	10
Information Concerning Registered Sex Offenders in Pennsylvania.....	10
Missing Student Policy Statement.....	10
Westminster College Student Conduct Philosophy.....	11
Westminster College Scope of the Student Code of Conduct.....	11
Violations of Local, State, and Federal Law.....	13
Westminster College Student Code of Conduct.....	13
Sexual Misconduct Policy for Westminster College.....	29
Westminster College Bill of Rights.....	49
Hazing.....	50
Westminster College Anti-Bias Policy.....	50
Drug Free Schools and Communities Act.....	53
Westminster College Campus Buildings.....	56
Westminster College Campus Housing.....	56
Westminster College Records of Information.....	57
Westminster College Campus Security Authority (CSA).....	57
Reporting Crime Statistics.....	58
Westminster College Campus Education.....	62
Safety and Security Suggestions.....	65
Westminster College Crime Statistics.....	67
The Borough of New Wilmington Crime Statistics.....	68
UPMC Jameson / New Castle, PA Crime Statistics Note.....	69

INSTITUTIONAL PROFILE:

Westminster College, a private, 4-year, co-ed, liberal arts college that emphasizes experiential learning, collaboration, and student success, is located in the charming borough of New Wilmington, Pennsylvania. The campus consists of 300 beautiful acres, boasting athletic fields, walking trails, an outdoor laboratory, and a lake. Interestingly, the town is also home to a vibrant Amish community. In total, the borough's population consisted of 2,186 permanent residents as of 2019.

Westminster College offers 42 majors, 13 pre-professional programs, and 7 graduate programs. Traditionally, Westminster College has more than 1,200 undergraduate and graduate students; 46% men and 54% women with an 11:1 student-faculty ratio and an average class size of 17. 85% of Westminster College's full-time faculty hold a doctorate or terminal degree. Westminster College has 22 varsity sports: NCAA Division III; Presidents' Athletic Conference; Eastern College Athletic Conference. 98% of Westminster College graduates are employed or in graduate school the year following graduation. Students may participate in over 80 clubs and organizations with 4 national fraternities and 5 national sororities. Westminster College's calendar consists of a 2-semester academic year (fall and spring), plus an optional summer session; student travel and internship opportunities during summer and winter breaks are offered. Westminster is ranked among the best colleges for the money, according to Money Magazine. 98% of students receive financial aid, which includes merit-based scholarships and need-based resources.

The Fall Semester of 2021 Campus Community comprised approximately 1059 full-time undergraduate students, 20 undergraduate high school students, 49 students attending classes at Westminster College from the UPMC Jameson School of Nursing, 61 graduate students, 249 fulltime and 90 part-time faculty and staff.

A total of 669 undergraduate students lived on-campus in residence halls and 100 in town-house buildings comprised of 25 apartment style housing units. There were 49 students residing in off-campus fraternity houses that are located within walking distance of the campus. There were 7 students studying abroad. The remainder of the students commuted to campus from their homes or off-campus apartments.

DEPARTMENT OF PUBLIC SAFETY:

The Department of Public Safety is dedicated to providing a safe and healthy campus for the entire community. It is located in Suite 268 of the McKelvey Campus Center. The department provides round-the-clock service and protection to the campus community. The Mission of the Department of Public Safety is to enhance the educational mission of Westminster College by providing professional delivery of essential safety, security, and emergency services to the campus community 24 hours a day, 365 days a year based on a community-oriented approach.

It is a department staffed with public safety personnel. The department is a unit of the Student Affairs Division, and it operates under the supervision of the Director of Public Safety.

The department is led by a full-time and highly experienced Director of Public Safety and staffed by two full-time and seven part-time officers. Officers are trained in accordance with Pennsylvania law and standard college campus public safety practices and standards. They receive annual update training and are certified as required in First Aid, CPR & Defibrillators, proper use of emergency equipment such as fire extinguishers.

The department utilizes several resources and strategies to keep the campus secure, including but not limited to, vehicle and foot patrols, surveillance cameras, and access control systems. One of the most important strategies of the department is the formation and engagement of trusting and meaningful relationships with members of the campus community.

Some of the areas of assistance that are provided include but are not limited to: investigating all criminal incidents and traffic accidents on campus, rendering assistance and notification of appropriate providers in cases of fire or medical emergencies, responding to disasters, responding to any problem that may arise on campus and patrol of campus buildings and grounds, reporting of safety and maintenance concerns to the Physical Plant Office, providing escort service to vehicles or building-to-building, presenting trainings on crime prevention and fire safety, and administering college parking regulations.

Appropriate campus administrators are notified in the event of campus emergencies or criminal incidents.

DEPARTMENT OF PUBLIC SAFETY LAW ENFORCEMENT AUTHORITY AND JURISDICTION

Westminster College Public Safety Officers are NOT sworn police officers and therefore do not have the authority to arrest. New Wilmington Police Officers can arrest for all violations of law at all times within the borough limits. Westminster College Public Safety Officers do NOT carry weapons.

DEPARTMENT OF PUBLIC SAFETY'S RELATIONSHIP WITH LOCAL LAW ENFORCEMENT

The Department of Public Safety maintains strong relationships and works with all local, state and federal law enforcement agencies and maintains a close working relationship with the New Wilmington Police Department. All campus crimes involving violence, significant property loss or any felony are reported to the New Wilmington Police Department, and they handle all of those investigations. Lesser crimes are investigated by College personnel, and offenders are

processed through the campus judicial system. Sanctions for violations of College policy violations are administered through the Associate Dean of Student Affairs. Currently, Westminster College has a Memorandum of Understanding, MOU, with New Wilmington Police Department, Lawrence County District Attorney, and Pennsylvania State Police regarding parallel investigations of interpersonal violence (criminal and Title IX grievance process). Westminster College has an additional MOU with New Wilmington Police Department and Arise (dba Crisis Shelter of Lawrence County) for the purposes of executing the Department of Justice, Office on Violence Against Women Campus Program Grant awarded in October of 2019.

REPORTING EMERGENCIES AND INCIDENTS

Students, Faculty, Administrators, Staff, and Guests of Westminster College are urged to immediately report any emergencies, crime or suspicious activity, regardless of how insignificant it may seem. For any fire, police, or medical emergency on campus, call the Department of Public Safety immediately. Dial 7777 from any campus phone. Dial 724-946-7777 from a non-campus phone. Or, press the green button on any of the 21 “yellow” outdoor telephone call boxes strategically located throughout the campus. To contact Police directly, from any on-campus phone, dial 911. The contracted, off-campus dispatcher who answers your call is trained in handling emergencies.

When reporting an emergency, incident, or offense, please provide your location and describe the nature of the emergency, incident, or offense.

Be prepared to respond to the dispatcher’s questions and instructions. The dispatcher will immediately send campus Public Safety personnel and appropriate local police, fire, or medical teams to your location as needed.

Public Safety will respect the privacy of the reporting person and persons involved as much as reasonably possible. The identity of complainant(s), victim(s), and witness(es) will be kept as confidential to the extent that the law allows.

Westminster College Public Safety Department or the New Wilmington Police Department will conduct a thorough investigation of each complaint and / or offense.

CRIME REPORTING TO A CAMPUS SECURITY AUTHORITY (CSA)

Crimes or offenses may also be reported by telling a College official, which includes any athletic directors, faculty advisors or work study supervisors, team coaches, residence life staff, student affairs personnel, and judicial officers. Once a crime or offense has been brought to the attention of a reporting official, the reporting official must pass the information on to the Public Safety Department for further investigation.

Our professional counselors in the Wellness Center, College Chaplain, and Director of ARISE are considered confidential resources who do NOT report crimes. Students who seek their counseling services can be assured that their discussions with their counselor / this resource will remain confidential.

CONFIDENTIAL CRIME REPORTING

Crimes or offenses may also be reported by completing the [Campus Security Authority \(CSA\) Incident Report Form](#) and submitting it electronically. In this form, you will provide a narrative description of the incident, and upon submission, the form will be emailed to the Director of Public Safety.

ACCESS TO CAMPUS FACILITIES AND RESIDENCE HALLS / TITAN CARD

All Westminster College facilities are intended for the use of students, faculty, staff and their invited guests. It is the responsibility of the Public Safety Officers to lock all campus buildings when classes, meetings, and special events are not taking place. The only exceptions to this policy are the residence halls where live-in staff share this responsibility and those academic buildings where clear operational times have been directed by the respective Faculty Chairs.

Residence halls are secured with a proximity card locking system on exterior doors and some are also alarmed. Interior doors are equipped with standard keyway locks. Windows are all equipped with locks and some are protected with vandal resistant screens.

The residence halls are locked round-the-clock. Students and employees not authorized to be in the buildings during these times have their proximity cards de-activated denying them access. Only residents pre-approved by the office of Student Affairs / Housing maintain their activated access status.

Residents are permitted to have overnight guests (including friends and relatives) in their rooms on occasion, but all visitation policies found in the Handbook for Students must be followed.

Visitors and guests are only permitted in the halls during official visitation hours. All visitors must be accompanied by a hall resident at all times when they are anywhere in a hall beyond the main lobby area.

Unless attending an event open to the general public, visitors to the College seeking access to campus buildings and facilities should do so through an individual host, a sponsoring College department, or the Department of Public Safety.

All students, faculty, and staff are issued a Titan Card photo identification card. The Titan Card is used for identification purposes. Titan Card is also used as an electronic key for access to campus buildings, residence halls, and also serves as a library card. The Titan Card can also be used by students for meals and as a debit card for preloaded declining credit balance to be used at the various food service locations on campus.

Persons should carry their Westminster College Titan Card at all times and present their Titan Card upon request of any Westminster College Official. The Titan Card is not transferable. Misuse of the card may result in confiscation of the Titan Card, loss of privileges, and/or access to college services.

The office of Business Office can replace lost or damaged Titan Cards for a small fee. Titan Cards that become nonfunctional due to standard use will be replaced without charge.

EMERGENCY MANAGEMENT PLAN

Westminster College's Emergency Management Plan and protocols can be found at the following link available on my.westminster.edu:

[EMERGENCY MANAGEMENT PLAN](#)

The Emergency Management Plan is maintained, reviewed, and updated annually by the Director of Public Safety. The plan governs the campus response to fires, natural disasters, hazardous material spills, bomb threats, temporary college closings, and any other emergencies on campus. It also provides details about evacuation, emergency sheltering, and lockdown procedures.

Alert Systems: The Westminster College Emergency Alert System will be used to communicate information through one or more of the following campus systems:

1. Cisco IP Phones: live messages with two-way intercom communication capability;
2. Computer-Generated Alerts: an all-campus computer screen "pop-up" alert to all computers logged into the College network, a yellow quote bar alert located on the College's Website Homepage that will contain important information during emergencies, and emails to the campus community;
3. Text Messaging: a text message will be sent to registered users;
4. Annunciator Horns: currently located in all residence hall main lobbies, on the Old Main Tower, and within the lower levels of Hoyt Science Center and McGill Library Horns will provide real-time voice alerts and instructions to the campus community and immediate properties of the larger community.

The Emergency Preparedness page will be accessible from my.westminster.edu at: [Emergency Preparedness Page](#) Also, when the site-wide message is activated, a yellow-bar will appear on EVERY Westminster.edu page and be linked to this page. Students are encouraged to refer

parents, guardians or other family members to the Emergency Preparedness website. The website will provide them with updated information in the event of a campus emergency.

Building Evacuations: All Building Evacuations will occur when a building alarm (fire alarm) sounds and/or upon notification by the Department of Public Safety. When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same. Assist people with a handicap or disability in exiting the building. Remember that elevators are reserved for people with handicaps. Do NOT use the elevators in cases of fire or earthquake. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points. Do NOT return to an evacuated building unless told to do so by a College Official.

Campus Evacuation: Evacuation of all or part of the campus grounds will be announced by the Department of Public Safety as described by the announcement. All persons (students and staff) are to vacate immediately the area of campus in question and relocate to another part of the campus grounds as directed. In the event of a prolonged or inclement weather evacuation, one or all of the following buildings will be used as a temporary shelter, if not involved in the area of evacuation: Old 77, Memorial Fieldhouse, and/or McKelvey Campus Center.

EMERGENCY NOTIFICATION

Confirmation of a significant emergency or extremely dangerous situation will be determined by First Responders, New Wilmington Police Department, Public Safety, Public Safety Dispatch, 911 Dispatch, or Student Affairs. A determination of what segment(s) of the campus community to notify of the situation will be made as soon as possible, upon confirmation of a significant emergency or extremely dangerous situation; any of the following will alert the campus community of the situation: President, President's Leadership Team Designee, Vice President for Student Affairs, Director of Residence Life, Chief Information Officer / Associate Dean, Library and Information Systems, or Director of Public Safety (unless issuing the notification would compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency).

Disseminating of emergency information to the larger community including the media will be handled by the Director of Communications or the Chief Information Officer, Information Technology Services.

TESTING OF THE EMERGENCY SYSTEM

Westminster College will conduct a campus wide test of the emergency response system at least once in the Fall Semester, during normal business hours, and at least once in the Spring Semester, during normal business hours. Evacuation procedures are tested in the residence halls twice a semester during fire drills.

EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS

In the event that a situation arises on the Westminster College campus and the information received is considered by Westminster College's Department of Public Safety to represent a serious or continuing threat to students or employees, the Director of Public Safety or designee will authorize the issuance of a timely warning. The Westminster College campus includes all student residence halls, academic or administrative buildings, all property owned or controlled by Westminster College, and any public property contiguous to campus. For purposes of this policy, "timely" means as soon as reasonably feasible after an incident has been reported to the Department of Public Safety or a campus security authority.

In order to determine if a timely warning is required, and to determine the content of the warning, the Department of Public Safety may consult with all relevant outside authorities, including local emergency responders, law enforcement, and with offices on campus, including the Dean of Students Office, the Title IX Coordinator, and the Office of Human Resources. If time permits, the President's Office will be consulted prior to issuing the warning. Trained personnel are authorized to issue a timely warning.

In determining whether to issue a timely warning, the college will consider all factors reflecting on whether the information received represents an ongoing or continuing threat to the college community, including, but not limited to, (a) the nature of the incident; (b) when and where the incident occurred; (c) when it was reported; (d) and the continuing danger to the campus community.

