

2024 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 Westminster College Clery Compliance Committee consisting of the: Vice President of Student Affairs/Dean of Students, Title IX Coordinator, Director of Public Safety, Associate Dean for Student Affairs for Well-being, Associate Dean for Student Affairs for Student Experience, Director of DEI Education and Bias Prevention, Director of Student Life, Director of Residence Life, Associate Director of Wellbeing and Violence Prevention, Vice President of Finance & Management Services, Director of Human Relations, Director of Facilities Operations, Vice President of Academic Affairs, Executive Assistant in Academic Affairs, Vice President of Admissions, and Director of Athletics.

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 1st day of September 2024.

NOTE: Westminster College 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 completing the Campus Security Authority (CSA) Incident Report Form found on [my.Westminster.edu](https://www.westminster.edu/campus/services/csa-incident-report.cfm) and filling in X's for the CSA Contact Information section:

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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 2,196 permanent residents as of 2020.

Westminster College offers 49 majors, 11 pre-professional programs, 44 minors, 4 micro-credentials, and 6 graduate programs. Traditionally, Westminster College has a total of approximately 1,136 undergraduate and graduate students and is currently 51% men and 49% women with a 12:1 student-faculty ratio and an average class size of 16. 87% 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. 96% of Westminster College graduates are employed or in graduate school the year following graduation. Students may participate in over 49 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. 100% of students receive financial aid, which includes merit-based scholarships and need-based resources.

The Fall Semester of 2024 Campus Community comprised approximately 1,032 full-time undergraduate students, 7 undergraduate high school students / early college, 86 students attending classes at Westminster College from the UPMC Jameson School of Nursing, 54 graduate students, 255 full-time and 80 part-time faculty and staff.

A total of 809 undergraduate students lived on campus. There were 45 students residing in off-campus fraternity houses that are within walking distance of the campus. There were 3 students studying abroad. The remainder of the students either commuted to campus from their permanent home address or were approved by the College to live off-campus.

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 Rooms 176, 177, and 178 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 Director of Public Safety, who is armed, and staffed by a Public Safety Supervisor, two full-time officers and eight part-time officers. Officers are trained in accordance with public safety practices, policies, and standards. They receive annual training and are certified as required in First Aid, CPR & Defibrillators, and 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: conducting initial investigations into criminal incidents and minor and non-reportable 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 and / or transportation service to vehicles or building-to-building based on safety concerns or injuries, presenting trainings on crime prevention and fire safety, emergency response training, 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 Department Officers can arrest for all violations of law at all times within the borough limits. Westminster College Public Safety Officers do NOT carry weapons, but the Director of Public Safety does carry a firearm while on duty.

DEPARTMENT OF PUBLIC SAFETY'S RELATIONSHIP WITH LOCAL LAW ENFORCEMENT

The Department of Public Safety 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 misdemeanor or felony crimes are reported to the New Wilmington Police Department, and they

handle all of those investigations. Any other incident is investigated by college personnel, and offenders are processed through the student conduct process. 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 the 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).

REPORTING EMERGENCIES, CRIMES 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 or Westminster College Microsoft Team platform. Dial 724-946-7777 from a non-campus phone. 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 with as much detail as possible.

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 Department of Public Safety 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, full-time faculty, faculty advisors or work study supervisors, team coaches and trainers, residence life staff, student affairs personnel, 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.

Additionally, if the crime reported is an incidence of sexual assault, dating/domestic violence, and / or stalking, the reporting official must take extra steps to ensure the victim is aware of their rights and resources including the following:

1. Complete a referral to confidential victim's advocacy.
2. Provide the written notification of their rights, reporting options, and resources including:
 - a. The importance of preserving evidence that may assist in proving the alleged criminal offense occurred or that may be helpful in obtaining a protection order.
 - b. How and to whom the alleged offense should be reported.
 - c. Options above the involvement of law enforcement and campus authorities, including notification of the victim's option to: Notify proper law enforcement authorities, including on-campus and local police, be assisted by campus authorities, including on-campus and local enforcement authorities, if the victim so chooses, and decline to notify such authorities.
 - d. The rights of victims and the institutions responsibilities for orders of protection, "no-contact" orders, restraining orders, and sexual violence protection orders.
 - e. Information regarding how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide such measures.
 - f. A complete list of existing counseling, health, mental health, victim advocacy, legal assistance, and other services available to victims, both within the institution and community.
 - g. Available options and assistance in obtaining accommodations and / or changes to: academic situations, living situations, transportation situations, working situations, and protective measures.
 - h. An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking; and
 - i. An explanation of the victim's rights within the disciplinary process, including: a prompt, fair, and impartial process from the initial investigation to the final result (completed within the timeframes 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, and notification, in writing of: the result of any institutional disciplinary proceeding from the report of dating violence, domestic violence, sexual assault, or stalking, the institution's procedures to appeal the results, any change to the results, and when the results become final.

Our professional counselors in the Wellness Center, College Chaplains, Nursing Staff, and Associate Director of Well-being Programs and Violence Prevention 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 Residence Life 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 Student Handbook must be followed.

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

Unless attending an event open to the 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 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 always carry their Westminster College Titan Card 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 Department of Public Safety 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](#)

To support emergency management planning and community education & understanding, the Westminster College Emergency Quick Reference Guide is maintained, reviewed, and updated annually by the Director of Public Safety. The Emergency Quick Reference Guide is designed to provide the Westminster College community quick reference information on how to respond in the event of an emergency situation on campus. The guide includes the campus response to an active shooter, fire, evacuation, bomb threats, suspicious unattended items, civil disturbances, destructive weather, and several emergency situations.

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

The Westminster College Emergency Notification System includes SMS text, telephone, and email notification features. All students and employees are automatically enrolled in Regroup, our emergency notification app. Parents and families can enroll in Regroup by creating an account at <https://westminstercollege.app.reggroup.com/login>

The Emergency Notification System will be used to inform the campus community about 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. 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.

Additionally, Westminster College will issue Timely Warnings, a type of emergency notification specific to crimes defined in the Clery Act, including criminal homicide, sex offenses, 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.

Events that occur on campus may require communication to students and employees, but these events do not meet the definition of emergency notification or timely warning. At these times, communication from a College official will be sent to students and employees via email.

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 once a semester during fire drills.

EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS

If 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.

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 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 from 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, Non-Discrimination and 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 revokes 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 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 is 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 or 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 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 Recognized Student Organization(s), whether on- or off-campus, including international education program or activity, is subject to disciplinary action:

1. **Violations of Local, State, Federal, and International Law:** Conduct that may also be a violation of local, state, federal, or international 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). College disciplinary procedures may proceed even though the same conduct is also the subject of a pending criminal charge;
2. **Abuse of the conduct process:** 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; 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);
3. **Acceptable Use:** Violations of rules listed in Policy for Responsible Use of Information Resources;
4. **Alcohol:** Possession, distribution or use of alcohol to or by persons under 21 years of age; Possession, distribution or consumption of alcoholic beverages on campus by persons over 21 years of age. Additionally, items used specifically for the mass consumption of alcoholic beverages (e.g., beer bong, kegs, party balls) whether empty or not, are not permitted on campus;
5. **Drugs:** Possession, distribution, use or sale of illegal drugs, drug paraphernalia, or prescription drugs to another person for which the drugs are not prescribed;
6. **Guest Conduct:** The College reserves the right to take disciplinary action against students whose guest(s) on campus violates the *Student Code of Conduct*;
7. **Bystanding:** Complicity with or failure of any student to address known or obvious violations of the Code of Conduct or law; knowingly and willingly being in the presence of a violation of a part of the *Student Code of Conduct*;
8. **Damage and Destruction:** Intentional or reckless behavior that may, or in fact does, deface or cause damage to College property or the property of others. This also includes violations of the College's Skateboard and Hoverboard policy;

9. **Discrimination:** Any act or failure to act that is based upon an individual or group's actual or perceived status (race, color, sex, gender, gender identity or expression, age, national origin, sexual orientation, disability, veteran's status, religion, pregnancy status, or any other protected classification) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the College's educational program or activities;
10. **Disruptive Behaviors:** Intentional or reckless interference with normal College activities and functions (e.g., studying, teaching, public speaking, research, administration of the College, or emergency (Public Safety, fire or police) operations);
11. **Freedom of expression:** Intentional interference with the freedom of expression of others;
12. **Falsification:** Knowingly making a false statement, either orally or in writing, to any College employee or agent on a College-related matter; 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;
13. **Fire Safety:** Tampering with fire alarms or safety equipment that includes, but is not limited to fire hydrants, fire hoses, extinguishers, and fire alarm pulls; Use of fireworks or any other explosive or combustible material;
14. **Forgery:** Alteration, misuse, unauthorized use, duplication, or transfer of College documents, records, or identification, including but not limit to Titan cards, meal tickets, tickets to such events as Commencement, or vehicle registration decals;
15. **Harassment:** Unwanted, uninvited, and unwelcome behavior that threatens, intimidates, or demeans a person. Harassment can be verbal, visual, or physical, and can include words, actions, gestures, demands, or visual displays. Harassment can be repeated, irritating, or bothersome behavior, such as attempts or threats for physical violence, following another person in or about a public space; communicating with lewd, lascivious, threatened or obscene words, language, or gestures; engaging conduct that serves no legitimate purpose; Harassment can be quid pro quo or hostile environment. Behavior is considered harassment when it is severe, pervasive, or objectively offensive such that is interferes with the target's ability to engage in the educational environment;
16. **Harm to Persons:** Behavior that may, or in fact does, cause physical or emotional harm to another person or cause reasonable apprehension of such harm;
17. **Hazing:** Hazing is defined as any activity in which an 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;
18. **Intimidation:** Implied threats or acts that cause a reasonable fear of harm in another;
19. **Organizational funds:** The use of organizational funds for the purchase of alcoholic beverages, illegal items, items that would violate College policy, or items not intended for organization use by officially recognized student organizations;
20. **Non-compliance:** Intentionally obstructing or failing to comply with the request of a College official or employee in the lawful performance of their duties;
21. **Reckless driving:** Reckless driving that may, or in fact does, endanger individuals or damage property;
22. **Residence Life Policies:** Violations of the housing requirements and housing regulations outlined in the *Handbook for Students*;

23. **Rioting:** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or causes damage and/or destruction of property;
24. **Sexual misconduct:** 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;

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.

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.

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 sexual behaviors helps clarify consent. Communicating verbally before engaging in sexual activity is imperative. Talking about your own and your partner's sexual desires, needs, and limitations provides 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. A prior relationship does not indicate consent to future activity.

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.

25. **Theft:** Unauthorized taking or possessing of College property or services or the property or services of others;
26. **Threatening Behaviors:** Written or verbal conduct, including use of images that causes a reasonable expectation of injury to the health or safety of any person or damage to any property;
27. **Threatening Language/Speech:** Use of pejorative language or use of identity-related slurs with intent to threaten, intimidate, and/or humiliate is prohibited;
28. **Tobacco:** Use of any tobacco products in any campus building or violation of the College's Smoking and Tobacco Use Policy;
29. **Unauthorized access:** Unauthorized access to any College building by keys or cards or unauthorized possession, duplication or use of means of access to any College facility;
30. **Weapons:** 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;

31. **Wheeled Devices:** Use of skateboards, hoverboards, roller blades, roller skates in College buildings, athletic facilities and fields, roadways, walkways, and residential halls;
32. **Fraternity & Sorority Regulations:** Violations of rules listed in the Fraternity & Sorority Regulations committed by individual students whether or not they are members of fraternities or sororities;
33. **Authority:** Other items as amended by the President of the College and/or the College Board of Trustees.

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.

NON-DISCRIMINATION AND SEXUAL MISCONDUCT POLICY FOR WESTMINSTER COLLEGE

Non-Discrimination and Sexual Misconduct Policy

Last Updated August 21, 2024

I. INTRODUCTION

This Policy sets forth Westminster College’s obligations with regard to federal civil rights laws under Title VI, Title VII, and the 2020 Title IX Final Rule, state law, and incorporates the definitions and procedural requirements from the 2013 Clery Amendments pertaining to sexual assault, dating violence, domestic violence, and stalking. Further, this Policy outlines conduct, discriminatory, harassing or sexual harassing or retaliatory, prohibited by Westminster College. Pursuant to this Policy, Westminster College will:

- Respond to all reports of Prohibited Conduct.
- Take necessary measures to end Prohibited Conduct that is in violation of this Policy, prevent its recurrence, and remedy its effect on individuals and the community.
- Provide reasonable accommodations to persons with disabilities and reasonable religious accommodations, consistent with state and federal law as related to any process within this policy.
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Prohibited Conduct that is prohibited is defined in Section III of this Policy.

When Westminster College receives a report of Prohibited Conduct, the College will respond according to this Policy. Response to each type of Prohibited Conduct will differ based on the nature of the Prohibited Conduct. The 2020 Title IX Final Rule requires specific procedures for violations that include harassment based on sex, including quid pro quo, hostile environment, sexual assault, dating violence, domestic violence, and stalking. Procedural responses specific to other forms of Prohibited Conduct are differentiated throughout this Policy.

A. Statement of Nondiscrimination

Westminster College prohibits discrimination on the basis of race, color, sex, gender, gender identity or expression, age, national origin, sexual orientation, disability, veteran’s status,

religion (except for those positions where religious affiliation is a necessary qualification) or any other protected classification in the administration of any of its educational programs, activities, or with respect to admission and employment.

Westminster College also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process, whether internal or external to Westminster College.

Table 1 Application of Westminster College Statement of Nondiscrimination

Protected Class	Applicable Policy	Student Contact	Employee Contact
Race, color, gender, gender identity or expression, age, national origin, sexual orientation, disability, veteran’s status, religion	Title VI Title VII (employees) This Policy	Student Conduct in the Department of Student Affairs	Department of Human Resources
Sex-based harassment	Title IX This Policy	Title IX Coordinator	Title IX Coordinator
Sexual assault	Title IX This Policy	Title IX Coordinator	Title IX Coordinator
Dating Violence	Title IX This Policy	Title IX Coordinator	Title IX Coordinator
Domestic Violence	Title IX This Policy	Title IX Coordinator	Title IX Coordinator
Stalking	Title IX This Policy	Title IX Coordinator	Title IX Coordinator
Sexual Misconduct	This Policy Student Code of Conduct	Student Conduct in the Department of Student Affairs	Department of Human Resources

Note: If conduct does not appear to violate TVI, TVII, or TIX, but does violate College policy, the College reserves the right to refer the matter to response protocols defined in the employee, faculty, or student handbooks.

Westminster College prohibits sexual assault, dating violence, domestic violence and stalking based on sex as required by Title IX and Clery/VAWA. If this conduct does not fall under the jurisdiction of the Title IX Policy, Westminster College reserves the right to address this conduct under the procedures of its Title VI and Title VII policies, using the same definitions of Prohibited Conduct and the definition of affirmative consent. In these cases, as required by VAWA, the parties shall be entitled to have an advisor of choice at any meetings or proceedings and to receive simultaneous notice of the outcome and results and the available appeal procedures. Westminster College’s victim’s resource packet is available from the Title IX Coordinator.

B. Statement of Equal Access

Westminster College shall provide certain support and modifications to people experiencing pregnancy or related conditions to ensure their equal access to Westminster College's program or activity. Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Westminster College treats pregnancy or related conditions in the same manner and under the same policies as other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX Coordinator for more information. Employees or applicants for employment may also contact the Department of Human Resources for more information, because additional workplace laws and policies apply.

C. Application of Section 504/Americans with Disabilities Act to this Policy

Westminster College complies with the requirements of the Americans with Disabilities Act of 1990, as amended 2008 ("ADAAA"); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. Westminster College is committed to providing individuals with disabilities equal access to its programs and activities.

Parties may request reasonable accommodations for disabilities to the Title IX Coordinator or Responsible Administrator at any point relating to the implementation of this Policy, including making a disclosure or report, and initiating a Resolution procedure. Accommodations will be granted if the College determines they are reasonable and do not fundamentally alter the procedures established by this Policy.

D. Dissemination of Policy

Westminster College will widely publish this Policy in the Employee, Faculty, and Student Handbooks and prominently on its website. Applications for admission and employment will include the Westminster College statement of non-discrimination, make available this Policy, and share the contact information of the Title IX Coordinator.

E. Title IX Coordinator & Responsible Administrators

Westminster College has identified the Vice President for Student Affairs and Dean of Students as its Title IX Coordinator:

Gina M. Vance, EdD
vancegm@westminster.edu
(724) 946-7110
McKelvey Campus Center, Suite 341 (Student Affairs)

Inquiries about the application of Title IX to the College may be referred to the Title IX Coordinator or the Assistant Secretary of the Office of Civil Rights at the United States Department of Education, or both.

For matters related to Prohibited Conduct that does not qualify as Title IX, the following Responsible Administrators have been identified:

The Associate Dean for Student Affairs is responsible for matters of student conduct.

The Vice President for Academic Affairs and Dean of the College is responsible for matters of faculty conduct.

The Director of Human Resources is responsible for matters of non-faculty employee conduct.

II. SCOPE AND JURISDICTION OF THIS POLICY

All members of Westminster College's community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties such as guests, visitors, volunteers, invitees, and alumni when they are on campus or participating in Westminster College sponsored activities, are subject to this Policy. This Policy applies to all students and employees and all other individuals participating in (or attempting to participate in) Westminster College programs or activities, including Westminster College sponsored events that take place off-campus, but within the United States. The procedures for resolving concerns of Prohibited Conduct will vary based on one's status.

This Policy may also pertain to instances in which the Prohibited Conduct occurred outside of the campus or Westminster College sponsored activity if Westminster College exercised substantial control over both the individual(s) accused of Prohibited Conduct under this Policy and the context in which the Prohibited Conduct occurs. This includes buildings owned or controlled by officially recognized student organizations.

Any individual covered by this Policy is expected to provide truthful information in any report, meeting, or proceeding under this Policy.

Unless otherwise specified in this Policy, any individual who is accused of engaging in Prohibited Conduct who is not a student, faculty member, or staff member or a participant in Westminster College's education programs and activities is generally considered a third party. Westminster College's ability to take corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to Westminster College. When appropriate, the Title IX Coordinator will refer such allegations against a third party to the appropriate office.