If there is insufficient information available to determine whether the incident represents a continuing threat to the college community, the college will consider the degree that such information should be communicated to the community. If a timely warning is still issued the content of the warning will note that, based on the information available, the college does not have full information to evaluate the nature of the ongoing threat.

The reasons the college does or does not issue a Timely Warning for any incident reported to the college will be documented.

Confidentiality of victims: When issuing a timely warning with respect to a crime or hate crime, Westminster College will withhold as confidential the name and other personally identifying information or personal information about the victim, to the extent possible, while balancing the need to ensure the safety of the campus community.

EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS DEFINED

Emergency Notification: Upon confirmation of a significant emergency or dangerous situation occurring on or off campus that involves an **immediate** threat to the health, safety, or security of students and employees, Westminster DPS will send an emergency notification. Emergency notifications may be sent via one or more components of the Campus Emergency Notification System which includes emails, SMS text messages, phone messages, and outdoor/indoor voice notifications. Examples of an immediate threat include inclement weather, active shooter, bomb threat, explosion, fire or gas leak, serious health-related outbreak, riot, and terrorist incident. It is important to note, this is not an exhaustive list of examples that might rise to the level of emergency notification.

Timely Warnings are a type of emergency notification specific to crimes defined in the Clery Act, including criminal homicide (murder, nonnegligent manslaughter and negligent manslaughter), sex offenses (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson as well as lesser included crimes such as trespassing. A timely warning notifies the campus community that a particular crime may pose a serious or continuing threat to the campus community.

INFORMATION CONCERNING REGISTERED SEX OFFENDERS IN PENNSYLVANIA

The federal Campus Sex Crimes Prevention Act requires that institutions of higher learning advise members of the campus community where they may obtain information concerning registered sex offenders in the state. In Pennsylvania, this information is listed on a website and may be found at [Megan's Law Public Website](#)

MISSING STUDENT POLICY STATEMENT

The purpose of the policy is to establish procedures for the college's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. The policy applies to students who reside in campus housing. For purposes of the policy, a student may be considered to be a "missing student" if the student's absence is contrary to his/her/their usual pattern of behavior or unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student's welfare.

The College will request of all new students each year that they provide, on a voluntary basis, contact information in the event that the student would be reported officially missing during his or her tenure at the College.

If a Westminster College residential student is suspected missing from the campus, immediately contact a member of the Residence Life Staff within that student's residence hall. If the student resides off campus, contact the Department of Public Safety at 724-946-7777.

All reports of missing persons made to Residence Life and/or the Department of Public Safety are followed up with an on-going investigation. If it is determined by the Department of Public Safety that a student for whom a missing person report has been filed has been missing for more than 24 hours, then within the next 24 hours the College will:

Notify the individual identified by the student as the missing person contact to be contacted in this circumstance; If the student is under 18 years old, the College will notify a parent or guardian; and in cases where the student is over 18 and has not identified a person to be contacted, the College will notify appropriate law enforcement officials.

WESTMINSTER COLLEGE STUDENT CONDUCT PHILOSOPHY

Westminster's Student Code of Conduct serves to support the College's goal of developing students moral and ethical commitments in order to maintain safe and inclusive living and learning communities.

The mission of Student Conduct is to engage students in a formative disciplinary process that is educational and promotes civility, personal accountability, and inclusive decision-making. We fulfill this mission by articulating behavioral expectations and by addressing policy violations using equitable and restorative practice.

WESTMINSTER COLLEGE SCOPE OF THE STUDENT CODE OF CONDUCT

Westminster College students are provided a copy of the Code of Conduct annually in the form of a link on the Westminster College webpage. Students are responsible for having read and abiding by the provisions of the Code of Conduct, included in the student handbook, which includes Fraternity/Sorority Regulations, College Policies and Procedures, Sexual Misconduct Policy, Residential Policies, Student Code of Conduct, Student Engagement, and Anti-bias Policy.

[Westminster College Student Handbook](#)

The College expects its students to conduct themselves as responsible citizens and to comply with all College policies. Conduct that is in violation of community principles, that impinges on the rights of others, and/or that adversely affects the College community, mission or reputation; or that specifically violates College policies may result in a student's required participation in the student conduct process. This includes conduct that occurs both on and off college property.

The Code of Conduct and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all Westminster College affiliated student organizations. For the purposes of the Code of Conduct, Westminster College considers an individual to be a student upon matriculation and thereafter as long as the student has a continuing educational interest in Westminster College.

The Westminster College student conduct process is an educational process designed to resolve matters concerning student conduct within the framework of students' rights and responsibilities pursuant to College policies. The College strives to provide a fundamentally fair, equitable, and educational process for all participants. Student conduct proceedings are not a legal process and are not intended to duplicate legal proceedings.

Westminster College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any alleged misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, and/or obtain transcripts. All sanctions must be satisfied prior to becoming eligible for re-enrollment. In the event of serious misconduct committed while still enrolled, but reported after the accused student has graduated Westminster College may invoke these procedures and should the former student be found responsible, the College may take additional action that limits and/or revoke's that student's relationship with the College.

The Code of Conduct applies to behaviors that take place on campus, at Westminster College sponsored events, and also applies off campus when the Vice President of Student Affairs / Dean of Students or his/her/their designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of self or other; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission, interests, or reputation of Westminster College.

The Code of Conduct may be applied to behavior conducted online, via e-mail or other electronic mediums such as blogs, web postings, chats, and social media. These public postings can subject a student to allegations of conduct violations if evidence of policy violations are posted online. The College does not regularly search for this information, but may take action if and when such information is brought to the attention of College officials.

The Code of Conduct applies to guests of members of the college community whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of Westminster College may seek resolution of violations of the Code of Conduct committed against them by members of the Westminster College community.

Westminster College's network e-mail, in which all Westminster College students in good standing have an account, is the College's primary means of communication with students. Students are responsible for all communication delivered to their College e-mail address.

The Vice President of Student Affairs / Dean of Students or designee may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in the Westminster College Student Code of Conduct. Minor modifications may be made to procedures that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the Code of Conduct will be referred to the Associate Dean of Student Affairs.

Westminster College's Code of Conduct is subject to annual review under the direction of the Vice President of Student Affairs or his/her designee. Although we believe the information provided in this document is accurate and current, the College reserves the right to make changes in policies and procedures at any time deemed necessary. Students enrolled at the College agree to comply with the College's policies and to accommodate any necessary changes.

VIOLATIONS OF LOCAL, STATE, AND FEDERAL LAW

Compliance with local, state, and federal laws are considered to be included in the Westminster College student Code of Conduct. While the Westminster College student Code of Conduct process is distinct from legal criminal and civil proceedings, alleged violations of federal, state, and local laws may be investigated and addressed under the Code of Conduct. When an offense occurs, the College's conduct process will go forward notwithstanding any criminal complaint that may arise from the same incident.

WESTMINSTER COLLEGE STUDENT CODE OF CONDUCT

Westminster College affirms that its educational purposes require an atmosphere characterized by rational inquiry, discussion and standards of acceptable behavior. These regulations, which reflect the values to which the College is committed, are designed to help ensure order in the College community, to protect the rights of community members, and to create an environment which can enhance the opportunity for personal growth and development.

The College reserves the right to take disciplinary action against students or student organizations that violate these regulations. The College also reserves the right to supersede the authority of the Greek Judicial Board as it deems necessary and appropriate and to initiate disciplinary action against fraternities and sororities through the College Conduct System. To that end, the College conduct system has been established to address alleged violations of College policies. The conduct system's membership, comprised of students, faculty and administrators, is committed to conducting fair hearings which observe and respect students' procedural and substantive rights. The judicial process is designed to be a means by which each

student can learn the value of their rights and to realize the importance of their responsibilities as a citizen in the campus community.

The College reserves the right to substitute reasonable alternate procedural formats when warranted, as determined by the appropriate administrator; or, alternate procedures, when warranted by time constraints, staffing limitation, or the absence of hearing officers, may be utilized as necessary without jeopardizing the rights of students.

Violations:

Misconduct

The following behavior by student(s) or student organization(s), whether on- or off-campus, is subject to disciplinary action:

1. Conduct which may also be a violation of local, state, or federal laws, whether on or off-campus (no criminal conviction is necessary for the conduct listed below to be subject to disciplinary action by the College);
2. Possession, distribution, use or sale of illegal drugs or drug paraphernalia;
3. Possession, furnishing, sale or use of alcohol to or by persons under 21 years of age;
4. Use of fireworks or any other explosive or combustible material;
5. Unauthorized taking or possessing of College property or services or the property or services of others;
6. Behavior that may, or in fact does, cause physical or emotional harm to another person or cause reasonable apprehension of such harm. Such behavior may be intentional (a conscious decision to engage in the conduct; intoxication is not a defense to a charge of intentional misconduct) and/or reckless conduct which could reasonably be expected to create substantial risk of harm to another person). Examples of behavior which constitute a violation of this regulation include, but are not limited to:
 - a. Actions, explicit or implied threats, or gestures, which place a person in reasonable fear of unwelcome physical contact or harm;
 - b. Attempts to cause or intentionally or recklessly causing bodily injury to another person;
 - c. Striking, shoving, kicking or otherwise subjecting another person to unwelcome physical contact or attempting or threatening to do so, with the intent to harass, annoy or alarm another person;
 - d. Communicating by voice or graphic means or making a telephone call, whether or not a conversation takes place, or via any other information resource, for the purpose or which has the effect of harassing and/or alarming another person;
 - e. Engaging in sexual contact or behavior with another person without the consent of that person and/or by compulsion through physical force or fear. Any other sexual conduct prohibited by the College's Sexual Misconduct Policy;
 - i. The term "consent" is defined as Verbal statements or non-verbal actions which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an

absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

- ii. Incapacitation is any situation in which a person is incapable of giving consent due to the student's age, state of consciousness, use of drugs or alcohol, or an intellectual or other disability.
 - iii. Communicating Consent: Consent to sexual activity can be communicated in a variety of ways, but one should presume that consent has not been given in the absence of clear, positive agreement. While verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sex helps to clarify consent. Communicating verbally before engaging in sexual activity is imperative. However potentially awkward it may seem, talking about your own and your partner's sexual desires, needs, and limitations provide a basis for a positive experience. Consent must be clear and unambiguous for each participant at every stage of a sexual encounter. The absence of "no" should not be understood to mean there is consent.
 1. A prior relationship does not indicate consent to future activity.
 2. Note: A sexual assault victim violating the College's alcohol or drug policy at the time of the assault will not face judicial action by the College for that infraction.
 - f. Any unwelcome contact based on actual or perceived status (race, color, religion, gender, national origin, age, disability, ancestry, genetic information, ethnic origin, marital or parental status, veteran status, citizenship status, sexual orientation, gender identity or expression, or because of any other protected status of an individual or that individual's associates or relatives;
7. Bystanding – Complicity with or failure of any student to address known or obvious violations of the Code of Conduct or law;
 8. Discrimination – Any act or failure to act that is based upon an individual or group's actual or perceived status (race, color, religion, gender, national origin, age, disability, ancestry, genetic information, ethnic origin, marital and parental status, veteran status, citizenship status, sexual orientation, gender identity or expression, or because of any other protected status of an individual or that individual's associates or relatives) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the College's educational program or activities;
 9. Hazing – Hazing is defined as any activity in which the organization, group, or athletic team expects prospective members to participate and which is created intentionally, on or off college premises, for the purpose of producing mental or physical discomfort, embarrassment, harassment or ridicule.
 10. Intentional or reckless behavior which may, or in fact does, deface or cause damage to College property or the property of others. This would also include violations of the College's Skateboard and Hoverboard policy;
 11. Students shall not engage in acts of disorderly conduct. A student commits disorderly conduct if, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, they on Westminster College property: (1) is intoxicated as a result of the

- use of alcohol or controlled substances; (2) engages in fighting or threatening, or in violent or tumultuous behavior; (3) makes unreasonable noise; (4) uses obscene language, or makes an obscene gesture; or (5) creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the student.
12. Intentional or reckless interference with normal College activities and functions (examples of such activities/ functions include but are not limited to studying, teaching, public speaking, research, administration of the College, or emergency (Public Safety, fire or police) operations;
 13. Intentional interference with the freedom of expression of others;
 14. Reckless driving which may, or in fact does, endanger individuals or damage property;
 15. Tampering with fire alarms or safety equipment is prohibited. This includes, but is not limited to fire hydrants, fire hoses, extinguishers, and fire alarm pulls;
 16. Initiation or circulation of a report or warning of an impending bombing, fire, or other crime, emergency, or catastrophe, knowing that the report is false;
 17. Possession, storage, furnishing, sale or consumption of alcoholic beverages on campus. Additionally, items used specifically for the mass consumption of alcoholic beverages (e.g., beer bongs, kegs, party balls, etc.) whether empty or not, are not permitted on campus;
 18. The use of organizational funds for the purchase of alcoholic beverages by officially recognized student organizations;
 19. Pennsylvania law and/or Westminster College policy prohibit the possession, use or storage of weapons or dangerous materials of any type or description anywhere on Westminster College property. This includes, but is not limited to, firearms, compressed-air or gas-operated guns, pellet guns, BB guns, illegal knives, swords, explosive devices, fireworks, ammunition, or any other dangerous or offensive weapon as defined in the Pennsylvania Crimes Code, Section 908c. Additionally, the College prohibits the possession of any non-folding knife designed to be carried in a sheath, and any folding knife commonly referred to as a “pocket knife” unless it has a blade of less than three (3) inches in length;
 20. Unauthorized use or transfer of College I.D. cards, meal tickets, or vehicle registration decals;
 21. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College premises;
 22. Violations of the Housing Requirements and housing regulations outlined in the Handbook for Students;
 23. Violation of residence hall visitation hours;
 24. Use of any tobacco products in any campus building or violation of the College’s Smoking and Tobacco Use Policy;
 25. Knowingly making a false statement, either orally or in writing, to any College employee or agent on a College-related matter;
 26. Intentionally obstructing or failing to comply with the request of a College official or employee in the lawful performance of their duties;
 27. Violations of rules listed in Westminster College Regulations Governing Fraternities committed by individual students whether or not they are members of fraternities;

28. Failure to appear before a College Judicial Board or College official for a disciplinary hearing when charged with a violation of the Student Code of Conduct and when duly notified of the hearing;
29. Failure to abide by any disciplinary sanction imposed under the Student Code of Conduct (e.g., failure to honor a monetary fine, terms of probation, behavioral sanction, etc.);
30. The College reserves the right to take disciplinary action against a student who is knowingly and willingly in the presence of a violation of a part of the Student Code of Conduct;
31. The College reserves the right to take disciplinary action against students whose guest on campus violates the Student Code of Conduct;
32. Violations of rules listed in Policy for Responsible Use of Information Resources;
33. Failure to adhere to the COVID-19 related health & safety policies, including but not limited to mitigation strategies, safety protocols, and adjustments to student engagement activities.
34. Other items as amended by the President of the College and/or the College Board of Trustees.
35. Actions not committed on College property may also be subject to College disciplinary action, provided that the offense, in the sole judgment of the Vice President for Student Affairs, is related to the security of the College community or the integrity of the educational process (e.g., rape, arson, acts of violence, fraud, etc.).
36. College disciplinary procedures may proceed even though the same conduct is also the subject of a pending criminal charge.