If there is a conflict between the provisions of this Policy and other Westminster College policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this Policy will govern unless otherwise stated. Any capitalized terms in this Policy are defined as stated or in Section XXI.

III. PROHIBITED CONDUCT

This Policy prohibits discrimination, harassment, including sex-based harassment, and retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this Policy:

Discrimination on the Basis of a Protected Status

Except as permitted by law, such as in the case of housing which permits sex-separated residential arrangements, Westminster College prohibits discrimination on the basis of a Protected Status/Protected Category. There are two forms of discrimination prohibited by this Policy:

1. Disparate Treatment Discrimination

Disparate impact discrimination occurs in Westminster College's education programs or activities or employment, when:

1. Complainant was subjected to an Adverse Action and was harmed;
2. Complainant's Protected Status/Protected Category was Respondent's substantial motivating reason for the Adverse Action;
3. Respondent's conduct was a substantial factor in causing the harm.

For the purposes of this definition Adverse Action means:

An action or a course or pattern of conduct that, taken as a whole, materially and adversely affected the terms, conditions, or privileges of employment or causes student or participant in an education program or activity to be excluded from participation in, be denied the benefits of Westminster College's education programs or activities, including any academic, extracurricular, research, occupational training, or other education program or activity operated by Westminster College. However, minor or trivial actions or conduct that is not reasonably likely to do more than anger or upset an individual cannot constitute an Adverse Action.

2. Disparate Impact Discrimination

Disparate impact discrimination occurs in Westminster College's education programs or activities or employment, when Westminster College:

1. Has a policy or practice that has a disproportionate adverse effect on a specific Protected Status/Protected Category;
2. A Complainant identifies as having the specific Protected Category/Protected Status and was harmed by the Westminster College's policy or practice; and
3. The Westminster College's policy or practice was a substantial factor in causing the harm.

For the purposes of this definition, unless permitted by law, adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis harm on the basis of sex and will be considered prohibited discrimination.

In the employment setting, discrimination on the basis of protected categories includes, but is not limited to, hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and making decision regarding other terms or conditions of employment on the basis of a protected

category. Minor or trivial actions or conduct, although frustrating or offensive, do not constitute prohibited Discrimination.

Harassment

Harassment in educational programs and activities means any unwelcome behavior (physical, verbal, graphic, or written) based on a Protected Category that based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Westminster College's programs and activities. This definition does not include conduct that is specifically defined as Title IX harassment based on sex, which is defined and processed separately.

Sex-Based Harassment

Sex-based harassment under Title IX is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex.

Under this Policy, prohibited Sex-based Harassment includes the following conduct.

1. Quid Pro Quo Harassment

Quid pro quo harassment occurs when an employee, agent, or other person authorized by Westminster College to provide an aid, benefit, or service under Westminster College's education program or activity, explicitly or implies that providing such an aid, benefit, or service will occur only if a person participates in sexual conduct that they do not welcome.

2. Hostile Environment Harassment

Hostile environment harassment is defined as unwelcome sex-based 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. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- i. The degree to which the conduct affected the individual's ability to access Westminster College's education program or activity,
- ii. The type, frequency, and duration of the conduct;
- iii. The parties' ages, roles within Westminster College's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
- iv. The location of the conduct and the context in which the conduct occurred; and
- v. Other sex-based harassment in Westminster College's education program or activity.

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 conduct was welcome.

Sexual Assault & Interpersonal Violence

1. Sexual assault

Sexual assault is defined as any sexual act directed against another person, without the affirmative consent of the victim, including instances where the victim is incapable of giving affirmative consent.

Sexual assault includes:

- i. **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 affirmative consent of the victim. Attempted rape falls under this prohibition.
- ii. **Fondling** - The touching of the private body parts of another for the purpose of sexual gratification, without the affirmative consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- iii. **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv. **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent is 16 in Pennsylvania.

For the purposes of these definitions, a Sexual Act is defined as conduct between persons consisting of:

- a. Contact between the penis and the vulva, or between penises and vulvas.
- b. Contact between the penis and the anus.
- c. Contact between the mouth and the penis.
- d. Contact between the mouth and the vulva.
- e. Contact between the mouth and anus.
- f. Contact between anuses.
- g. Contact involving any of the above or the buttocks or breasts.

Private body parts include all of the body parts specified above, including genitals, groin area, breasts and buttocks.

Any incident meeting this definition that occurs with Westminster College's Clery jurisdiction is considered a reportable incident for the purposes of Clery Act reporting.

2. 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.

Any incident meeting this definition that occurs with Westminster College's Clery jurisdiction is considered a reportable incident for the purposes of Clery Act reporting.

3. Domestic Violence

This includes felony or misdemeanor crimes of violence committed by a person who is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of Westminster College, or a person similarly situated to a spouse of the victim; is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim; or commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the Commonwealth of Pennsylvania.

Any incident meeting this definition that occurs with Westminster College's Clery jurisdiction is considered a reportable incident for the purposes of Clery Act reporting.

4. Stalking

Westminster College prohibits both Stalking and Stalking on the basis of sex. Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. *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 that occurs with Westminster College's Clery jurisdiction is considered a reportable incident for the purposes of Clery Act reporting.

Sexual Misconduct

Sexual misconduct is defined as any sex act previously defined as well as intimidation, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, or sexual violence. When the conduct meets the definitions and jurisdiction of the Title IX Policy, those procedures will be used to resolve the allegations.

1. Intimidation

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

2. Non-consensual sexual contact

Non-consensual sexual contact (e.g., fondling) means any physical touching of a sexual nature which is not preceded by consent or which continues after a previous consent is withdrawn.

3. Non-consensual sexual intercourse

Non-consensual sexual intercourse (e.g., rape) is defined as any sexual intercourse which is not preceded by consent or that continues after previous consent is withdrawn.

4. Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

- i. The prostituting of another person;
- ii. The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion;
- iii. The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts;
- iv. Distribution of images or audio when the person(s) depicted in the images or audio did not consent to the disclosure;
- v. The viewing of another person's sexual activity or private body parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent for the purpose of arousing or gratifying sexual desire.

Retaliation

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct under this Policy. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct by Westminster College, a student, or an employee or other person authorized by Westminster College to provide aid, benefit, or service under Westminster College's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation and to any student who refuses to participate in an investigation or proceeding.

Retaliation may occur even where there is a finding of "not responsible" under this Policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

IV. DELEGATION OF DUTIES UNDER THIS POLICY

Westminster College shall respond to all allegations of Prohibited Conduct, as defined above. Obligations created by this Policy may be delegated by Westminster College, including to external professionals.

V. CONFLICTS OF INTEREST OR BIAS

Any individual carrying out any part of this Policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should a Responsible Administrator have a conflict of interest, they will immediately notify their supervisor who will either take, or reassign, the role.

****TIX****: Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator shall immediately notify the President of the College who will either take, or reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any Investigator, Decisionmaker, or Appeals Officer have a conflict of interest, the Investigator, Decisionmaker, or Appeals Officer shall notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate.

VI. CRIME AND INCIDENT DISCLOSURE OBLIGATIONS

The Clery Act is a federal crime and incident disclosure law. It requires, among other actions, that Westminster College report the number of incidents of certain crimes, including some of the Prohibited Conduct in this Policy, that occur in particular campus-related locations. The Clery Act also requires Westminster College to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, Westminster College will ensure that a Complainant's name and other identifying information is not disclosed. PA Title 23, Pennsylvania's mandatory reporting laws include *Definition of Child Abuse*, *Persons Required to Report Suspected Child Abuse*, *Persons Encouraged to Report Suspected Child Abuse*, and *Reporting Procedure*. The Associate Dean of Students, Director of Human Resources, or Title IX Coordinator will refer information to the Clery Officer when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

VII. REPORTING DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT

A. Employee Reporting Obligations

Reporting is an important strategy for remedying discrimination and reducing violence. Employees are encouraged to report conduct that is in violation of this Policy to the appropriate Responsible Administrator (Table 2).

Table 2 Reporting Authorities

Conduct	Responsible Administrator
Discrimination, Harassment, or Retaliation Involving Employee Respondents	Director of Human Resources VP for Academic Affairs
Discrimination, Harassment, or Retaliation Involving Student Respondents	Associate Dean of Students
Sex-Based Harassment	Title IX Coordinator
Bias-motivated conduct that is not prohibited by this Policy	Director DEI Education & Bias Prevention

When reporting conduct that is in violation of this Policy, the employee should include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident. Reports can be made using the online report form at <https://www.westminster.edu/report-incident> or in person, by phone, or by email.

Whether or not an employee chooses to report a violation, they are required to provide to an individual who discloses *sex-based harassment* with the *Clery VAWA Written Notification*, available by contacting the Wellness Center or Title IX Coordinator. Westminster College will provide all employees with an electronic copy of the *Clery VAWA Written Notification* annually.

Employees will, to the fullest extent possible, maintain the privacy of an individual’s information, consistent with FERPA.