Borough Ordinances

Borough Park:

1. The park closes daily at 11 p.m. It is unlawful to drive any vehicle in the park or for any person to enter the park, except to walk through from New Castle Street to S. Market Street and vice versa, after this time.
2. It is unlawful for any person to transport, possess, or consume any alcoholic beverages whatsoever in the park. Most person(s) detained for the above two ordinances are also in violation of similar State statutes and are cited for violations of the Pennsylvania Crime Code.

Parking Violations: It is unlawful to park a vehicle or to allow the same to remain parked on any Borough street, alley, or public parking lot at any time between 3 and 6 a.m.

Restrictions on Use of Firearms: No person shall, except in necessary defense of person or property, fire or discharge any gun or other firearm at any place within the Borough of New Wilmington.

Restrictions on Throwing Missiles: It shall be unlawful for any person to throw any snowball, or any ball or stone or other missile of any kind upon or onto any of the public streets, alleys, squares, or sidewalks in the Borough of New Wilmington.

Tampering with Public Property: It is unlawful to tamper with public property and fixtures in streets, alleys, sidewalks, and public grounds.

Disorderly House: It is unlawful for the tenants of an in-town apartment or house, including a campus apartment or residence hall, to permit or participate in illegal, unruly, or unsafe behavior at their place of residence. Any behavior that disrupts the peace and well-being of the community including excessive noise, furnishing alcohol, or possession of alcohol by minors, fighting, or failure to disperse upon the directives of the police, “at any place in the Borough where persons gather or abide” falls into this category. Tenant-hosts that permit this conduct shall also be held responsible for the behavior of their guests.

State Statutes (Crime Codes)

Minors — (under the age of 21) — it is unlawful to:

1. Misrepresent age to secure liquor;
2. Purchase, consume, possess, or transport intoxicating beverages;
3. Represent to liquor dealers that a minor is of age;
4. Induce minors to liquor.

Nuisances

1. Scattering Rubbish — Citations may be issued to any person found violating this littering statute;
2. Public Nuisance (Noise, unkempt house, etc.) — Charges may be filed under this statute in locations that are the sources of frequent complaints.

Offenses Against Property

1. Criminal Mischief — Citations issued or charges filed citing this statute when a person damages public or private property;
2. Theft by Unlawful Taking or Disposition — Taking traffic, parking, and/or street signs to decorate one’s room can result in arrest under this statute.

Offenses Against the Public Order and Decency — This statute gives a police officer broad discretionary powers to regulate conduct in the Borough.

All other criminal offenses are codified by Pennsylvania Statutes found at legis.state.pa.us

Reporting a College Policy Violation

Any College student, faculty or staff member wishing to file an Incident Report of a College policy violation should do so, in writing, as soon as possible after the event takes place, preferably within 48 hours. Reports of alleged violations should be made to the Office of Student Affairs and include the name(s) of the student(s) and/or student organization(s) accused together with the specific details of the violation.

Procedural Rights of Students

Each student accused of violating the Student Code of Conduct will have the following rights while their case is processed through the College judicial system:

1. A student may decline to answer questions about possible violations of the Student Code of Conduct. The refusal to answer those questions will not be considered a separate violation of the Student Code of Conduct.
2. A student may present witnesses on their behalf. In that a college hearing is not to be construed as either a criminal or civil trial, character witnesses (i.e., individuals who were not present at the alleged violation of College policy and provide information on behalf of a person only as to that person's ethical qualities and morality both by the personal knowledge of the witness and the person's reputation in the community) are not permitted at a judicial hearing.
3. A student may hear and question the testimony of all witnesses who testify orally and may review all written evidence submitted.
4. A student will have the opportunity to question the testimony of all witnesses.
5. A student may select an adviser of their choice. Attorneys may not serve as advisers; attorneys may be present to observe only if a student is charged with a serious crime and is charged off campus with the same offense. Advisers are not permitted to address any participants in the hearing other than the person whom they are advising in the presentation of their case. Any fees charged by an adviser would be borne by the student. The Associate Dean of Student Affairs shall be notified by the accused student (or complainant) at least 24 hours prior to the hearing that the student plans to have an adviser present.
6. A student accused of violating the College's Student Code of Conduct is presumed innocent until it is proven that it is more likely than not that the student(s) violated the Student Code of Conduct.
7. A student shall have the right not to testify against themselves unless they choose. However, any voluntary information or statements the student makes during an investigation of a charge or during a hearing may be used as evidence or for the filing of additional charges.
8. A student shall be found responsible for violating the Student Code of Conduct only if it is proven that it is more likely than not that such a violation occurred.
9. A student will be given decisions made by the hearing officer, College Judicial Board, Appeals Board or President in a timely fashion.
10. A student's disciplinary records will be kept confidential to the extent required by the Family Education Rights and Privacy Act. The College reserves the right to notify the parent(s) or legal guardian(s) of students who are under the age of 21 and who have been found by the College to have violated its alcohol and/or controlled substance policies.
11. A student may pursue appeals of decisions as provided in the section of Handbook for Students titled "Rights and Responsibilities."

The same procedures followed in hearing judicial cases involving individual students are followed in cases involving student organizations. It will be the responsibility of the organization's president and faculty adviser to attend the judicial hearing. The Associate Dean of Student Affairs or the College Judicial Board may also require some of the organization

members, if necessary, to attend the judicial hearing. The notification of charges and hearing and the judicial decision will be given to the organization's president and faculty adviser.

Administrative Roles: Responsibilities of the Associate Dean of Student Affairs

It will be the responsibility of the Associate Dean to investigate violations that are reported to them, to gather additional information and witnesses, if necessary and appropriate, and to determine whether or not there are sufficient grounds to charge a student with a violation of College policy.

Note: The term "Associate Dean" refers to the Associate Dean of Student Affairs and may include as a substitute other Student Affairs professional staff. The term "student" also refers to student organizations, if the charges are directed to an organization.

Notification of an Alleged Violation

The judicial process shall be initiated by the Associate Dean of Student Affairs sending a notice to the student who has been accused of violating the Student Code of Conduct.

The notice shall be sent by campus mail to the student's address on campus or shall be delivered personally to the student. The notice shall require the student to schedule an appointment with the Associate Dean to discuss the alleged violations in a pre-hearing conference.

The notice shall inform the student of the following:

1. The offense the student was alleged to have committed;
2. The date, time, and location of the alleged commission; and such other relevant circumstances as the Associate Dean may determine is necessary to include in the notice so that the student is on general notice of the nature of the alleged offense;
3. The section of the Student Code of Conduct upon which the charges are based;
4. Reference to students' procedural rights in disciplinary matters as outlined in the Handbook for Students.

If the student fails to appear for the conference by a specified date, the Associate Dean may: reschedule the conference; dismiss the charges; or if the Associate Dean reasonably believes the failure to be inexcusable, impose any of the disciplinary penalties described in this document.

The Conduct Process – An Overview

Students charged with a violation of the Student Code of Conduct have several opportunities to present their case to the College. The first step in the adjudication process is called the Pre-Hearing Conference. This is not a hearing per se, but a chance for the student and College hearing officer to discuss procedural issues related to the case and to clarify the judicial process with the student. The next step is a formal hearing with the student or president of the recognized student organization and either a hearing officer (Administrative Hearing) or the College's Judicial Board, which has students and faculty as its members. The hearing officer or Judicial

Board would ultimately make a sanction recommendation to the Associate Dean for their decision.

The College's Appeals Board is set up to hear appeals from students or recognized student organizations who are not satisfied with the decision of the hearing officer or Judicial Board. The Appeals Board, comprised of students and faculty members, would hear the case based upon the information they receive from the student and the transcripts of the hearing officer or Judicial Board.

Pre-Hearing Conference

A pre-hearing conference is initiated between the hearing officer and the student(s) following the receipt of a report of an alleged violation(s). The purpose of the conference is: (a) to explain the judicial process to the student; (b) to provide the student with an opportunity to hear the allegations against them; (c) to review the facts as stated in the report(s); and (d) to allow the student to discuss the case with the hearing officer in an informal context. No decision(s) is rendered at this time.

During the pre-hearing conference, the hearing officer shall assume responsibility for informing the student of the following:

1. The offense the student or recognized student organization was alleged to have committed as stated in the written notice;
2. The date, time, and location of the alleged commission and other relevant circumstances as the Associate Dean may determine are appropriate to discuss;
3. The section of the Student Code of Conduct upon which the charges are based;
4. The student's procedural rights in disciplinary matters as outlined in the Handbook for Students;
5. The sanctions which may possibly be imposed. The student will have 48 hours from the conclusion of the pre-hearing conference to indicate whether they prefer an administrative or Judicial Board hearing. The Associate Dean or their designee may (1) hear and make a decision whether the individual(s) charged in the case has violated the College's Student Code of Conduct; or (2) refer the case to the College Judicial Board. If the student prefers a Board hearing, the Associate Dean will refer the case to the College Judicial Board. If the student prefers an administrative hearing, the Associate Dean will decide whether or not to honor the request or refer the case to the College Judicial Board.
6. The Associate Dean will try to schedule judicial hearings so that they are held within two (2) weeks of the date of the pre-hearing conference between the student and the Associate Dean. (Official College vacation days and no class days are not included within this two-week period.)
7. A student desiring to change their original statement as to whether they violated the Student Code of Conduct may do so by meeting with the Associate Dean no later than 24 hours prior to the scheduled hearing.

Administrative Hearing

If, during the pre-hearing conference with the hearing officer, the accused student (1) accepts responsibility for the violation(s) (i.e., admits a violation of the Student Code of Conduct); or (2) requests an administrative hearing, the hearing officer may convene an administrative hearing with a student.

After discussion and/or subsequent investigation, the Associate Dean has the authority to decide that the violation occurred as alleged. The Associate Dean will try to notify the student in writing of their decision and shall communicate the sanction by means of a written notice within seven (7) days of the conclusion of all hearings related to the specific case. In reaching such a decision, the Associate Dean will use their own judgment to decide whether it is more likely than not that the student(s) violated the Student Code of Conduct.

If, after discussion and such further investigation as may be necessary, it is determined that the violation alleged is not supported by the evidence, the Associate Dean shall dismiss the charge and notify the student within seven (7) days of the conclusion of all hearings related to the case.

At any time, the Associate Dean may decide to refer the case to the College Judicial Board.

College Judicial Board

Charter of the College Judicial Board:

1. Name: The name of this body shall be the College Judicial Board
2. Composition: The College Judicial Board shall include eight (8) members: four (4) of the faculty members (one of whom shall serve as Chair) of the Student Life and Athletic Council, and four (4) students appointed by the Student Government Association. Two (2) student alternates also shall be named by the Student Government Association. The quorum necessary to conduct business shall be at least five (5) voting members of whom at least two (2) are students and two (2) are faculty members. Faculty members who serve on the College Judicial Board may not serve on the College Appeals Board either in the same academic year, or during the two academic years following service on the College Judicial Board.
3. The Status and Relationship of the Board Jurisdiction: The Board may hear cases of individual students or recognized student organizations. The jurisdiction of the Board extends only to violations of the Student Code of Conduct. Cases are to come to the Board only through the channel of the Office of Student Affairs. The Board will determine if the alleged violation(s) of the Student Code of Conduct occurred. The Board also will recommend to the Associate Dean sanctions to be imposed. The Associate Dean reserves the right to alter a recommended sanction(s) as they deem necessary.
4. Methods for Securing Members: Student members and alternates shall serve one-year terms and will be appointed by the Student Government Association. Faculty members shall be selected by the faculty for a two-year term. Faculty members may not serve consecutive terms.
5. Chair of the Board: Responsibilities of the Chair:

- a. The Chair shall be a faculty member who will be the presiding officer. The Chair, in consultation with other members, shall maintain necessary order and shall make all rulings necessary for the fair, orderly, and expeditious conduct of the hearing.
 - b. At the beginning of the Board hearings, the Chair shall inform Board members, the accused student, the student's adviser and witnesses of the procedures that will be followed by the Board in conducting the hearing. The adviser's role is simply to advise the student. The student, not the adviser, will testify and have the right to ask questions of witnesses.
 - c. If the required number of students is not obtained, the Chair shall select the replacements needed from the student alternates. At the discretion of the Chair, the student alternates may sit as voting members of the Board at any hearing.
 - d. If a quorum cannot be obtained for a scheduled hearing, the Chair may reschedule the hearing for another date or time.
 - e. The Chair does not vote on Board decisions except in cases of tie votes.
 - f. The Chair will submit to the Associate Dean a written report of the Board's decision(s).
6. Selection of the Chair: Each spring the outgoing members of the College Judicial Board together with the newly-selected members shall elect one of the four faculty members on the Judicial Board as Chair. Preferably the Chair-elect should have had one year's experience on the Board.
7. Voting on a Decision:
- a. Voting shall be by secret ballot.
 - b. A decision shall be made by a simple majority vote of the voting members present at the hearing. The Chair will vote on the Board's decisions in order to break a tie.
 - c. Any deliberating members have the right to submit a dissenting minority report to the Vice President.
 - d. The Judicial Board within 48 hours of the hearing will present in writing to the Vice President its findings determination and sanction recommendation(s).