A note about Clery reporting responsibilities that differ from this Policy: Pursuant to the Clery Act, employees who are identified by Westminster College as Campus Security Authorities (athletic directors, full-time faculty, work study supervisors, team coaches, residence life staff, student affairs personnel, and student conduct hearing officers) are required to report conduct that may constitute a crime. Employees may report Clery crimes here: <https://www.westminster.edu/campus/services/csa-incident-report.cfm>

B. Referrals to Advocacy or Support

When an individual discloses discrimination, harassment, or sexual misconduct, employees are encouraged to make a referral to advocacy or a support office on campus. Westminster College Wellness Center can arrange on campus advocacy for student and employee victims of interpersonal violence. Students who experience discrimination may find support in the Cultural Center, Office of Faith & Spirituality, or Student Affairs. Employees who experience discrimination may contact Human Resources for Employee Assistance Program information.

C. How to Make a Report of Prohibited Conduct to Westminster College

All complaints of Prohibited Conduct will be taken seriously and in good faith. The appropriate Title IX Coordinator or Responsible Administrator will provide information and guidance regarding how to file a complaint with Westminster College and/or local law enforcement, as

well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, Westminster College will give consideration to the party bringing forward a report with respect to how the matter is pursued. Westminster College may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that Westminster College not initiate an investigation.

Employees, students, guests, or visitors who believe that this Policy has been violated should promptly contact the Title IX Coordinator or Responsible Administrator as follows:

<https://westminster.edu/report-incident>

Reports may be made at any time (including during non-business hours) by using the telephone number or email address of the Title IX Coordinator or Responsible Administrator or using the online report form. There is no timeline for making a report of discrimination; however, Westminster College encourages the prompt reporting of a complaint as the ability of Westminster College to pursue the complaint to conclusion may be hindered by the passage of time.

D. Amnesty for Reporting

An individual who participates as a Complainant or witness in an investigation of Prohibited Conduct will not be subject to disciplinary sanctions for a violation of Westminster College's policy at or near the time of the incident, unless Westminster College determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

E. Privacy and Confidentiality

References made to privacy mean Westminster College offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Responsible Administrator or designee, who is responsible for tracking patterns and spotting systemic issues. Westminster College will limit the disclosure as much as practicable.

All activities under these procedures shall be conducted with the privacy interests of those involved. While Westminster College will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus to address a complaint or provide for the physical safety of an individual or the campus. Thus, Westminster College cannot, and does not, guarantee that all information related to complaints will be kept confidential.

To maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this Policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this Policy. Parties may request to review a hard copy of materials, and Westminster College will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation under this Policy.

Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians, campus advocates and clergy) may not report to Title IX Coordinator or other Responsible Administrator any identifying information about conduct that may violate Westminster College's Policy against discrimination without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator or initiate any process under this Policy.

While employees are encouraged to report violations of this Policy, Westminster College employs two types of employees who will not report information about discrimination to the Title IX Coordinator or Responsible Administrator:

- 1. Privileged and Confidential Employees.** Mental health counselors and College chaplains, whose communications are privileged or confidential under federal or state law. The employee must be hired for and functioning within the scope of their duties to which the privilege or confidentiality applies. For example, physicians, clergy, and mental health counselors are all confidential employees. Disclosures made to these employees cannot be disclosed to anyone internal or external to Westminster College without the express permission from the individual disclosing the information.

State law requires professional counselors to report: (i) when a patient is likely to engage in conduct that would result in serious harm to the patient or others; (ii) if there is reasonable cause to suspect that a minor has been sexually abused. These reports must be made to <https://www.compass.state.pa.us/cwis/public/home>.

- 2. Employees Designated as Confidential.** Employees designated by Westminster College as exempt from reporting violations of this Policy to the Title IX Coordinator and designated as such for the purpose of providing services to the campus community related to sex discrimination. Such employees must be acting in the scope of that role when they learn of the information about sex discrimination for this exemption to apply. The ombudsperson and sexual violence response counselors, specifically the Assistant Director of Well-being Programs and Violence Prevention are exempt from internal reporting. Disclosures made to these employees means that information will not be shared with the Title IX Coordinator or anyone within Westminster College but may be released under legal action or court order without the permission of the individual disclosing the information.

A list of resources may be found at <https://www.westminster.edu/victimresources>

F. Reporting to the Police

Some Prohibited Conduct may constitute a violation of both the law and Westminster College policy. Westminster College encourages students and employees to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of Westminster College policy.

Criminal investigations may be useful in gathering relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy. Conduct may constitute Prohibited Conduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to Westminster College as well as to law enforcement, Westminster College may delay its process if a law enforcement agency requests that Westminster College delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this Policy and do not determine whether this Policy has been violated.

All investigations and determinations under this Policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred. Investigations will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of Westminster College community or the safety of Westminster College as an institution is threatened, any individual with such knowledge should promptly inform the Director of Public Safety. Westminster College may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of Westminster College community and Westminster College as an institution.

VIII. RESPONDING TO A REPORT

When Westminster College receives a report of Prohibited Conduct, the College will respond using the process outlined in this section. The College's response will differ based on the requirements of the 2020 Title IX Final Rule for violations that include sex-based harassment, sexual assault, dating violence, domestic violence, and stalking.

This Policy includes two types of responses to a report:

1. Procedures covering all Prohibited Conduct matters (Title VI and Title VII) **except for** sex-based harassment that is explicitly covered by Title IX ; and
2. Procedures covering sex-based harassment as defined by Title IX (Title IX).

The College’s response to a report begins with an initial contact, intake, and assessment which is conducted similarly regardless of the Prohibited Conduct. Options for Resolution, Investigation, and Decision-making vary based on regulations set forth through Title VI, Title VII, or the 2020 Title IX Final Rule and are differentiated in Sections XI through XVI.

Table 3 Parties Involved in a Response to a Report

Responsible Administrator	Administrator who coordinates proceedings related to Prohibited Conduct that is not sex-based discrimination
Title IX Coordinator	Administrator who coordinates proceedings related to Prohibited Conduct defined by Title IX
Investigator	Individual assigned to interview parties and witnesses and prepare an investigative report
Decisionmaker	Individual assigned to determine whether or not conduct violates this Policy
Appeal Officer	Individual assigned to review facts and the decision if an appeal is requested
Advisor	An advisor may accompany parties to interviews, resolutions, and are required for Title IX hearings; in a Title IX hearing the advisor will ask cross examination questions. All parties are entitled to an advisor of choice in Title IX matters and/or in matters that involve sexual assault, dating violence, domestic violence or stalking. Students are entitled to an advisor in Student Conduct proceedings.
Complainant	Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this Policy, and who was participating in a Westminster College program or activity (or attempting to participate) at the time of the alleged prohibited conduct, including students, employees (including student employees in their capacity as employees, interns (paid and unpaid), applicants for employment and admission, volunteers, and contractors.
Respondent	An individual student, employee, or other individual over whom Westminster College exercises disciplinary authority, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

A. Initial Contact

Following receipt of a report alleging Prohibited Conduct, the Title IX Coordinator or Responsible Administrator will contact the Complainant to meet for an initial intake meeting.

The Title IX Coordinator or Responsible Administrator will provide Complainants with the following:

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

B. Initial Intake & Assessment

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this Policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the Resolution procedures apply based on the conduct and the status of the parties.

The Title IX Coordinator or Responsible Administrator may also determine that the provision of supportive measures only is the appropriate response under the Policy.

The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the complaint is not the actual Complainant, the Title IX Coordinator or Responsible Administrator will limit communication to general information on policies and processes.

Should the Complainant wish to initiate a resolution process, the Title IX Coordinator or Responsible Administrator will determine whether this Policy applies and, if so, the appropriate process under this Policy. The Title IX Coordinator or Responsible Administrator will communicate to the Complainant this determination. If the Complainant does not wish to initiate a resolution process, the Title IX Coordinator or Responsible Administrator will assess whether to proceed as set forth below.

If the information provided, if assumed to be true does not meet a definition of Prohibited Conduct, the Title IX Coordinator or Responsible Administrator will provide the Complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

C. Requests for Confidentiality or No Further Action

When a Complainant requests that Westminster College not use their name as part of any resolution process, or that Westminster College not take any further action, Westminster College will generally try to honor those requests for cases involving sex-based harassment under Title IX. However, there are certain instances in which Westminster College has a broader obligation to the community and may be unable to honor the Complainant's request. In such circumstances, the Title IX Coordinator or Responsible Administrator will notify the Complainant in writing of the need to take action. The factors the Title IX Coordinator or Responsible Administrator will consider when determining whether to act against the wishes of a Complainant include:

1. The Complainant's request not to proceed with initiation of a complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional acts would occur if a Complaint is not initiated;
4. The severity of the alleged sex-based harassment under Title IX, including whether the conduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the sex-based harassment under Title IX and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee of Westminster College;
6. The scope of the alleged sex-based harassment under Title IX, including information suggesting a pattern, ongoing conduct, or sex-based harassment under Title IX alleged to have impacted multiple individuals;
7. The availability of evidence to assist a Decisionmaker in determining whether sex-based harassment under Title IX occurred;
8. Whether Westminster College could end the alleged sex-based harassment under Title IX and prevent its recurrence without initiating its Resolution procedures under this Policy; and
9. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents Westminster College from ensuring equal access to its education program or activity.

D. Emergency Removal **TIX**

For sex-based harassment under Title IX, Westminster College retains the authority to remove a Respondent from Westminster College's education program or activity on an emergency basis, where Westminster College:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate and serious threat to the health or safety of a Complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal; and
3. Provides the Respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The Respondent may challenge the decision immediately following the removal by notifying the Title IX Coordinator in writing. For all other Prohibited Conduct, Westminster College may defer to its interim suspension policies for students and administrative leave for employees.

E. Administrative Leave

Westminster College retains the authority to place an employee Respondent on administrative leave during a pending complaint process under this Policy, with or without pay, as appropriate.

F. Student Withdrawal or Employee Resignation While Matters Are Pending

If a student or employee Respondent permanently withdraws or resigns from Westminster College with unresolved allegations pending, Westminster College will consider whether and how to proceed with the resolution process. Westminster College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A student Respondent who withdraws or leaves while the process is pending may not be readmitted to Westminster College without first resolving any pending matters. Such exclusion applies to all Westminster College programs and sites where programs are offered.

An employee Respondent who resigns with unresolved allegations pending is not eligible for rehire with Westminster College and the records retained by the Title IX Coordinator or Responsible Administrator will reflect this status. All Westminster College responses to future inquiries regarding employment references for that individual should be referred to the Department of Human Resources.

G. Dismissal of a Complaint

Before dismissing a complaint, Westminster College will make reasonable efforts to clarify the allegations with the Complainant.

Westminster College **must** dismiss a complaint of sex-based harassment under Title IX if:

1. Westminster College determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this Policy.
2. The Prohibited Conduct did not occur against a person in the United States.

Westminster College **may** dismiss a complaint if:

1. The Respondent is not participating in Westminster College's programs or activities and/or is not employed by Westminster College;
2. The Complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator or Responsible Administrator declines to initiate a complaint. This dismissal must be consistent with its legal obligations;
3. The Complainant voluntarily withdraws some but not all allegations in a complaint in writing, and Westminster College determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this Policy; or
4. Specific circumstances prevent Westminster College from gathering evidence sufficient to reach a determination.

Upon dismissal of a complaint, Westminster College will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Westminster College will notify the parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator or Responsible Administrator will include that information in the notification.

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

IX. REFERRALS FOR OTHER MISCONDUCT

Westminster College has the discretion to refer complaints of misconduct not covered by this Policy for handling under any other applicable Westminster College policy or code. As part of any such referral for further handling, Westminster College may use evidence already gathered through any process covered by this Policy.

X. CONSOLIDATION OF COMPLAINTS

Westminster College may consolidate Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances. Where a Resolution process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. Where multiple policies may be implicated by the same set of facts or circumstances, Westminster College may bifurcate the proceedings in accordance with the requirements of the individual policies.

XI. OPTIONS FOR INFORMAL RESOLUTION FOR REPORTS OF PROHIBITED CONDUCT, EXCEPT CASES INVOLVING SEX-BASED HARASSMENT UNDER TITLE IX

Westminster College does not require individuals to waive the right to an investigation and adjudication of complaints. Similarly, Westminster College does not require parties to participate in an informal resolution process under this section and may not offer an informal resolution process for sex-based harassment under Title IX if the Respondent is an employee and the Complainant is a student.

There are multiple ways to resolve a complaint or report of Prohibited Conduct. During the resolution of a complaint, the Responsible Administrator will determine whether to implement reasonable Supportive Measures designed to assist all parties (Complainants and Respondents) and community members in maintaining access to and participation in Westminster College's educational programs, services and activities during the resolution of the complaint.

A. Support-Based Resolution

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

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to Westminster College and the Responsible Administrator determines there is need for additional steps to be taken, or the Complainant later decides to pursue a Resolution Agreement or investigation and decision making.

B. Agreement-Based Resolution

Agreement-Based Resolution is an alternative where the Parties each voluntarily agrees to resolve the complaint in a way that does not include an investigation and does not include any finding. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. Parties and the Responsible Administrator may agree to pause or exit the investigation and decisionmaking resolution procedures to explore Agreement-Based Resolution. There must be a Formal Complaint on file to proceed with Agreement-Based Resolution in cases involving sex-based harassment under Title IX.

Any party may design the proposed agreement between the parties. The Responsible Administrator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does

not involve an investigation, there is not any determination made as to whether a Respondent violated this Policy.

The Responsible Administrator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported sex-based harassment, and that the matter must instead be resolved through an alternate process.

Initiating the Agreement-Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, the Responsible Administrator will provide the Parties written notice that includes:

1. The specific allegation and the specific Prohibited Conduct that is alleged to have occurred;
2. The requirements of the Agreement-Based Resolution process;
3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether Westminster College could disclose such information for use in a future Westminster College Resolution process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;
4. Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal;
5. Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
6. A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred;
7. A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;
8. An explanation that parties who are students may be accompanied by an [advisor](#) of their choice, who may be an immediate family member, colleague, friend, or attorney;
9. A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume Resolution procedures at any time before agreeing to a resolution;

Facilitating an Agreement

If all Parties are willing to explore Agreement-Based Resolution, the Responsible Administrator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Responsible Administrator does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Responsible Administrator may decide that the reported conduct will instead be addressed through the investigation and decision-making process. The Responsible Administrator will inform the parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. The Responsible Administrator may serve as the facilitator or will be responsible for appointing a trained facilitator, subject to these restrictions.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas.

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

Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Responsible Administrator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.

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

XII. INVESTIGATION & DECISIONMAKING RESOLUTION FOR REPORTS OF PROHIBITED CONDUCT, EXCEPT CASES INVOLVING SEX-BASED HARASSMENT UNDER TITLE IX

Acceptance of Responsibility

If a Respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the Responsible Administrator will issue an appropriate sanction or responsive action as to those violation(s) and continue processing remaining allegations of Prohibited Conduct, if any.

Assignment of the Investigator

Westminster College will assign a qualified Investigator to conduct an adequate, reliable, and impartial investigation and determination, as applicable, in a reasonably prompt timeframe. Westminster College reserves the right to utilize internal or external Investigators.

All parties have the option to participate in the investigation, and each has the same rights during the resolution process. Student parties have the right to have an advisor and all parties have the right to submit relevant witness names and evidence.

The Investigator will create an investigative report that fairly summarizes relevant evidence and will provide it to the Responsible Administrator.

Timeline

Westminster College strives to complete the investigation process within ninety (90) business days from the date of the Notice of Allegations.

The timeline for any part of the resolution process may be extended for good cause by the Responsible Administrator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing.

Westminster College shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

Burden of Proof

Westminster College has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from Westminster College and does not indicate responsibility.

Westminster College may not access, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional with privilege or identified as confidential without the written consent of the party.

Standard of Evidence

The standard of evidence used in any investigation and decision-making process is the preponderance of the evidence standard, which means that the allegation(s) are more likely than not to have occurred.

Written Notice of Meetings for Sex-Based Harassment Investigations

Westminster College will provide to a party or witness whose participation is invited or expected, written notice via email of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

Evidence Gathering

A. Interviews

The Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

B. Impermissible Evidence for Sex-Based Harassment Investigations

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by Westminster College to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

1. Evidence that is protected under a privilege recognized by federal or state law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. Evidence provided to an employee designated by Westminster College as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
3. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Westminster College obtains that party's or witness's voluntary, written consent for use in its Resolution procedures.

XIII. INVESTIGATION & DECISION-MAKING PROCEDURES FOR ALL PROHIBITED CONDUCT EXCEPT SEX-BASED HARASSMENT UNDER TITLE IX

This procedure is for all allegations of Prohibited Conduct being investigated and determined under this Policy, except for sex-based harassment under Title IX.

A. Notice of Allegations and Investigation

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought

forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

1. The specific allegations, including the identity of the parties, and dates and location if known;
2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
3. A statement that Retaliation is prohibited;
4. Contact information for the assigned Investigator and Decisionmaker, as well as the process for raising a challenge to the appointed Investigator, Decisionmaker, or Title IX Coordinator, and the deadline for doing so;
5. Whether the Investigator, or another individual, shall serve as the Decisionmaker;
6. If the party is a student, a statement indicating that the parties may have an advisor of their choice who may be a friend, colleague, therapist, or attorney;
7. If the party is a student, a statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
8. A statement that Westminster College prohibits knowingly making false statements or knowingly submitting false information during Resolution procedures, with a link to the relevant policy(ies).

B. Individual Interviews

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the Investigator and the party or witness may attend each individual interview. If the party is a student, a party's advisor may attend these meetings, subject to the rules described above in this Policy. Additional attendees may be permitted at the discretion of the Responsible Administrator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings, and may be subject to further Westminster College discipline for failure to do so.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at Westminster College's discretion, with all participants joining virtually through a video conferencing option.

Westminster College may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties. Westminster College will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. Westminster College has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable Westminster College rules.

C. Investigation Report

The Investigator, who may also serve as the Decisionmaker, shall evaluate the relevant and not impermissible evidence and make a factual determination regarding each allegation, and also determine whether a violation of the Policy occurred. The Investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible, or declined to participate. The Investigator will not draw an inference based solely on a party's or witness's refusal to respond to questions. The Investigator shall prepare a report which may include:

1. A description of the allegations of Prohibited Conduct;
2. Information about the policies and procedures used to evaluate the allegations;
3. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
4. An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
5. Findings of fact for each allegation, with rationale; and
6. Conclusions regarding which section of this Policy or other Westminster College policy, if any, the Respondent has or has not violated, with rationale.