Reporting Procedures for the Associate Dean of Student Affairs and the College Judicial Board

The Associate Dean shall make arrangements for the hearing. Notice about the hearing will be sent by campus email to the student and may be delivered to the student via campus mail four (4) school days in advance of the hearing. The notice shall inform the student of the following:

1. the violation of College policy alleged to have been committed, by citing the relevant section of these regulations;
2. the date, time, and place of alleged commission, the names of those who may be presented as witnesses and/or whose statements would be offered as evidence at the hearing;
3. the date, time, and place of the hearing, which shall not be earlier than four (4) days after the date of the notice;
4. that the student is entitled to bring to the hearing one adviser of their choice (the adviser may not be an attorney);

5. that the student shall have the opportunity to call witnesses, to confront and to question witnesses during the hearing, to hear statements from witnesses, and to hear all evidence submitted;
6. only members of the Judicial Board, the Associate Dean, the accused student(s), their adviser, the person(s) who filed the report(s) of the alleged violation of the Student Code of Conduct, and witnesses (only while testifying) as called, shall attend judicial hearings;
7. that sanctions may be imposed if it is determined that it is more likely than not that the student(s) violated the Student Code of Conduct; that the Judicial Board may make a determination in the case if the student does not appear at the hearing and the Board finds such failure to be inexcusable. Additionally, failure to appear at the hearing will be action for which the Board could determine to be an additional violation of the Student Code of Conduct.

The Associate Dean shall give written notice at least two (2) calendar days in advance of a hearing to student witnesses stating the date, time, and the place of the hearing and stating that their presence is requested.

The Associate Dean shall send notices to all student and faculty members of the Judicial Board stating the date, time, and place of the scheduled hearing.

The Associate Dean shall present all relevant information to Judicial Board members at the Judicial Board hearing. The Associate Dean shall also participate in Judicial Board discussions concerning procedural issues and sanction determination. However, only the Judicial Board shall determine whether or not a student has violated the Student Code of Conduct as charged. If the Judicial Board determines that it is more likely than not that the student(s) violated the Student Code of Conduct, the Judicial Board shall recommend to the Associate Dean sanctions to be imposed. The Associate Dean reserves the right to alter a recommended sanction(s) as they deem necessary.

The oral proceedings of the Judicial Board hearing (but not the deliberations of the Judicial Board) shall be taped and kept as confidential information by the Associate Dean in case of appeal.

In cases heard by the Judicial Board or the Associate Dean, the student charged with a violation of the Student Code of Conduct and person(s) who filed the report(s) of the alleged violation of the Student Code of Conduct, shall receive written notice of the disciplinary decision and subsequent sanction(s) within seven (7) calendar days of the hearing. The notice shall be written and sent by the Associate Dean.

The student has the right to appeal the decisions made by the Judicial Board or the Associate Dean within seven (7) calendar days after receiving written notification of the Board's or Associate Dean determination.

College Appeals Board

The College Appeals Board is a joint student-faculty committee responsible for considering appeals of judicial decisions made by the Associate Dean of Student Affairs or the College Judicial Board. The College Appeals Board shall include six (6) members: three (3) of the faculty members (one of whom shall serve as Chair) appointed by the faculty, and three (3) students appointed by the Student Government Association. Two (2) student alternates also shall be elected by the student body in accordance with Student Government Association election procedures. Two (2) faculty alternates also shall be appointed by the faculty. A quorum will consist of two (2) students and two (2) faculty members. Members of the College Appeals Board may not serve concurrently as members of the College Judicial Board nor during the two academic years following service on the College Judicial Board.

A student whose disciplinary case has been heard by a College hearing officer or the College Judicial Board may appeal the results of their case. The student appealing shall file a written notice of appeal with the Associate Dean. The notice shall include a statement indicating the basis of appeal and the appealing student's signature. Appeals must be based upon at least one of the following: (1) student's belief that violation of proper procedures occurred in the original hearing; (2) student's claim that they did not violate the Student Code of Conduct; (3) student's belief that the sanction(s) imposed is unjust. In cases involving violations of VAWA and/or Title IX, both the complainant and accused are entitled to equal due process rights including, but not limited to, the right to appeal a disciplinary sanction(s) issued by the College's hearing officer(s) or board(s).

The notice of appeal must be filed with the Associate Dean by the appealing student within seven (7) calendar days of the date of the written decision of the Judicial Board or Associate Dean of Student Affairs.

The Chair of the College Appeals Board will try to convene the Board and conduct a hearing on the appeal not later than three weeks after the notice of appeal is filed. Note: The Appeals Board will meet only during the fall and spring semesters when classes are ordinarily in session and prior to final exams. Students may select to have the Associate Dean (or their designee) hear their appeal during extended holidays and summer school, or defer an appeal hearing until the following semester when classes are ordinarily in session.

The Associate Dean shall notify the appealing student, in writing, a date, time, and place of the appeals hearing. A copy of the student's appeal will be provided to the Chair of the College Appeals Board by the Associate Dean.

At the appeal hearing, the basis of appeal, as stated in the notice of appeal, shall be discussed in the presence of the student found to have violated the Student Code of Conduct, their adviser, any person(s) who filed report(s) of the alleged violation of the Student Code of Conduct, and the members of the Board. Arguments and questions may be directed to Board members by all persons identified above with the exception of the student's adviser. Also, review of the Judicial Board or hearing officer's hearing records (written report and/or electronic recording) will be permitted. The Appeals Board will not accept additional evidence, but will consider only the

records of the previous hearing. The Board can request the Chair of the College Judicial Board and/or the Associate Dean to come to the appeal hearing. The Chair does not vote on Board decisions except in cases of tie votes.

The oral proceedings of the Appeals Board hearing (but not the deliberations) shall be electronically recorded and kept as confidential information by the Associate Dean.

At the conclusion of the portion of the appeal meeting at which other persons attend, the Board shall deliberate in private to determine its course of action. The Appeals Board may:

1. affirm the original determination and sanction(s) which shall be effective as of the date specified by the Judicial Board or Associate Dean;
2. affirm the original determination and reduce the sanction(s) which shall be effective as of the date specified by the Judicial Board or Associate Dean;
3. reverse the determination and conclude that no violation of the Student Code of Conduct occurred; or
4. disallow the determination and order a new hearing by either the College Judicial Board or Associate Dean.

The Chair of the Board within 48 hours of the hearing will present in writing to the Associate Dean its findings determination and sanctions. This written notice will also be sent by the Chair within seven (7) calendar days of the hearing to the appealing student and person(s) who filed the Incident Report. The Chair, at their discretion, may verbally inform the above individuals of the Board's decision and sanctions at the conclusion of the hearing. The decision and sanctions will be immediately in effect regardless of the student's or organization's desire to submit an appeal, and will remain in effect pending the outcome of that appeal.

A decision shall be made by a simple majority vote of the voting members present at the hearing. The Chair will vote on the Board's decisions only in order to break a tie.

Only the members of the College Appeals Board, the appealing student(s), their adviser, any person(s) who filed a report(s) of the alleged violation of the Student Code of Conduct, and those other persons deemed necessary by the Board may be present at the appeals hearing.

Responsibilities of Members of the College Judicial Board & College Appeals Board

If a member of these Boards has been involved in any way in a case to be heard by the Board or if they feel unable to render a fair decision, they must disqualify themselves from the hearing. If it is determined by the Chair that a member of the Board is unable to render a fair decision, the Chair may disqualify the Board member from the hearing. Moreover, a student(s) may request that a Board member be disqualified if they feel the member is unable to render a fair decision. The Chair (or Associate Dean if the Board member is serving as Chair) reserves the right to approve or deny the student's request.

1. Conflict of Interest: If a Judicial Board or Appeals Board member has identified a conflict of interest, the Associate Dean, or their designee, will appoint replacements to ensure a quorum. A conflict of interest may exist when:
 - a. a member's personal life experience closely resembles the facts of the case;

- b. a member's professional expertise may cause them to rely on outside evidence; or
- c. a member's professional duties may influence their ability to render a fair and unbiased decision.

The Associate Dean reserves the right to deny the recusal of a Board member if the grounds for recusal is not evident or believed to not impact the outcome of the hearing.

2. Substitution of Members: If there is a need to convene the Judicial Board during extended holiday breaks or in the summer and elected members of the Board are unable to attend a hearing, the Associate Dean, at their discretion, will appoint a faculty member or College administrator or staff outside of the Office of Students to serve in place of the regular member(s).

All information discussed in any judicial proceedings is considered confidential.

Deliberations shall not be conducted via campus email or other forms of electronic communication.

All members of these Boards are responsible for making objective judgments in cases based on the facts as they are presented in each judicial hearing.

Responsibilities of Witnesses

Witnesses at all judicial hearings have the responsibility for providing accurate information to the questions asked by members of the Judicial Board, Appeals Board, or by the Associate Dean.

Any information or statements made by a student during an investigation of a charge or during a hearing may be used as evidence for the filing of additional disciplinary charges against the student.

Disciplinary Sanctions

The scope of disciplinary sanction that may be imposed on students is as follows:

1. Disciplinary Warning — A warning is a verbal notice to a student, to be followed, in writing, that continuation of policy violations will be cause for more serious disciplinary action. A copy of the letter of warning is placed in the student's file in the Office of Student Affairs.
2. Disciplinary Probation — The student is permitted to remain enrolled in the College only upon condition that he/she comply with all College rules or regulations and/or with other standards of conduct which the student is directed to observe for the duration of the period of the probation. This may include loss of student privileges except those required for the necessary completion of academic course work. Probation may not exceed one calendar year in duration for any given misconduct, except that violation of probationary conditions shall be cause for extension of the probation for more than two additional terms or for suspension or expulsion. A copy of the letter of probation is placed in the student's file in the Office of Student Affairs.
3. Disciplinary Suspension — The temporary loss of student status for a specified period of time, with resultant loss of all student rights and privileges. Re-enrollment is contingent upon completion of suspension, the fulfillment of its terms, and upon approval of the Associate Dean.

A copy of the letter outlining these terms is placed in the student's file in the Office of Student Affairs.

a. Temporary Suspension — A student may be temporarily suspended from the College by the Associate Dean pending final action on the charges against them if, in the judgment of the Associate Dean, the student's continued presence on campus would constitute a potential for serious harm to themselves or to the safety of any member of the College community or of College property.

4. Disciplinary Expulsion — This sanction is one of involuntary departure of the student from the College with resultant loss of all student rights and privileges. Separation is permanent and makes no provision for the student to re-enroll at Westminster College at any time in the future.

The following sanctions may be imposed independently of or in combination with any of the disciplinary sanctions outlined above:

1. Fines – The dollar amount of fines assessed to students and student organizations will be determined by the Associate Dean or designee.

2. Restitution — Payment equal to replacement or repair costs, including labor, for damaged or stolen property, reimbursement of other losses, such as medical bills; payment to the College for services including, but not limited to, room and board charges.

3. Restrictions and Conditions of Student Behavior — Examples include denial of visitation privileges to residence halls, termination or denial of residence in College housing, denial of use of specific College facilities and services, and restrictions from participation in extracurricular activities.

4. Referral for Counseling — The Associate Dean or the College Judicial Board may require a student to establish a counseling relationship with a member of the College counseling staff, any qualified faculty member, or a professional counselor off-campus and may require that the counselor report that the student has reported for counseling as required.

5. Developmental/Educational Assignments — Examples include, but are not limited to, developing and presenting residence hall programs on behavioral or health-related issues; writing an essay on topical concerns such as drug and alcohol abuse, alcohol legislation, etc.; interviewing members of support groups such as AA or another relevant organization and submitting a written report on one's findings; reporting on the status of fire extinguishers in the residence halls; attending College lectures/seminars on issues relevant to one's disciplinary case.

6. Sanctions that may be imposed upon student organizations found responsible for violating College policies include warnings and probation. In addition, fines, restitution, and restrictions may be imposed independently of or in combination with warnings or probation. Finally, the Associate Dean or the College Judicial Board may determine that an organization found to have violated the Student Code of Conduct will lose its recognition as an official College organization and the privileges associated with this recognition. If a student organization loses its recognition from the College, the period of time during which it will not be recognized must be specified by the Associate Dean or College Judicial Board.

7. The College, upon written request to the Associate Dean for Student Affairs, will disclose to the alleged victim of a crime of violence or a nonforcible sex offense (or to the alleged victim's next of kin if the victim dies as a result of the crime or offense) the final results of any institutional disciplinary proceeding dealing with that crime or offense.

Procedures for Temporary Disciplinary Suspension

Before a temporary suspension may be imposed, the Associate Dean for Student Affairs shall make an initial evaluation of the reliability of the information received and make such further investigation as circumstances permit. If it is concluded that the alleged conduct warrants temporary suspension, the Associate Dean shall notify the student of their intention to suspend them temporarily and, at the earliest practicable opportunity, provide the student with an opportunity to meet with the Associate Dean.

The Associate Dean shall maintain records of all attempts to notify the student and, if all reasonable efforts to notify the student are unsuccessful, the Associate Dean may impose the temporary suspension without a meeting with the student, provided, however, attempts to notify the student continue, and the student is afforded a pre-hearing conference at the earliest practicable opportunity.

At the meeting with the Associate Dean the student shall be given a statement of charges and an oral summary of the reason(s) for concluding that the alleged conduct warrants temporary suspension.

The issues at the meeting with the Associate Dean shall be limited to consideration of the reliability of the evidence against the student and whether the alleged conduct warrants temporary suspension.

The Associate Dean's decision may be rendered orally but shall be confirmed in writing, as soon as practicable. The decision must be supported by credible evidence which is sufficient, in the opinion of the Associate Dean to indicate that the student engaged in the alleged conduct and that such conduct warrants temporary suspension.

The hearing on the charges shall be commenced not later than seven (7) days after the imposition of the temporary suspension unless the student requests a delay of the hearing and continuation of the temporary suspension until a later date.

SEXUAL MISCONDUCT POLICY FOR WESTMINSTER COLLEGE

1. Introduction

The College prohibits the exclusion of any person, on the basis of sex, from participation in, to be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the College.¹ If not addressed by the College, sexual harassment and other forms of sexual misconduct as defined below constitute a form of discrimination on the basis of sex.² The purpose of this policy is to set forth the prompt and effective steps which the College will take to end sexual misconduct, prevent its recurrence, and, as appropriate, remedy its effects.³ This policy applies to sexual misconduct involving the College's students, faculty, staff, and visitors

and which occur against a person in the United States.⁴ Any provision of any College policy or handbook which deals with sexual discrimination in any fashion is hereby superseded as of the Effective Date by this Sexual Misconduct Policy so that all forms of sexual misconduct involving the education programs of the College will be subjected to the remedial steps set forth in this policy.

Appendix “A” contains a list of names, physical addresses, email addresses, telephone numbers, and certain other information which may change from time to time. Appendix “A” may be updated from time to time by the Title IX Coordinators without College approval so as to maintain current information for use by the campus community.

Nothing contained in this Sexual Misconduct Policy shall be deemed to have created a contract between the College and any student, faculty member, or staff member. The College reserves the right to unilaterally change any provision of this policy without the consent of any other party.

¹ 34 CFR §106.31.

² 2001 Guidance, p. 2.

³ 2001 Guidance, p. iii.

⁴ 34 CFR §106.8(c).and (d); 34 CFR §106.31(b); 2001 Guidance, p. 13.

⁵ 34 CFR §106.8(a)

2. Notification Requirements

The College hereby notifies applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the College that the names of the employees designated as the Title IX Coordinators are set forth in Appendix “A.”⁵

The College hereby notifies such persons that (a) the College does not discriminate on the basis of sex in the education programs or activities that the College operates, (b) the College is required by Title IX not to discriminate in such a manner, and (c) the requirement of the College not to discriminate in the education programs or activities extends to employment and admission.⁶

Inquiries about the application of Title IX to the College may be referred to the employee(s) designated by the College as its Title IX Coordinator(s) or to the Assistant Secretary of the Office of Civil Rights at the United States Department of Education, or both.⁷

A notice of the College’s policy of nondiscrimination shall be widely disseminated on the College’s campus, and the College will prominently display a statement of this policy on its website and in each handbook or catalog that it makes available to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the College.⁸ The notice of nondiscrimination shall also state the contact information for the Title IX Coordinator(s).⁹ The College shall use or distribute a publication stating that the College does not treat applicants, students, or employees differently on the basis of sex.¹⁰

The College has adopted and published grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX. Additionally, the College's grievance process complies with Title IX §106.45 for formal complaints.¹¹ The College hereby provides notice of the College's grievance procedures and processes to applicants for admission and employment, students and employees, and all unions of professional organizations holding collective bargaining or professional agreements, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the College will respond in such cases, all of which is set forth in Sections 5 through 9 below .¹²

⁶ 34 CFR §106.8(b)(1)

⁷ 34 CFR §106.8(b)(1)

⁸ 34 CFR §106.8(b)(2)(i)

⁹ 34 CFR §106.8(b)(2)(i)

¹⁰ 34 CFR §106.8(b)(2)(ii)

¹¹ 34 CFR §106.8(c)

¹² 34 CFR §106.8(c)

3. Definitions

As used in this policy, the phrases and words listed shall have the meanings set forth below:

Actual knowledge - Notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator(s) or any official of the College who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the College with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator(s) as described in the Notification section of this policy.¹³

Campus - Any building or property owned or controlled by the College within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, the College's educational purposes, including residence halls. Any building or property that is within or reasonably contiguous to any building or property owned or controlled by the College within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, College's educational purposes, that is owned by the College but controlled by another person, is frequently used by students, and supports College purposes such as a food or other retail vendor.¹⁴

Campus security authority - A campus police department or a campus security department of the College. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an

individual who is responsible for monitoring entrance into College property. Any individual or organization specified in the College's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. An official of the College who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.¹⁵

Complainant - An individual who is alleged to be the victim of conduct that could constitute sexual harassment.¹⁶

Consent - Verbal statements or non-verbal actions which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.¹⁷

Deliberately indifferent - A response to sexual harassment or other sexual misconduct that is clearly unreasonable in light of the known circumstances.¹⁸

Dating violence - 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 shall be determined based on the reporting party'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. "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. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.¹⁹

Domestic violence - A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim²⁰, (b) a person with whom the victim shares a child in common, (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.²¹

Education program or activity of a college – Locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.²²

Formal complaint - A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College

with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator in Appendix “A”, and by any additional method designated by the College. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under 34 CFR 106 or under 34 CFR 106.45, and must comply with the requirements of 34 CFR 106, including 34 CFR 106.45(b)(1)(iii).²³

Hostile environment – An environment where the conduct of one or more individuals is sufficiently serious that it denies or limits a student’s, faculty member’s, or staff member’s ability to participate in or benefit from the College’s program based on sex. In determining whether a hostile environment exists, the College shall consider all relevant circumstances, including the following factors: (a) the degree to which the conduct affected the College’s educational programs, (b) the type, frequency and duration of the conduct, (c) the age and sex of the alleged harasser and the subject or subjects of the harassment, (d) the location of the incidents and the context in which they occurred, (e) other incidents at the College, and (f) incidents of gender-based, but nonsexual harassment.

Incapacitation – Any situation in which a person is incapable of giving consent due to the student’s age, state of consciousness, use of drugs or alcohol, or an intellectual or other disability.

Intimidation – The intentional act of coercing or frightening someone to engage or not engage in conduct of a sexual nature against the person’s will.

Non-consensual sexual contact - Any physical touching of a sexual nature which is not preceded by consent or which continues after a previous consent is withdrawn.

Non-consensual sexual intercourse - Any sexual intercourse which is not preceded by consent or which continues after previous consent is withdrawn.

Respondent - Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.²⁴

Retaliation- The act of seeking revenge upon another person.²⁵

Sexual assault²⁶ - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.²⁷

Sexual harassment- Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
3. "Sexual assault", "dating violence", "domestic violence", or "stalking" as defined herein.²⁸
4. Sexual intercourse - Vaginal or anal penetration by a penis, object, tongue or finger and oral copulation.

Sexual intercourse - Vaginal or anal penetration by a penis, object, tongue or finger and oral copulation.

Sexual misconduct – Any act of sexual harassment, sexual violence, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, quid pro quo, intimidation, or any act that creates a hostile environment or any act of retaliation against a complainant or anyone involved in a grievance procedure under this policy.

Sexual violence - Physical sexual acts perpetrated against a person's will or with a person who suffers from incapacitation. It also means same-sex conduct that violates the College's prohibition on sexual violence.

Stalking²⁹ - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others or (b) suffer substantial emotional distress.³⁰ Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.³¹

Standard of evidence – The standard of evidence that shall be used is the preponderance of the evidence standard where the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.

Supportive measures - Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before, during, or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.³²

Title IX Coordinator – The person designated as such by the College’s President or the person temporarily designated by the Title IX Coordinator to serve in that capacity during the Title IX Coordinator’s incapacity or absence from the College’s campus.

Unwelcome conduct - Conduct is unwelcome if an individual did not request or invite it and regarded the conduct as undesirable or offensive. Acquiescence in the conduct or the failure to complain does not always mean that the conduct was welcome.³³

¹³ 34 CFR §106.30(a)

¹⁴ 34 CFR § 668.46(a).

¹⁵ 34 CFR § 668.46(a).

¹⁶ 34 CFR §106.30(a)

¹⁷ 34 CFR §106.30(a) The Assistant Secretary will not require Colleges to adopt a particular definition of consent with respect to sexual assault, as referenced in this section.

¹⁸ 34 CFR §106.44(a).

¹⁹ 34 CFR §668.46.

²⁰ The use of the word “victim” in this policy stems from the use of that word in 34 CFR §668.46 and is not intended to infer the guilt or innocence of any party with respect to any crime or any violation of this policy.

²¹ 34 CFR §668.46.

²² 34 CFR §106.44(a)

²³ 34 CFR §106.30(a)

²⁴ 34 CFR §106.30(a)

²⁵ <https://definitions.uslegal.com/r/retaliation/> (July 19, 2019).

²⁶ 34 CFR § 668.46(a).

²⁷ 34 CFR § 668.46(a).

²⁸ 34 CFR § 106.30(a)

²⁹ 34 CFR § 668.46(a).

³⁰ 34 CFR § 668.46(a).

³¹ 34 CFR § 668.46(a).

³² 34 CFR §106.30(a)

³³ 2001 Revised Sexual Harassment Guidance, pp. 7-8.

4. Title IX Coordinator

The College’s current lead Title IX Coordinator and any deputy Title IX Coordinator(s) are the individuals specified in Appendix “A”.³⁴ The names and current contact information for these individuals, including the office address, electronic mail address, and telephone number can be found in Appendix “A”, and on the College’s website at: www.westminster.edu/campus/services/title-ix/index.cfm.³⁵ All of the College’s Title IX Coordinators shall work together to ensure consistent enforcement of its policies and Title IX.³⁶ The lead and deputy Title IX Coordinator(s) shall coordinate the College’s efforts to comply with its responsibilities under this policy, guidance from the United States Department of Education, and federal statutes and regulations governing sexual misconduct.³⁷ Further, when

designating a Title IX coordinator, the College will make efforts to designate a coordinator whose other job responsibilities will not create a conflict of interest.³⁸

The Title IX Coordinator will assist the College in complying with Title IX and promoting gender equity in education.³⁹

The College will ensure that the Title IX Coordinator(s) are/is appropriately trained and possess comprehensive knowledge in all areas over which the Title IX Coordinator(s) has/have responsibility in order to effectively carry out those responsibilities, including College policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the College.⁴⁰

³⁴ 34 CFR §106.8(a)

³⁵ 34 CFR §106.8(a)

³⁶ OCR Guidance on Title IX Coordinators (April 24, 2015), pp. 2-3

³⁷ 34 CFR §106.8(a)

³⁸ OCR Guidance on Title IX Coordinators (April 24, 2015), p. 3

³⁹ OCR Guidance on Title IX Coordinators (April 24, 2015), p. 4

⁴⁰ OCR Guidance on Title IX Coordinators (April 24, 2015), p. 6

5. College's Response to Sexual Harassment

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator(s), or by any other means that results in the Title IX Coordinator(s) receiving the person's verbal or written report.⁴¹ In addition, reports may be submitted anonymously via the College's website.⁴² Such report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator(s).⁴³

a. Response to Sexual Harassment in General

When the College has actual knowledge of sexual harassment occurring in any of the College's education programs or activities against a person in the United States, the College shall respond promptly in a manner that is not deliberately indifferent.⁴⁴ The College shall treat complainants and respondents equitably by offering supportive measures to a complainant, and by following the College's grievance policy before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.⁴⁵ Additionally, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.⁴⁶ The College will provide written notification of complainant's⁴⁷ options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the

complainant chooses to report the crime to campus police or local law enforcement.⁴⁸ The College will respond in the manner described in this section with or without a formal complaint.⁴⁹

b. College's Response to a Formal Complaint

When a formal complaint has been filed, the College shall follow all procedures consistent with Title IX and the College's grievance policy, and thus a hearing will be held unless informal resolution is utilized to conclude the grievance process.⁵⁰

The College may remove a respondent from the College's education program or activity on an emergency basis, after the College undertakes an individualized safety and risk analysis, determines that the respondent poses an immediate threat to the physical health or safety of any student or individual arising from the allegations of sexual harassment and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.⁵¹ The College may also place a non-student employee respondent on administrative leave during the pendency of a grievance process.⁵²

c. Confidentiality and Privilege

The College will provide information, in writing, about how the College will protect the confidentiality of complainants⁵³, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the complainant⁵⁴, to the extent permissible by law.⁵⁵ The College shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.⁵⁶ The College shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.⁵⁷ The College is required to provide information to the College's insurance providers for coverage purposes.

The College does not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.⁵⁸

⁴¹ 34 CFR §106.8(a)

⁴² SCHOOLS AND SCHOOL DISTRICTS, 2019 Pa. Legis. Serv. Act 2019-16 (H.B. 1615), Section 2003-J Online Report System (b).

⁴³ 34 CFR §106.8(a)

⁴⁴ 34 CFR §106.44(a)

⁴⁵ 34 CFR §106.44(a)

⁴⁶ 34 CFR §106.44(a)

⁴⁷ Although 34 CFR §668.46 and 20 U.S.C. §1092 refer to “victim”, this policy utilizes the word “complainant” because “complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment under 34 CFR§106.30(a). See Section III for the definition of “complainant.”

⁴⁸ 34 CFR §668.46(b)(11)(v)

⁴⁹ 34 CFR §106.44(b)(1)

⁵⁰ 34 CFR §106.44(b)(1)

⁵¹ 34 CFR § 106.44(c)

⁵² 34 CFR §106.44(d)

⁵³ See Note [46](#) above.

⁵⁴ See Note [46](#) above.

⁵⁵ 34 CFR §668.46(b)(11)(A)

⁵⁶ 34 CFR §106.71(a)

⁵⁷ 34 CFR §106.30(a)

⁵⁸ 34 CFR 106.45(b)(1)(x)

6. Grievance Procedures for Formal Complaints of Sexual Harassment

For purposes of addressing formal complaints of sexual harassment, the College will comply with the grievance procedures of this section. The College’s grievance procedures treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with this section before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.⁵⁹ Remedies are designed to restore or preserve equal access to the College’s education program or activity.⁶⁰

a. Basic Requirements for Grievance Procedures

Grievance proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.⁶¹ Proceedings shall provide a prompt, fair, and impartial investigation and resolution.⁶² Parties are not required to participate in the grievance process but are supported in doing so.