This report shall be provided to the Responsible Administrator. In the event that the Decisionmaker has determined that a violation of Westminster College policy has occurred, the Responsible Administrator shall determine the sanction or remedies.

The Responsible Administrator shall then provide the parties with a written Notice of Outcome. The Notice of Outcome shall include:

1. A statement of, and rationale for, any disciplinary sanctions Westminster College imposed on the Respondent to the Respondent only;
2. A statement as to whether remedies will be provided to the Complainant;
3. For the Complainant, a description of any remedies that apply to the Complainant;
4. Westminster College's procedures and the permitted reasons for parties to appeal as defined in employee, faculty, and student handbooks.

The determination regarding responsibility becomes final either on the date that Westminster College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

XIV. OPTIONS FOR INFORMAL RESOLUTION FOR CASES INVOLVING SEX-BASED HARASSMENT *TIX*****

Westminster College does not require individuals to waive the right to an investigation and adjudication of complaints. Similarly, Westminster College does not require parties to participate in an informal resolution process under this section and will not offer an informal resolution process if the Respondent is an employee and the Complainant is a student.

There are multiple ways to resolve a complaint or report of Prohibited Conduct. During the resolution of a complaint, the Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties (Complainants and Respondents) and community members in maintaining access to and participation in Westminster College's educational programs, services and activities during the resolution of the complaint.

A. Support-Based Resolution

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

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

B. Agreement-Based Resolution

Agreement-Based Resolution is an alternative where the Parties each voluntarily agrees to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability.

Any party may design the proposed agreement between the parties. In cases involving sex-based harassment, the Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a Respondent violated this Policy.

The Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported sex-based harassment, and that the matter must instead be resolved through an alternate process.

Initiating the Agreement Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the Parties written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred;
2. The requirements of the Agreement-Based Resolution process;

3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether Westminster College could disclose such information for use in a future Westminster College Resolution process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;
4. Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal;
5. Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
6. A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred;
7. A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;
8. An explanation that all parties may be accompanied by an [advisor](#) of their choice, who may be an immediate family member, colleague, friend, or attorney;
9. A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume Resolution procedures at any time before agreeing to a resolution;
10. The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of 3 days' notice;
11. Information regarding Supportive Measures, which are available equally to the parties; and
12. The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.

Facilitating an Agreement

If all Parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and decision-making process. The Title IX Coordinator will inform the parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. The Title IX Coordinator will be responsible for appointing a trained facilitator, subject to these restrictions. The Title IX Coordinator or Decisionmaker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

1. An agreement that the Respondent will change classes or housing assignments;

2. An agreement that the Parties will not communicate or otherwise engage with one another;
3. An agreement that the Parties will not contact one another;
4. Completion of a training or educational project by the Respondent;
5. Completion of a community service project by the Respondent;
6. An agreement to engage in a restorative justice process or facilitated dialogue; and/or
7. Discipline agreed upon by all parties.

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

Finalizing the Resolution Agreement

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

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.

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

XV. INVESTIGATION & DECISIONMAKING RESOLUTION FOR CASES INVOLVING SEX-BASED HARASSMENT *TIX*****

These procedures are used to resolve Formal Complaints of Sex-Based Harassment consistent with Westminster College's obligations under the 2020 Title IX Final Rule.

Acceptance of Responsibility

If a Respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the Title IX Coordinator will issue an appropriate sanction or responsive action as to those violation(s) and continue processing remaining allegations of Prohibited Conduct, if any.

Assignment of the Investigator

Westminster College will assign a qualified Investigator to conduct an adequate, reliable, and impartial fact-gathering investigation in a reasonably prompt timeframe. Westminster College reserves the right to utilize internal or external Investigators.

All parties have the option to participate in the investigation, and each has the same rights during the resolution process. Parties involved in a sex-based harassment matter have the right to have an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator providing the final report to the Decisionmaker. The Investigator may not prohibit parties from discussing the allegations under investigation or to gather or present relevant evidence.

The Investigator will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.

The Investigator will create an investigative report that fairly summarizes relevant evidence and will provide it to the TIX Coordinator.

Timeline

Westminster College strives to complete the investigation process within ninety (90) business days from the date of the Notice of Allegations.

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring availability of witnesses and other participants, concurrent law enforcement activity, need for language assistance or accommodation of disabilities, and sufficient time for participants to review materials.

Westminster College shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The Investigator and/or Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

Burden of Proof

Westminster College has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from Westminster College and does not indicate responsibility.

Westminster College may not access, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional with privilege or identified as confidential without the written consent of the party.

Standard of Evidence

The standard of evidence used in any investigation and decision-making process is the preponderance of the evidence standard, which means that the allegation(s) are more likely than not to have occurred.

Written Notice of Meetings for Sex-Based Harassment Investigations

Westminster College will provide to a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

Evidence Gathering

A. Interviews

The Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

B. Impermissible Evidence for Sex-Based Harassment Investigations

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by Westminster College to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

1. Evidence that is protected under a privilege recognized by federal or state law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. Evidence provided to an employee designated by Westminster College as exempt from internal reporting under this Policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
3. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of

treatment to the party or witness, unless Westminster College obtains that party's or witness's voluntary, written consent for use in its Resolution procedures; and

4. Evidence that relates to the Complainant's sexual predisposition or prior sexual behavior, unless evidence about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

XVI. INVESTIGATION & DECISION-MAKING PROCEDURES IN CASES OF SEX-BASED HARASSMENT *TIX*****

This procedure is for all allegations of sex-based harassment

A. Notice of Allegations

Prior to the start of an investigation, the Parties will be provided a written Notice of Allegations communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Allegations shall be provided to all parties.

The Notice shall include, at a minimum:

1. Westminster College's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
2. Information about the agreement-based resolution procedures;
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
4. A statement that retaliation is prohibited;
5. A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
6. A statement that the parties may have an advisor of their choice who may be a friend, immediate family member, therapist, colleague, or attorney;
7. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately summarizes this evidence;
8. Westminster College's Student Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the Resolution procedures.

B. Preservation of Evidence

As soon after the initiation of the investigation as possible, the Title IX Coordinator or the Investigator will notify parties and witnesses to preserve evidence, such as documents, photos, communications, text messages, social media posts. Westminster College must notify the Complainant 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 an alleged offense should be reported; c) options regarding law enforcement and campus authorities, including notification of the complainant's option to notify proper law enforcement authorities, be assisted by campus authorities in notifying law enforcement, and declining to notify such authorities.

C. Individual Interviews

The Investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the Investigator and the party or witness may attend each individual interview. A party's advisor may attend these meetings. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the Resolution process and may be subject to further discipline for failure to do so.

The Investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

Westminster College will share expectations of decorum to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all parties and advisors. Westminster College has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable Westminster College rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at Westminster College's discretion, with all participants joining virtually through a video conferencing option. All interviews will be recorded and stored electronically on a secured network. A summary of each interview will be provided to parties in the Investigative Report and can be made available for review in person.

The Investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate.

D. Investigator Determination of Relevance

The Investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings. The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence is not relevant evidence, and therefore will not be considered. The Decisionmaker is not bound by the Investigator's determinations about relevance.

E. Investigative Report

At the conclusion of all fact-gathering, the Investigator will evaluate the relevant and not impermissible evidence and create an investigative report that fairly summarizes relevant evidence.

The Investigator shall prepare a report that shall include:

1. A description of the allegations of Prohibited Conduct;
2. Information about the policies and procedures used to evaluate the allegations;
3. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
4. Summary of facts gathered for each allegation.

F. Evidence Review

Prior to the completion of an investigative report, Westminster College will send each party and their advisor a draft investigative report along with, if any, the evidence subject to inspection and review. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence and the names of any additional witnesses with relevant information.

Given the sensitive nature of the information provided, Westminster College will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 10 business days to inspect and review the evidence and submit a written response to the Title IX Coordinator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have 10 business days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the parties' written responses before finalizing the investigation report. Westminster College will provide a copy of the Final Investigative Report to all parties at least 10 days prior to a hearing.

G. Hearing Procedures

The purpose of a hearing is for a Decisionmaker to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this policy. Westminster College expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness.

Westminster College will appoint a Decisionmaker who will determine whether a violation of Westminster College policy has occurred. The Decisionmaker shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by Westminster College and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of Westminster College but shall be available for listening until the conclusion of the appeals process to Complainant, Respondent, their respective advisors, Hearing Officer, and Appeal Officer by contacting the Title IX Coordinator.

Prior to the Hearing

The parties and the Decisionmaker all have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the name of the witness at least five (5) business days in advance of the hearing.

Only witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the

party must also provide the reason the witness was not interviewed by the investigator, and what information the witness has that is relevant to the allegations. The Decisionmaker will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Decisionmaker may instead send the case back to the Investigator to interview the newly proffered witness prior to the hearing taking place.

A list of witnesses approved by the Decisionmaker will be provided to the parties at least three (3) business days prior to the hearing.