The College’s grievance procedures shall use an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.⁶³ During the grievance process, credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.⁶⁴

Any individual designated by the College who is to be involved in the College’s grievance procedures, such as a coordinator, investigator, or decision-maker, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.⁶⁵ It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process⁶⁶

The College's grievance procedure includes reasonably prompt time frames for the conclusion of the grievance process. This includes reasonably prompt timeframes for filing and resolving appeals and informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent for the delay or extension and the reasons for the action.⁶⁷ "Good cause" may include consideration such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.⁶⁸

The College's grievance procedures describe the range of possible sanctions and remedies that the College may implement following any determination of responsibility.⁶⁹ The grievance procedures also describe the standard of evidence to be used to determine responsibility. This standard of evidence is applied for formal complaints against students as well as formal complaints against employees, including faculty.⁷⁰ It shall be applied to all formal complaints of sexual harassment.⁷¹

b. Supportive Measures

The College must provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.⁷² The College provides such written notification in Appendix "A". There are a range of supportive measures available to complainants and respondents.⁷³ Such supportive measures may include but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

c. Notice of Allegations

Upon receipt of a formal complaint from a student or employee or upon the initiation of a formal complaint by the Title IX Coordinator on behalf of the College, the College must provide the following written notice to the parties who are known: notice of the College's grievance procedures, including any informal resolution process, notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.⁷⁴

The College's written notice must also include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.⁷⁵

The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence. In accordance with Item 24 of the Violations Section of the College's Code of Conduct, the College

prohibits the parties from making false statements or knowingly submitting false information during the grievance process, or any College-related matter.⁷⁶

If, in the course of investigation, the College decides to investigate allegations about the complainant or respondent that are not included in the notice requirements above, then the College will provide notice of the additional allegations to the parties whose identities are known.⁷⁷

d. Investigations of a Formal Complaint

The College must investigate the allegations in a formal complaint.⁷⁸ If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the College's education program or activity, or did not occur against a person in the United States, then the College must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX.⁷⁹ However, such a dismissal does not preclude action under another provision of the College's code of conduct.⁸⁰

As soon after the initiation of the investigation as possible, the Title IX Coordinator or the designated investigator shall notify all College employees or students who are believed to have documentary, electronic, or tangible evidence to preserve such evidence for the investigation.⁸¹ The College must also notify the complainant⁸² of: (a) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order, (b) the agencies to whom the alleged offense should be reported, (c) options regarding law enforcement and campus authorities, including notification of the complainant's⁸³ option to (i) notify proper law enforcement authorities, including on-campus and local police, (ii) be assisted by campus authorities in notifying law enforcement authorities if the complainant⁸⁴ so chooses, and (iii) decline to notify such authorities.⁸⁵

When investigating a formal complaint, the College must ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the parties, provided that the College cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do.⁸⁶

The College must provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.⁸⁷

The College must also provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.⁸⁸ In addition, the College may not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence⁸⁹

The College must provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.⁹⁰ The College may not limit the choice of advisor or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding.⁹¹ Advisors are not required to be attorneys.⁹² Additionally, the College may not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding.⁹³ However, the College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.⁹⁴

The College must also provide to the party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interview, or other meetings with a party, with sufficient time for the party to prepare to participate.⁹⁵

e. Investigative Report

The College is required to create an investigative report that fairly summarizes relevant evidence.⁹⁶ Prior to completion of an investigative report, the College must send each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format, or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.⁹⁷ The College must also provide a copy of the investigative report at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.⁹⁸

f. Live Hearing

The College is required under Title IX to have a live hearing as part of the College's grievance procedures.⁹⁹ Any party may request that the hearing be held virtually, and upon doing so, the hearing will be held virtually.

During a live hearing, the College and the College's decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.¹⁰⁰ Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the parties' advisor of choice and never by a party personally, notwithstanding the discretion of the College to otherwise restrict the extent to which advisors may participate in the proceedings.¹⁰¹ If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the

College's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party.¹⁰²

The College must also make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examinations.¹⁰³ A party or witness does not have to submit to cross-examination. During the hearing, the College utilizes "rules of decorum" which are founded upon trauma informed care practices and procedures ensuring that the hearing is conducted in a respectful, non-intimidating, and non-abusive manner. After the Title IX Coordinator opens the hearing, the Decision Maker may choose to make preliminary housekeeping comments, and then the hearing will begin with cross examination for those who willingly choose to submit to cross examination. Direct examination of any party or witness is considered the testimony or evidence provided in the written report. Thus, there is no need for direct examination at the hearing. Re-direct examination after cross-examination is permitted if relevant.

Only relevant cross cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.¹⁰⁴ Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or 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.¹⁰⁵

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.¹⁰⁶

Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.¹⁰⁷ Colleges must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.¹⁰⁸ At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.¹⁰⁹

⁵⁹ 34 CFR §106.45(b)(1)(i)

⁶⁰ 34 CFR §106.45(b)(1)(i)

⁶¹ 34 CFR §668.46(k)(2)(ii)

⁶² 34 CFR §668.46(k)(2)(i)

⁶³ 34 CFR §106.45(b)(1)(ii).

⁶⁴ 34 CFR §106.45(b)(1)(ii).
⁶⁵ 34 CFR §106.45(b)(1)(iii).
⁶⁶ 34 CFR §106.45(b)(1)(iv).
⁶⁷ 34 CFR §106.45(b)(1)(v).
⁶⁸ 34 CFR §106.45(b)(1)(v).
⁶⁹ 34 CFR §106.45(b)(1)(vi).
⁷⁰ 34 CFR §106.45(b)(1)(vii).
⁷¹ 34 CFR §106.45(b)(1)(vii).
⁷² 34 CFR §668.46 (b)(11)(iv)
⁷³ 34 CFR §106.45(b)(1)(ix)
⁷⁴ 34 CFR §106.45(b)(2)(i)(A)-(B)
⁷⁵ 34 CFR §106.45(b)(2)(i)(B).
⁷⁶ 34 CFR §106.45(b)(2)(i)(B)
⁷⁷ 34 CFR §106.45(b)(2)(ii)
⁷⁸ 34 CFR §106.45(b)(3)(i).
⁷⁹ 34 CFR §106.45(b)(3)(i).
⁸⁰ 34 CFR §106.45(b)(3)(i)
⁸¹ 34 CFR §668.46((b)11)(ii)(A)
⁸² See Note [46](#) above.
⁸³ See Note [46](#) above.
⁸⁴ See Note [46](#) above.
⁸⁵ 34 CFR §668.46((b)11)(ii)(A)
⁸⁶ 34 CFR §106.45(b)(5)(i).
⁸⁷ 34 CFR §106.45(b)(5)(vi)
⁸⁸ 34 CFR §106.45(b)(5)(ii)
⁸⁹ 34 CFR §106.45(b)(5)(iii)
⁹⁰ 34 CFR §106.45(b)(5)(iv)
⁹¹ 34 CFR §106.45(b)(5)(iv)
⁹² 34 CFR §105.45(b)(5)(iv)
⁹³ 34 CFR §106.45(b)(5)(iv)
⁹⁴ 34 CFR §106.45(b)(5)(iv)
⁹⁵ 34 CFR §106.45(b)(5)(v).
⁹⁶ 34 CFR §106.45(b)(5)(vii).
⁹⁷ 34 CFR §106.45(b)(5)(vi).
⁹⁸ 34 CFR §106.45(b)(5)(vii).
⁹⁹ 34 CFR §106.45(b)(6)(i).
¹⁰⁰ 34 CFR §106.45(b)(6)(i).
¹⁰¹ 34 CFR §106.45(b)(6)(i).
¹⁰² 34 CFR §106.45(b)(6)(i).
¹⁰³ 34 CFR §106.45(b)(5)(vi).
¹⁰⁴ 34 CFR §106.45(b)(6)(i).
¹⁰⁵ 34 CFR §106.45(b)(6)(i).
¹⁰⁶ 34 CFR §106.45(b)(6)(i).
¹⁰⁷ 34 CFR §106.45(b)(6)(i)
¹⁰⁸ 34 CFR §106.45(b)(6)(i).
¹⁰⁹ 34 CFR §106.45(b)(6)(i).

7. Determination Regarding Responsibility

For the purpose of making a determination regarding responsibility, the College must appoint decision-maker(s) who cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s) for the College's grievance procedures.¹¹⁰ When making a determination regarding responsibility, the College must apply the standard of evidence as defined above.¹¹¹

The College's decision-maker(s) must issue a written determination regarding responsibility.¹¹² The College must provide the written determination to the parties simultaneously.¹¹³ The College's written determination must include:

- a. identification of the allegations potentially constituting sexual harassment;
- b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. findings of fact supporting the determination;
- d. conclusions regarding the application of the College's code of conduct to the facts;
- e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and
- f. the College's procedures and permissible bases for the complainant and respondent to appeal.^{114>}

The College must list all of the possible sanctions or supportive measures that the College may impose following the results of any College disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking in its annual security report, all of which are listed in Appendix "B".¹¹⁵ In cases of alleged violence, sexual harassment, dating violence, sexual assault, or stalking, both the complainant and the respondent shall be simultaneously informed in writing of the outcome of any institutional disciplinary proceeding, the institution's procedures for the accused and the complainant¹¹⁶ to appeal the results of the institutional disciplinary proceeding, any change to the results that occurs prior to the time that such results become final, and when such results become final.¹¹⁷

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.¹¹⁸

The Title IX Coordinator is responsible for effective implementation of any remedies.¹¹⁹

¹¹⁰ 34 CFR §106.45(b)(7)(i).

¹¹¹ 34 CFR §106.45(b)(7)(i).

¹¹² 34 CFR §106.45(b)(7)(i).

- ¹¹³ 34 CFR §106.45(b)(7)(iii).
¹¹⁴ 34 CFR §106.45(b)(7)(ii)(A)-(F).
¹¹⁵ 34 CFR §668.46(k)(1)(k)(iii)
¹¹⁶ See Note 46 above.
¹¹⁷ 20 U.S.C. § 1092(f)(8)(B)(iv)(III).
¹¹⁸ 34 CFR §106.45(b)(7)(iii).
¹¹⁹ 34 CFR §106.45(b)(7)(iv).

8. Appeals

The College must offer both parties an appeal from a determination regarding responsibility, and from a College's dismissal of a formal complaint or any allegations therein, on the following bases: (a) procedural irregularity that affected the outcome of the matter; (b) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or (c) the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.¹²⁰

As to all appeals, the College must (a) notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties; (b) ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator; (c) ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy and Title IX; (d) give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; (e) issue a written decision describing the result of the appeal and the rationale for the result; and (f) provide the written decision simultaneously to both parties.¹²¹

- ¹²⁰ 34 CFR §106.45(b)(8)(i),
¹²¹ 34 CFR §106.45(b)(8)(iii).

9. Informal Resolution Process

The College does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section.¹²² Similarly, The College does not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed.¹²³ However, at any time prior to reaching a determination regarding responsibility the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the College (a) provides to the parties a written notice disclosing: (i) the allegations, (ii) the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal

resolution process and resume the grievance process with respect to the formal complaint, and (iii) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; (b) obtains the parties' voluntary, written consent to the informal resolution process; and (c) does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.¹²⁴

¹²³ 34 CFR §106.45(b)(9).

¹²⁴ 34 CFR §106.45(b)(9)(i)-(iii).

10. Record Keeping

The College maintains, for a period of seven years, records of each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the College's education program or activity; any appeal and the result therefrom; any informal resolution and the result therefrom; and all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.¹²⁵ Materials used to train Title IX Coordinators, investigators, decision-makers, and any persons who facilitates an informal resolution process will be publicly available on the College's website.¹²⁶

The College shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.¹²⁷ In each instance, the College shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity.¹²⁸ If the College does not provide a complainant with supportive measures, then the College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.¹²⁹ The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.¹³⁰

¹²⁵ 34 CFR §106.45(b)(10)(i)(A)-(D).

¹²⁶ 34 CFR §106.45(b)(10)(i)(A)-(D)

¹²⁷ 34 CFR §106.45(b)(10)(ii).

¹²⁸ 34 CFR §106.45(b)(10)(ii).

¹²⁹ 34 CFR §106.45(b)(10)(ii).

¹³⁰ 34 CFR §106.45(b)(10)(ii).

11. Prevention and Education

The College shall provide education programs to promote the awareness of rape, acquaintance rape, domestic violence, sexual assault, sexual harassment, and stalking, which shall include:

1. Primary prevention and awareness programs for all incoming students and new employees, which shall include:
 - a. A statement that the College prohibits the offenses of domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

- b. The definition of domestic violence, dating violence, sexual assault and stalking in the state of Pennsylvania;
 - c. The definition of consent, in reference to sexual activity, in the state of Pennsylvania;
 - d. Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, sexual assault, sexual harassment, or stalking against a person other than such individual;
 - e. Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.
 - f. Information described in 20 U.S.C. 1092(f)(8)(B)(ii) through (vii); and
2. Ongoing prevention and awareness campaigns for students and faculty including the information described in clauses (a) through (f) of subparagraph 1 above.¹³¹

¹³¹ 34 CFR §668.46(j)

12. Prevention and Education

The College ensures that Title IX coordinators, investigators, and decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the College’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.¹³² Coordinator(s) should be knowledgeable about other applicable Federal and State laws, regulations, and policies that overlap with Title IX.¹³³ Additionally, the College ensures that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant.¹³⁴ Furthermore, the College ensures that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.¹³⁵

The College uses training materials that do not rely on sex stereotypes to train coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.¹³⁶ The College also uses materials that promote impartial investigations and adjudications of formal complaints of sexual harassment to train coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.¹³⁷

¹³¹ 34 CFR §668.46(j)

¹³² 34 CFR §106.45(b)(1)(iii)

¹³³ OCR Guidance on Title IX Coordinators (April 24, 2015), p. 6.

¹³⁴ 34 CFR §106.45(b)(1)(iii)

¹³⁵ 34 CFR §106.45(b)(1)(iii)

¹³⁶ 34 CFR §106.45(b)(1)(iii)

¹³⁷ 34 CFR §106.45(b)(1)(iii)

13. Retaliation Prohibited

The College or any other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.¹³⁸ Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.¹³⁹ Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination.¹⁴⁰ The exercise of rights protected under the First Amendment does not constitute retaliation.¹⁴¹ Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation.¹⁴² However, a determination regarding responsibility alone will not be sufficient to conclude that any party made a materially false statement in bad faith.¹⁴³

¹³⁸ 34 CFR §106.71(a).

¹³⁹ 34 CFR §106.71(a).

¹⁴⁰ 34 CFR §106.71(a)

¹⁴¹ 34 CFR §106.71(b)(1)

¹⁴² 34 CFR §106.71(b)(2).

¹⁴³ 34 CFR §106.71(b)(2)

Possible Sanctions or Support Measures

The possible sanctions that College may impose for students include warning, required counseling, probation, suspension, expulsion, and organizational sanctions (deactivation, loss of recognition, loss of some or all privileges for a specified period of time).

The possible sanctions that College may impose for employees include warning (verbal or written), performance improvement/management process, required counseling, required training or education, probation, loss of annual pay increase, loss of oversight or supervisory responsibility, demotion, suspension with pay, suspension without pay, and termination.

The possible supportive measures that College may impose include but are not limited to referral to counseling, medical, and/or other health services, referral to the Employee Assistance Program, student financial aid counseling, education to the community or community subgroup, altering campus housing situation, altering work arrangements for employees or student-employees, safety planning, provide campus escorts, providing transportation accommodations, implementing contact limitations (no contact orders) between the parties, academic support, and offering adjustments to academic deadlines, course schedules, etc.

WESTMINSTER COLLEGE BILL OF RIGHTS

Reporting

You have the right to:

- Notify campus authorities and law enforcement,
- Be assisted by campus authorities in notifying law enforcement, and
- Decline to notify such authorities

Confidentiality

Westminster College will:

- Protect confidentiality of victims in public records,
- Maintain as confidential any accommodations or protective measures provided to you

Accommodations

You have the right to:

- Changes to academic living, transportation, and working situations, and
- Protective measures

Disciplinary Process

You have the right to:

- A prompt, fair, and impartial process from the initial investigation to the final result that is
- Completed within the time frames laid out by our policy in a manner that is transparent, provides timely notice of meetings and equal access to information to both the complainant and the respondent, and
- Conducted by officials without a conflict of interest or bias for either party that receive annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability
- Have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of your choice*
- Notification, in writing, of:
 - The result of any institutional disciplinary proceeding from your report of dating violence, domestic violence, sexual assault, or stalking
 - The institution's procedures to appeal the results
 - Any change to the results
 - When the result become final*

*Also afforded to the respondent

HAZING

Westminster College does not permit members of any organization, group, or athletic team to haze. Hazing is defined as any activity in which the organization expects prospective members to participate and which is created intentionally, on or off college premises, for the purpose of producing mental or physical discomfort, embarrassment, harassment or ridicule. Such activities include but are not limited to the following: paddling in any form; creation of excessive fatigue; physical or psychological shocks; required trips from campus; required physical exercises; the wearing of conspicuous public apparel; public stunts and buffoonery/morally degrading or humiliating games and activities; late night work sessions which interfere with scholastic activities.

A student may not choose (give consent) to be hazed. The giving of consent does not excuse hazing activities. A violation of the College's hazing policy will result in disciplinary action taken against a student organization and may include separate action taken against an individual(s) within the organization.

Hazing is prohibited under Pennsylvania State law. Any person who causes or participates in hazing commits a misdemeanor of the third degree (P.L. 1595, No. 175 subsection 3). Hazing is also a violation of college policy, and infractions may result in a direct referral to the conduct adjudication system or a summary suspension from the College. "Hazing" is defined as any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by Westminster College (Antihazing Law).

WESTMINSTER COLLEGE ANTI-BIAS POLICY

It is the policy of Westminster College to foster an inclusive campus culture that supports the diversity of our administration, faculty, staff, and student body. The policy advances the College's strategic plan to achieve excellence in teaching and service by developing and using the full range of human talent.

Consistent with its faith tradition, Westminster College strives to maintain an academic and working environment based on the principle of the dignity and worth of every human being. Westminster College affirms a commitment to freedom from discrimination and bias for all members of the college community. This extends to and protects administration, faculty, staff, and student body, alumni, Trustees, visitors, and vendors. It encompasses every aspect of employment and every student and community activity.

The College expressly prohibits and will not tolerate discrimination or acts of bias on the basis of race, color, sex, age, national origin, sexual orientation, disability, veteran's status, religion (except for those positions where religious affiliation is a necessary qualification), gender, gender identity or expression or any other classification protected under applicable federal, state,

or local law in the administration of any of its educational programs, activities, or with respect to admission and employment.

When a bias-related incident report is submitted, it will be reviewed by the Associate Dean of Student Affairs who will determine the appropriate action to address the complaint and/or refer the report to the proper campus personnel for review and action. If the involved parties are students, the report may be processed through the Student Conduct system in accordance with the Student Code of Conduct. When a complaint involves an employee of the College, the Associate Dean of Student Affairs will work in coordination with the Director of Human Resources and the pertinent vice president, and they will follow the protocols for employee misconduct. Also, if a student or an employee is involved in an incident with a local business or individuals unaffiliated with Westminster, or the incident occurs at an off-campus location, the College will additionally work with local officials to determine a course of action and provide support on behalf of the student or employee.

Depending on the nature of the incident, the response and proposed resolution may vary. Examples may include restorative mediation, educational intervention, criminal investigation, suspensions, or other disciplinary sanctions as detailed in the Student Handbook and employee handbooks. At the completion of the review period, the involved parties will be notified of recommended actions, and the campus community would be informed if applicable and necessary.

What is the Purpose of the Bias Incident Reporting System?

The purpose of the Bias Incident Reporting System is to ensure that there is an adequate and effective means of reporting for students and employees affected by hate or bias-motivated incidents. This reporting system continues efforts of maintaining a positive campus climate where all members of the community feel safe and welcome.

Defining the Incidents: Hate Crimes and Bias Incidents

Hate Crime can be defined as a criminal offense motivated by the offender's bias against or hate toward the victim's status based on race, gender, religion, sexual orientation, ethnicity/national origin and disability. Offenders may use physical violence, verbal, virtual or cyber threats of violence, vandalism, and in some cases weapons, explosives, and arson with the intent of intimidating or causing harm.

Bias Motivated Incident is an offense against a person or property motivated in whole or in part by the offender's bias against a race, religion, disability, ethnic origin, sexual orientation or gender identity; however, the offense may not be considered criminal. Bias incidents include creating hostile environments and harassing behavior that is severe, persistent or pervasive to the point that it threatens an individual or limits the ability of the individual to live, work and study on campus. These examples also extend to virtual spaces.

Note: *Hate crimes are bias incidents, but not all bias incidents are hate crimes.*

Examples of the Bias Incidents

1. Student organizations host parties or other events that encourage people to wear costumes and/or act in ways that reinforce stereotypes and create a campus climate that is hostile to minoritized groups.
2. Graffiti on a residence hall bulletin boards, white boards or in other public spaces across campus that expresses bias against a group. (**Note:** *If the graffiti constitute criminal vandalism or property damage, it can constitute a hate crime.*)
3. Diminishing or denying a person of color's racial/ethnic experiences.
4. Blatant use of derogatory and offensive language that is rooted in historical oppression that targets and denigrates a community of people.

Campus Resources

Office of Diversity and Inclusion
McKelvey Campus Center, 251
(724) 946-7179

Office of Human Resources
Old Main, Business Office Suite, 203
(724) 946-7247

Office Student Affairs
McKelvey Campus Center, 341
(724) 946-7110

Public Safety
McKelvey Campus Center, 267 and 268
Emergency: (724) 946-7777
Office: (724) 946-7126

Wellness Center & Counseling Services
Shaw Hall, Ground Floor
(724) 946-7927

Bias Incident Reporting Process

When a bias incident report is submitted, it will be reviewed by the Associate Dean of Student Affairs. After review, the Associate Dean will determine the appropriate course of action based on the nature of the incident.

Hate crime and reporter is not anonymous

1. Refer to New Wilmington Police Department, Office of Public Safety and/or Student Conduct for investigation, and they will follow their respective protocols.

Bias incident, but not a hate crime, and reporter is anonymous

1. Follow up correspondence will occur with the involved parties named the report.
2. Appropriate action taken.

3. Resolution.
4. Close case.

Bias incident but not a hate crime, and reporter is not anonymous

1. Follow up correspondence with reporter or involved parties named in the report.
2. Referral to appropriate office and/or resources.
3. Appropriate action taken.
4. Resolution.
5. Close case.

Bias incident reported, but determined not non-bias incident

1. Follow up correspondence with reporter.
2. Close case.

Bias incident with broader campus safety and climate concerns

1. Follow up correspondence with reporter, or individual (s) named in the report.
2. Referral to appropriate office and/or resources.
3. Appropriate action taken to address the misconduct and community impact.
4. Resolution.
5. Close case.

DRUG FREE SCHOOLS AND COMMUNITIES ACT

Westminster College is committed to the maintenance of a drug and alcohol free working and learning environment in accordance with the provisions of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. As its name states, the purpose of this federal law is to eliminate drug abuse in the workplace. It requires certain recipients of federal funds to certify, as a condition for the award of a contract or grant, that they will undertake specific steps to prevent unlawful drug use in the workplace by employees who are directly engaged in federally sponsored work. College employees must comply with the Drug-Free Workplace Act if they apply for or work under any federal grant or cooperative agreement, regardless of dollar amount, or any federal contract of \$25,000 or more. The Act applies only to unlawful use of drugs in the workplace or while performing work for the College. Also, it does not apply to the illegal use, possession or distribution of alcohol. Westminster College is among those institutions required to comply with this federal law. As part of its compliance, the College has adopted the policy statement found below.

The Act applies only to employees "directly engaged in the performance of work pursuant to the provisions of the grant or contract" received from the federal government. In practice, however, it is often difficult to segregate employees performing federally supported work. Therefore, Westminster, like most institutions, has elected to include all of its employees under its drug-free workplace policy statement.

Westminster College implements this policy, not only because the law mandates it, but also because a drug-free workplace enhances the health and safety of its employees. Questions about this policy or the federal law should be directed to the Director of Human Resources.

ALCOHOL AND DRUGS

Alcohol and illicit drugs are prohibited on the grounds of Westminster College. Neither employees nor students are permitted to possess or use any of these substances while on College property.

Employees violating the drug use/possession policy would also be in violation of state or federal laws and would face sanctions imposed through the Office of Human Resources as well as the possibility of criminal prosecution. Employees found consuming or possessing alcohol on campus will face sanctions coordinated through the office of Human Resources and could face criminal prosecution if they are below the legal age of 21. The range of sanctions that could be imposed by the College would be a reprimand through termination of employment, depending on the nature of the violation.

Students found to be in possession of alcohol or illicit drugs on campus will face disciplinary action through the College Code of Conduct and could face criminal prosecution as well. Sanctions fall anywhere between a warning and expulsion, depending on the nature of the violation.

Under Pennsylvania law, criminal prosecution for alcohol violations could range between a summary offense and a misdemeanor of the second degree depending on the circumstances of the case. Penalties range from a simple fine to incarceration for a maximum of 2 years. Drug law violations can range from a misdemeanor of the third degree to a felony of the first degree. Penalties range from a fine to a maximum of 15 years incarceration.

The College allows employees to self-identify as drug abusers and may provide a one-time referral to a rehabilitation facility/program. If an employee does not self-identify or is a repeat violator, the College may immediately terminate the individual's employment.

Students may seek professional counseling for substance abuse problems through the Counseling Services Office. Students sanctioned through the Student Code of Conduct may be required to successfully complete a rehabilitation program as a condition of retention or reinstatement as a student at Westminster. Any recognized student organization that sponsors a social event, whether in a campus facility, fraternity house, or other off-campus facility, should be aware of the following policies and responsibilities:

Because they are under the age of 21, Pennsylvania Law prohibits most Westminster students from drinking alcoholic beverages. For the sake of reasonable administration, and in order to create the best possible living and educational atmosphere, there shall be no use, possession, sale, or serving of alcoholic beverages by any student while on or in College property. In fairness to our students, the same policy applies to guests and visitors to our campus.

Federal and state laws prohibit the use, possession, sale, or distribution of certain drugs and drug-related paraphernalia. The use of such drugs is not in keeping with the mission of Westminster College. Therefore, there shall be no use, possession, sale, or distribution of such drugs on campus or on or in fraternity property, or at College-sponsored events. The administration will take the strongest stand concerning illegal drugs, up to and including expulsion and/or involvement of state and federal law enforcement.

Counseling services are available to students who would like to discuss any problems related to drugs or alcohol. In all cases of student involvement in alcohol/drug abuse, the College will offer the services of the counseling staff. All counseling conferences are confidential.

The links found below list several community resources including area drug and alcohol treatment facilities.

<http://www.westminster.edu/campus/health/counseling.cfm>

https://my.westminster.edu/ics/Campus_Life/Campus_Groups/Counseling_Services_at_the_Wellness_Center/Community_Resources.jnz

DRUG AND ALCOHOL EDUCATION MATRIX

Title	Delivery	Topic	Frequency	Target Audience
Vector Solutions/SafeColleges: Alcohol & Other Drugs	Online Module; Self-paced	Risk factors for substance abuse, harm reduction, safe bystander intervention strategies in AOD situations, the negative effects of AOD on brain, social life, and academic life	Once per semester	All incoming undergraduate students, including transfer students
Vector Solutions/SafeColleges: Marijuana: What you should know	Online Module; Self-paced	Evidence-based information about marijuana use, including physical effects, social effects, and the frequency/prevalence of marijuana use	Once per semester	All incoming undergraduate students, including transfer students
Alcohol Education in WST 101	Seminar/Workshop	Campus culture and safety around alcohol use; student attitudes about alcohol use and binge drinking		WST 101, First Year Program Course

WESTMINSTER COLLEGE CAMPUS BUILDINGS

The Physical Plant Department staff maintains the campus buildings and grounds with a concern for safety and security. Outdoor lighting is located in areas of routine student/employee traffic and is inspected regularly by the Physical Plant and by Public Safety. The Department of Public Safety assists in grounds and building maintenance by reporting potential security and safety hazards such as broken windows, faulty locks, inoperative lighting and similar problems. Trees and other vegetation are also routinely inspected and trimmed to eliminate areas that could conceal an attacker or voyeur.

WESTMINSTER COLLEGE CAMPUS HOUSING

The college can house up to 1,018 students in 6 residence halls and 5 townhouse buildings located on campus. All residence halls are locked on a 24-hour basis; students are issued a proximity card which allows access into their residence hall. The residence halls include single, double, and triple rooms. The five townhouse buildings comprised of 25 apartment style housing units which accommodate 100 of our residential students. Married couples cannot be accommodated in the residence halls. The Office of Student Affairs assigns new students to rooms using a roommate preference form completed by the students. Upper-class students select their halls and rooms each spring semester for the following academic year in the housing selection process. Rooms are not automatically retained from year to year. Any student wishing to change rooms may request a meeting to discuss a change with a member of the Residence Life staff.