Three (3) days prior to the hearing, each party shall submit to the Decisionmaker a preliminary list of questions they wish to pose to the other party, or to a witness. If the Decisionmaker determines that any questions are not relevant or seek otherwise impermissible evidence, the Decisionmaker shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Decisionmaker must give a party an opportunity to clarify or revise any question that the Decisionmaker has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.

Advisor

Each Party is entitled to be accompanied by one Advisor at the hearing. The role of the Advisor is to ask questions on behalf of the party they represent during the hearing and to assist the party with understanding and navigating the proceedings. Otherwise, the advisor may not advocate for, respond for, or otherwise speak on behalf of, a party during the hearing. In the event that a party does not appear for the Hearing, the Advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party. If either party does not have an advisor, Westminster College will provide one for the hearing at no cost to the party.

Hearing Participation Guidelines

The Decisionmaker shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary to adjourn the hearing or exclude a disruptive person. In the event the Decisionmaker removes an Advisor, the Decisionmaker will have the discretion to appoint another Advisor for the remainder of the hearing. The Decisionmaker also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. The Decisionmaker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

Statements, Questioning, and Presentation of Evidence

The Decisionmaker will call parties and witness for questions. The order of questioning is as follows: the Decisionmaker will pose questions to the parties and witnesses; Advisors will pose previously approved questions to the parties and witnesses. Each party will then be provided an opportunity to submit follow-up written questions to the Decisionmaker for the Decisionmaker to

pose to the other party or witnesses. If the Decisionmaker determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Decisionmaker shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Only the Decisionmaker and advisors are permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are permitted to ask questions on cross-examination only.

H. Determination

Following the hearing, the Decisionmaker shall prepare a determination report. All findings shall be made by a preponderance of the evidence, meaning more likely than not. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as complainant, respondent, or witness.

The determination report will include:

1. A description of the sex-based harassment and other allegations if applicable;
2. Description of all procedural steps taken to date;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of this Policy to the facts;
5. Determinations for each allegation of any policy violation(s), with the rationale;
6. Sanction determination (if applicable);
7. Whether remedies will be provided; and
8. The procedures for an appeal.

The Decisionmaker's report shall be provided to the Title IX Coordinator. If the Decisionmaker determines that there is no finding of responsibility, the Title IX Coordinator shall communicate the findings to each party, simultaneously, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome along with a copy of the Decisionmaker's report, to the parties, together with procedures for appeal.

If there is a finding of responsibility, the Title IX Coordinator shall provide each party, simultaneously, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome regarding the Decisionmaker's decision, including the Decisionmaker's report. The Title IX Coordinator will also provide written communication to the complainant regarding any appropriate remedies.

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 the appeal would no longer be considered timely.

XVII. REMEDIES & SANCTIONS FOR ALL FORMS OF PROHIBITED CONDUCT

Remedies must be designed to restore or preserve equal access to Westminster College's education program or activity or employment.

A student found responsible for a violation of this Policy will be subject to sanction(s), regardless of whether legal proceedings involving the same incident are underway or anticipated. An employee found responsible for a violation of this Policy will be subject to sanction(s) up to and including termination of employment. If Westminster College has disciplinary authority over any other Respondent, appropriate sanctions may be imposed.

Possible sanctions and remedies that Westminster College may implement following any determination of responsibility include: expulsion, a no contact order, written warning, suspension, a fine, restitution, community service, probation, reference to counseling, required training/education; loss of annual pay increase; loss of supervisory responsibility; demotion; termination of employment, and notation in the Respondent's official student or personnel file of the fact of a violation and the sanction.

The Title IX Coordinator or Responsible Administrator is responsible for effective implementation of any remedies.

Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive actions/corrective actions within the timeframe specified by Westminster College. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator or Responsible Administrator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation. Students who fail to comply will be referred to Student Conduct in accordance with the Student Handbook.

XVIII. APPEAL OF DECISIONS IN CASES INVOLVING SEX-BASED HARASSMENT *TIX*****

In cases involving sex-based harassment under Title IX, determinations may be appealed in writing by either party. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the designated Appeals Officer assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within five (5) business days following the issuance of the Notice of Outcome.

Appeals may be filed only on the following three grounds:

1. **Procedural Error:** A procedural error occurred that would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal;
2. **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
3. **Actual Conflict of Interest or Demonstrated Bias:** The Title IX Coordinator, Investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

The Appeal Officer will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeal Officer's decision to the parties simultaneously. The decision of the Appeals Officer is final.

XIX. PROHIBITION AGAINST RETALIATION

No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established by this Policy 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 Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination or harassment, but arise out of the same facts or circumstances as a report or complaint of discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right under this Policy constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Resolution proceeding under this Policy does not constitute retaliation prohibited under of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

XX. RECORD RETENTION

In implementing this Policy, records of all reports and resolutions will be kept by the Responsible Administrator in accordance with the applicable Westminster College records retention schedule with the exception of records related to sex-based harassment investigations, which will be kept by the Title IX Coordinator for a period of seven (7) years. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information. This means that Westminster College will protect the party’s privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this Policy.

XXI. ADDITIONAL ENFORCEMENT INFORMATION

The U.S. Equal Employment Opportunity Commission (EEOC) investigates reports of unlawful harassment, discrimination, and retaliation, including sex-based harassment, in employment.

The U.S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

Questions about Title IX may be referred to the Title IX Coordinator or to the assistant secretary for civil rights:

Office for Civil Rights
Philadelphia Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323

Telephone: 215-656-8541
FAX: 215-656-8605; TDD 800-877-8339
Email: OCR.Philadelphia@ed.gov

Any person may report conduct prohibited by this Policy to the Title IX Coordinator or to the Director of Compliance and Risk Management. A complaint about the Title IX Coordinator may be made to the President of Westminster College.

U.S. Equal Employment Opportunity Commission (EEOC)
<https://www.eeoc.gov/contact-eeoc>

XXII. POLICY REVIEW & REVISION

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator, Director of Human Resources, and the Associate Dean of Students. The Title IX

Coordinator, Director of Human Resources, and Associate Dean of Students will submit modifications to this Policy in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require policy or procedural alterations not reflected in this Policy and procedure. Procedures in effect at the time of its implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently, unless the parties consent to be bound by the current Policy.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to Westminster College website.

XXIII. KEY DEFINITIONS

Actual Knowledge: Notice of sexual harassment under Title IX or allegations of sexual harassment under Title IX 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.

Advisor: Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, immediate family member, therapist, union representative, or an attorney. Westminster College will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend. Except where explicitly stated by this Policy, advisors shall not participate directly in the process. Westminster College will provide the parties equal access to advisors; any restrictions on advisor participation will be applied equally.

Affirmative Consent: Verbal statements or non-verbal actions which a reasonable person would understand to mean a voluntary agreement to engage in sexual activity. To give consent, a person must be awake, of legal age, and have the capacity to rationally and reasonably understand the nature of their actions. Individuals who are physically or mentally incapacitated cannot give consent. Consumption of alcohol and other drugs may cause incapacitation. 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 to engage in a specific sexual activity with a person does not imply consent to engage in other sexual activities with the same person. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

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. Talking about your own and your partner's sexual desires, needs, and limitations provides 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. A prior relationship does not indicate consent to future activity.

Coercion/Force: Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

1. Coercion refers to pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
2. Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

Complaint: An oral or written request to the Responsible Administrator that objectively can be understood as a request for Westminster College to investigate and make a determination about alleged violations under this Policy, with the exception of sex-based harassment which requires a Formal Complaint reporting sex-based harassment and requesting an investigation. A complaint may be filed at www.westminster.edu/report-incident) or in person, by mail, or by email to the Responsible Administrator.

Complainant: Any individual who is alleged to be the victim of conduct that could constitute a violation of this Policy, including sexual harassment. At the time of the complaint, the complainant must be participating in or attempting to participate in Westminster College educational program or activity.

Confidential Resources: Any individual identified by Westminster College who receives information about conduct prohibited under this Policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this Policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

Days: any reference to days refers to business days when Westminster College is in normal operation.

Decisionmaker: Trained professional designated by Westminster College to decide responsibility, sanction, or appeals. A Decisionmaker may be one person or a panel of multiple people as determined by Westminster College. When there is no hearing, the Investigator may be appointed as the Decisionmaker.

Disclosure or Report: A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sex discrimination under this Policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

Education Program or Activity: Westminster College’s “education program or activity” includes all campus operations, including off-campus settings in the United States that are operated or overseen by Westminster College: including, for example, field trips, online classes, and athletic programs; conduct subject to Westminster College’s disciplinary authority that occurs off-campus; conduct that takes place via Westminster College-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, Westminster College. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

Finding: a written conclusion by a preponderance of the evidence, issued by an Investigator, that the conduct did or did not occur as alleged.

Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sex-based harassment under Title IX against a respondent and requesting that Westminster College investigate the allegation of sexual harassment.

Incapacitation: a state in which someone cannot make rational decisions because the person lacks the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual’s state. Intoxication is not the same as incapacitation. As Blood Alcohol Content (BAC) increases, so does impairment. Impairment may lead to incapacitation. Reactions to alcohol and other drugs vary based on individual characteristics, including but not limited to, age, sex, gender, physical stature, tiredness, and prescribed medications. Some behavioral indicators that an individual is incapacitated due to intoxication may include, but are not limited to, vomiting, unresponsiveness, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, or inability to perform other physical or cognitive tasks without assistance.