Only residents and their invited guests are allowed to enter residence halls. A host student must escort visitors. Such visits must occur within the hours authorized by the College for residence hall visitation. Public Safety Officers conduct periodic checks of the entrances to halls to make certain the doors remain secured. Students have proximity cards that allow them to enter buildings. Residence Life Staff are on duty in the buildings if residence halls remain open for any portion of a College vacation period. Residence halls are supervised by live-in staff members who are selected, trained and supervised by the Student Affairs Office. Each residence hall is staffed by several student Resident Assistants. . Residence Life staff review safety and security procedures with residents at the beginning of each academic year and conduct periodic refresher training throughout the year as the residence life staff deems necessary. In addition to monitoring hall security, the Resident Life staff is also responsible for enforcing College regulations, conducting periodic fire drills, and organizing residence hall programs.

Residents who wish to invite non-student guests to stay overnight with them may do so for a maximum of three consecutive nights. Uninvited persons who are not Westminster College students are not permitted in residence halls at any time.

WESTMINSTER COLLEGE RECORDS OF INFORMATION

The Office of Admissions asks each prospective student before matriculating if he/she/they has ever been convicted of any criminal act. The College Personnel Office / Human Resources makes similar inquiries of prospective faculty, administrators and support staff. A background check is conducted on all prospective employees. The College evaluates the status of students and employees convicted in public court while they are enrolled or employed at Westminster College.

WESTMINSTER COLLEGE CAMPUS SECURITY AUTHORITIES

Westminster College's Campus Security Authorities include the following individuals:

- All Office of Public Safety Staff and Officers.
- All staff members in Student Affairs, including but not limited to, Residence Life Staff, Dean of Students, Student Life Staff, Disability Resources Staff, Academic Resource Staff, and Diversity & Inclusion Staff. (The Wellness Center falls under the purview of the Division of Student Affairs; however, the Wellness Center staff are considered confidential resources).
- The Director of Athletics and all coaches, trainers, and volunteer coaches and trainers in athletics.
- Any faculty, staff, or administrator that has a significant responsibility for student and campus activities, including but not limited to club advisors, chaperones, group leaders, etc. This includes all full-time faculty (who thus are academic advisors).
- Fraternity and Sorority Life Advisors, Student Organization Advisors, and Work Study Supervisors.

Campus security authorities who witness, learn of, or hear about a Clery Act crime must contact the Department of Public Safety and report what happened and where it happened. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Pastoral Counselor

An employee of an institution who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. At Westminster College this includes the Campus Chaplain.

Professional Counselor

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of

his or her license or certification. At Westminster College this includes the mental health counselors at the Wellness Center.

NOTE: The Director of ARISE and ARISE Advocates are considered confidential resources by Westminster College and therefore are NOT considered Campus Security Authorities.

REPORTING CRIME STATISTICS:

In accordance with the Clery Act, specific criminal statistics must be compiled, published, and distributed annually to all current students and employees and to any applicant for enrollment or employment, upon request. The most recent three calendar years of crime statistics are included in this report.

The Department of Public Safety is responsible for compiling these statistics and communicates closely with local law enforcement authorities to obtain crime statistics that may not have been reported to the office of public safety. The compiled statistics will provide information on the following types of incidents:

Primary Crimes:

- Criminal homicide:
 - Murder and non-negligent manslaughter
 - Negligent manslaughter
- Sex offenses:
 - Rape
 - Fondling
 - Incest
 - Statutory rape
- Robbery
- Aggravated assault
- Burglary
- Arson
- Motor vehicle theft

Hate crimes:

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation or ethnicity/national origin. For the purposes of this definition, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation,

ethnicity, national origin or disability. The following crimes, in addition to the primary crimes above, if they were motivated by bias, will be reported as hate crimes:

- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

Arrests and referrals for disciplinary action

- Arrests for liquor law violations, drug law violations, and illegal weapons possession;
- Referrals for disciplinary actions for liquor law violations, drug law violations and illegal weapons possession.

Dating Violence, Domestic Violence and Stalking

The college will report incidents of dating violence, domestic violence and stalking that were reported to campus security authorities or the local police.

Note: The college will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code) or any non-forcible sex offense, the results of any college disciplinary proceeding against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim will be treated as the alleged victim for the purpose of this policy.

Crime and Incident definitions:

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

Burglary: An unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Criminal Homicide –Negligent Manslaughter: The killing of another person through gross negligence.

Criminal Homicide – Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Dating Violence: 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 shall be determined based on the reporting party'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. "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. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Domestic Violence: A felony or misdemeanor crime of violence committed by —

- (i) a current or former spouse or intimate partner of the victim;
- (ii) a person with whom the victim shares a child in common;
- (iii) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (iv) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (v) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/ or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Referrals for campus disciplinary action: The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a Unfounded Crimes: An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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 his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (i) Fear for the person’s safety or the safety of others; or
- (ii) 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 stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Weapons Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons; encompasses weapons offenses that are regulatory in nature.

WESTMINSTER COLLEGE CAMPUS EDUCATION

The key to preventing crime is awareness and skill-building. Westminster College's Coordinated Community Response Team, ARISE, provides comprehensive interpersonal violence prevention education to the campus community. The term interpersonal violence includes sexual assault, dating/domestic violence, and stalking as defined above.

ARISE is comprised of personnel from the following departments and agencies:

- The Wellness Center
- Title IX
- Department of Public Safety
- New Wilmington Police Department
- Arise (dba Crisis Shelter of Lawrence County)

The prevention education program is administered by the ARISE Project Director in partnership with Victim's Advocates and Education and Outreach Specialists from Arise (Lawrence County). The program addresses the following learning outcomes through a variety of programs, as described in the Violence Against Women Act (VAWA) Prevention Education Matrix:

- Students will recognize skills for engaging in healthy relationships, such as setting and recognizing boundaries, consent, and open communication;
- Students will recognize the signs of unhealthy and abusive behaviors and situations, that indicate harm may occur;
- Students will demonstrate active bystander techniques that they could use to safely intervene in an unhealthy or potentially dangerous situation;
- Students will recall how to report and seek support on campus and in the community if they or a friend should be the victim of interpersonal violence.

The Department of Public Safety, along with administrators, residence hall staff and faculty work together to educate students to assume a role in protecting themselves from becoming a victim of crime. This training focuses on being aware of local conditions and implementing individual prevention practices.

Primary Prevention Programs

Title	Delivery	Topic	Frequency	Target Audience
Vector Solutions/SafeColleges: Sexual Violence Prevention for Undergraduate Students (Westminster College Custom)	Online Module; Self-paced	Sexual Assault, Dating/Domestic Violence, and Stalking overview/dynamics; Consent, University policy and federal regulations, bystander intervention	Once per semester	All incoming undergraduate students, including transfer students
Title IX and Sexual Harassment Prevention for Employees	Online Module; Self-paced	Sexual Harassment, including Sexual Assault, Dating/Domestic Violence, and Stalking; Consent, University policy and federal regulations, bystander intervention	Annual	All employees
Interpersonal Violence on Campus: Starting the Conversation	Seminar/Workshop	Healthy Relationships, Boundaries & Consent, Recognizing unhealthy behaviors and escalating harm, bystander intervention, University policy, state and federal regulations, campus and community based resources for survivors, rights and reporting options	Annual	All incoming students (Orientation); All student Athletes
Titans Together Can End Interpersonal Violence on Campus	Seminar/Workshop	Comprehensive bystander intervention workshop		WST 101, First Year Program Course
Bringing in the Bystander	Seminar/Workshop	Comprehensive bystander		Fraternity & Sorority Life

		intervention workshop		
RA Training	Seminar	University policy, bystander intervention, victim rights and reporting options, trauma-informed response, emergency response protocol, and reporting obligations	Once per semester	All resident assistants
Orientation Leader Training	Seminar	University policy, bystander intervention, victim rights and reporting options, trauma-informed response, active listening, emergency response protocol, and reporting obligations	Annual	All Orientation Leaders
Working with Students in Distress	Workshop	On-call/emergency response protocol for Pro-Staff responding to SADDVS reports	Once per semester for all staff; at time of new hire	Residence Life Professional Staff (Area Coordinators and Graduate Residence Directors)
When a Student Discloses Interpersonal Violence: Referral & Resources Guides	Seminar	Campus and community-based referral process, Victim Rights and Reporting Options, trauma-informed response, Campus Security Authority status/reporting obligations	Once per semester	Employees

Awareness Campaigns

Title	Topic	Frequency	Target Audience
The Red Zone	Campus sexual assault: dynamics, resources, bystander intervention techniques	Annual: August-November	Campus-wide
Domestic Violence Awareness Month	Domestic/Dating Violence overview/dynamics, resources, bystander intervention techniques	Annual: October	Campus-wide
Stalking Awareness Month	Stalking overview/dynamics, resources, assessment, bystander intervention techniques	Annual: January	Campus-wide
Sexual Assault Awareness Month	Sexual Assault overview/dynamics, resources, assessment, bystander intervention techniques	Annual: April	Campus-wide

SAFETY AND SECURITY SUGGESTIONS

If you are assaulted, call Public Safety as soon as possible. Try to remember as much as you can about those involved. Important characteristics to remember include: gender; race; height/weight; hair color and length; clothing; type and color of vehicle; and license number. The campus will be searched immediately for suspects and police agencies will be notified. Security Alert notices will be posted throughout the campus if the incident warrants it.

If you experience interpersonal violence – sexual assault, dating or domestic violence, or stalking, contact an Advocate to help you navigate your rights and reporting options. **The services are confidential, your information will not be shared with anyone.** Contact Information: advocacy@ariselc.org or 724-652-9036 (24/7 Confidential Hotline).

If you see a suspicious person or crime in progress, call the Department of Public Safety immediately. Do not attempt to intercede or approach the person yourself. Report the type of activity and give a general description of the subject involved. The officer on duty will investigate your report at once. Students, faculty and staff working together in the reporting of suspicious activity will reduce the opportunity for crime.

If you have a general safety concern such as you smell smoke, notice a door propped open, or believe that something is “just not right”, contact the Department of Public Safety immediately. Explain your concern by providing the location and extent of the problem. An officer will respond immediately and assess the situation. Appropriate College staff will be notified if the officer is unable to correct the problem.

Campus Safety: While Westminster College is a relatively safe environment students and employees are encouraged to be responsible for their own security and the security of others. One of the easiest methods of crime prevention is to secure belongings by locking the doors to rooms and vehicles.

DEPARTMENT OF PUBLIC SAFETY CAMPUS SAFETY ADVISORY BOARD

The Campus Safety Advisory Board is designed to foster a safe and secure environment for the Westminster College community through review, assessment and continuous improvement through enhanced communication and promotion of campus safety and security issues with all key stakeholders. The advisory board will assess the effectiveness of the campus safety program through discussion of new initiatives and projects, presentation of new ideas and challenges, program reviews, and will provide products to support senior leader awareness and decision making.

WESTMINSTER COLLEGE ON-CAMPUS CRIME STATISTICS

CRIME CLASSIFICATIONS	2019	2020	2021
Murder / Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	7
Fondling	Not reported	Not reported	0
Incest	Not reported	Not reported	0
Statutory Rape	Not reported	Not reported	0
2019 & 2020 Charts did not include Fondling, Incest, or Statutory Rape; Rather “Sexual Assault” in place of these 3; now classified specifically as defined	2	7	Not Applicable b/c Specifically Defined
Robbery	0	0	0
Aggravated Assault	0	2	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Dating Violence	1	0	3
Domestic Violence	0	0	0
Stalking	0	0	3
ARRESTS & REFERRALS	2019	2020	2021
Liquor Law Arrests	2	2	0
Drug Law Arrests	0	0	0
Weapons Law Arrests	0	0	0
Liquor Law Referrals	Not Reported	Not Reported	16
Drug Law Referrals	Not Reported	Not Reported	7
Weapons Law Referrals	Not Reported	Not Reported	0
HATE CRIMES	2019	2020	2021
Larceny - Theft	7 Not analyzed for bias	4 Not analyzed for bias	0
Simple Assault	0	0	0
Intimidation	0	0	0
Vandalism	2 Not analyzed for bias	3 Not analyzed for bias	0

CRIME STATISTICS FOR THE BOROUGH OF NEW WILMINGTON

CRIME CLASSIFICATIONS	2019	2020	2021
Murder / Non-Negligent Manslaughter	0	0	1
Negligent Manslaughter	0	0	0
Rape	0	0	2
Fondling	Not Reported	Not Reported	2
Incest	Not Reported	Not Reported	0
Statutory Rape	Not Reported	Not Reported	0
2019 & 2020 Charts did not include Fondling, Incest, or Statutory Rape; Rather “Sexual Assault” in place of these 3; now classified specifically as defined	1	2	Not Applicable b/c Specifically Defined
Robbery	0	0	0
Aggravated Assault	1	0	1
Burglary	1	0	0
Motor Vehicle Theft	0	2	0
Arson	0	0	0
Dating Violence	Not Reported	Not Reported	0
Domestic Violence	Not Reported	Not Reported	1
Stalking	Not Reported	Not Reported	0
ARRESTS & REFERRALS	2019	2020	2021
Liquor Law Arrests	Not Reported	Not Reported	14
Drug Law Arrests	Not Reported	Not Reported	4
Weapons Law Arrests	Not Reported	Not Reported	0
Liquor Law Referrals	0	0	0
Drug Law Referrals	0	0	0
Weapons Law Referrals	0	0	0
HATE CRIMES	2019	2020	2021
Larceny - Theft	10 Not analyzed for bias	8 Not analyzed for bias	0
Simple Assault	0	4 Not analyzed for bias	0
Intimidation	0	1 Not analyzed for bias	0
Vandalism	0	5 Not analyzed for bias	0

CRIME STATISTICS FOR UPMC JAMESON SCHOOL OF NURSING

Note: Westminster College attempted to obtain the crime statistics for the city of New Castle, PA, but was unsuccessful in obtaining the statistics. If you have concerns regarding the crime statistics in New Castle, PA where the UPMC Jameson School of Nursing is located, please contact that police department.