Investigator: Trained professional designated by Westminster College to conduct investigations and determine findings of fact. When there is no hearing, the Investigator may be appointed as the Decisionmaker.

No Contact Order: A No Contact Order is a document issued by Westminster College administrator that is designed to limit or prohibit contact or communications between the parties. A No Contact Order may be mutual or unilateral, with the exception that a No Contact Order issued as either a sanction or remedy shall be unilateral, directing that the Respondent not contact the Complainant.

When requested by a Complainant or otherwise determined to be appropriate, Westminster College shall issue an interim, unilateral no-contact directive prohibiting the Respondent from contacting the complainant during the pendency of the decision-making process under this Policy, including any appeal.

Upon issuance of an interim No Contact Order, Westminster College shall provide the parties with a written justification for the directive and an explanation of the terms of the directive, including the circumstances, if any, under which a violation could be subject to disciplinary action.

Where a unilateral No Contact directive is issued after a decision of responsibility, it shall only apply against the party found responsible.

Notice: All notices under this Policy are written and sent to the student or employee's assigned Westminster College email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official Westminster College records, or personally delivered to the intended recipient.

Remedies: Remedies means measures provided, as appropriate, to a Complainant or any other person Westminster College identifies as having had their equal access to Westminster College's education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this Policy. These measures are provided to restore or preserve that person's access to the education program or activity after a Westminster College determines that sex discrimination occurred. Only the Complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for implementation of remedies.

Respondent: an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

Sanctions: One or more of the sanctions or disciplinary steps listed here may be imposed on a Respondent who is found responsible for a violation of Westminster College's policies. Sanctions or disciplinary steps not listed here may be imposed in consultation with the Title IX Coordinator.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable Westminster College rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

1. The nature, severity of, and circumstances surrounding the violation;
2. An individual's disciplinary history;
3. Previous Resolutions or allegations involving similar conduct;

4. The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation;
5. The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation;
6. The need to remedy the effects of the sex discrimination or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Faculty found responsible for violating this Policy may be referred to the appropriate academic official for any other applicable processes.

Possible sanctions and disciplinary steps for student Respondents include, but are not limited to 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).

Possible sanctions and disciplinary steps for staff and faculty Respondents include, but are not limited to 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.

Any person who has (or will have) attained student status by way of:

1. Admission, housing or other service that requires student status;
2. Registration for one or more credit hours;
3. Enrollment in any non-credit, certificate or other program offered by Westminster College.

Supportive Measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

1. Restore or preserve that party's access to Westminster College's education program or activity, including measures that are designed to protect the safety of the parties or Westminster College's educational environment; or
2. Provide support during Westminster College's Resolution procedures or during an alternative resolution process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no contact orders (which may be mutual or unilateral at the discretion of the Title IX Coordinator); and training and education programs related to prohibited conduct. Supportive measures are non-disciplinary and non-punitive. Supportive Measures will also be offered to Respondents when they are notified of the allegations.

Any Supportive Measures put in place will be kept confidential, except when doing so impairs the ability of Westminster College to provide the Supportive Measures.

Westminster College will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to Westminster College's program or activity or provide support during Westminster College's alternative resolution process or Resolution procedures. Parties under this Policy have the right to request supportive measures from Westminster College regardless of whether they desire to make a complaint or seek alternative resolution.

The Title IX Coordinator or Responsible Administrator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing codes or handbooks.

XXIV. PREVENTION EDUCATION

Westminster College provides comprehensive prevention education defined in the Comprehensive Interpersonal Violence Prevention Policy housed in the Wellness Center and in compliance with the Violence Against Women's Act, the Campus SaVE Act, and PA General Assembly Act 55 of 2022.

XXV. TRAINING

The College ensures that Title IX coordinators, investigators, and decisionmakers, 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 Resolution 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. Coordinator(s) should be knowledgeable about other applicable Federal and State laws, regulations, and policies that overlap with Title IX. Additionally, the College ensures that decisionmakers receive training 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. Furthermore, the College ensures that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

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

XXVI. RESOURCES

Privileged & Confidential Resources for Students

Wellness Center Counselors

Sarah Gellman, LPC

Melinda Wise, LSW

Wellness Center, 319 S. Market Street, New Wilmington, PA 16172

counseling@westminster.edu

(724) 946-7927

<https://www.westminster.edu/campus/health/health-center.cfm>

Victim Advocacy

Arise of Lawrence County

1218 W. State St.

New Castle, PA 16101

Info@ariselc.org

724-652-9036 (24 hour confidential hotline)

Office of Faith & Spirituality

Rev. James Mohr

319 S. Market Street, New Wilmington, PA 17172

mohrjr@westminster.edu

(724) 946-7116

Rev. Beth Creekpau

319 S. Market Street, New Wilmington, PA 17172

creekpba@westminster.edu

(724) 946-7405

<https://www.westminster.edu/campus/spiritual-life/index.cfm>

Employees Exempt from Reporting for Students

Associate Director of Well-Being Program & Violence Prevention

Jessica Mudger

Wellness Center, 319 S. Market Street, New Wilmington, PA 16172

mudgerjr@westminster.edu

(724) 946-7926

<https://www.westminster.edu/campus/health/health-center.cfm>

Privileged & Confidential Resources for Employees

Victim Advocacy

Arise of Lawrence County

1218 W. State St.

New Castle, PA 16101

Info@arisehc.org

724-652-9036 (24 hour confidential hotline)

Employee Assistance Program

https://my.westminster.edu/ICS/Employee_Info/

Office of Faith & Spirituality

Rev. James Mohr

319 S. Market Street, New Wilmington, PA 17172

mohrjr@westminster.edu

(724) 946-7116

Rev. Beth Creekpau

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creekpba@westminster.edu

(724) 946-7405

<https://www.westminster.edu/campus/spiritual-life/index.cfm>

ADDENDUM

Westminster College's statements of non-discrimination shall be published as required by law and shall state:

Title IX Statement

Westminster College does not discriminate based on sex in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title IX and 34 CFR Part 106.

Complaints of discrimination based on sex or questions about Title IX can be directed to Westminster College's Title IX Coordinator or to the U.S. Assistant Secretary of Education, or both. To make a report or complaint of sex discrimination or sexual harassment, or for any questions related to Title IX, please contact:

Gina M. Vance, EdD

vancegm@westminster.edu

(724) 946-7110

McKelvey Campus Center, Suite 341 (Student Affairs)

Section 504 Statement

Westminster College does not discriminate based on disability in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Section 504 of the Rehabilitation Act. Denial of an accommodation and disability-discrimination complaints may be filed under this policy.

Complaints of disability discrimination can be directed to Westminster College's Section 504 Coordinator or to the U.S. Assistant Secretary of Education, or both. To make a report or complaint of discrimination please contact:

Megan Donaleson, Accessibility Coordinator
donaldma@westminster.edu
(724) 946-7192
McKelvey Campus Center, Student Success Center

Questions or complaints about Title IX or Section 504 may be directed to the assistant secretary for civil rights:

Office for Civil Rights,
Philadelphia Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: (215) 656-8541
Facsimile: (215) 656-8605
Email: OCR.Philadelphia@ed.gov

Title VI Statement

Westminster College does not discriminate based on race, color or national origin in any program or activity, including in the admissions process and employment, and is prohibited from such discrimination by Title VI. Protection from race, color or national origin discrimination extends to discrimination, including harassment, based on their actual or perceived (i) shared ancestry or ethnic characteristics or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity. In cases in which an individual respondent cannot be identified, Westminster College reserves the right to address hostile climate claims under this Policy. To make a report or complaint of discrimination or for any questions related to Title VI, please contact:

Kim Christofferson
christkk@westminster.edu
(724) 946-7247
Old Main, Business Office

Gina M. Vance, EdD
vancegm@westminster.edu
(724) 946-7110
McKelvey Campus Center, 341

Age Discrimination Act of 1975 Statement

Westminster College does not discriminate based on age in any program or activity, including in the admissions process and employment and is prohibited from such discrimination by the Age Discrimination Act of 1975. To make a report or complaint of discrimination or for any questions related to the Age Discrimination Act of 1975, please contact:

Kim Christofferson
christkk@westminster.edu
(724) 946-7247
Old Main, Business Office

Gina M. Vance, EdD
vancegm@westminster.edu
(724) 946-7110
McKelvey Campus Center, 341

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 Director of DEI Education and Bias Prevention 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 Director of DEI Education and Bias Prevention 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 Bias Motivated Incident can be defined as behaviors or language, whether written or verbal, that demonstrate bias against persons or groups based on their actual or perceived

identity or group membership. These incidents may be motivated, in whole or in part, by factors such as ability, race, color, religion, ethnic origin, gender, age, sexual orientation, gender identity or expression.

Additionally, it is important to note that just because the expression of an idea or point of view may be offensive or inflammatory, it does not necessarily constitute a bias incident. For example, a heated debate on immigration policy, while potentially offensive to some, would not necessarily be considered a bias incident unless it involved derogatory language or actions targeted at individuals or groups based on their identity.

Westminster College values freedom of expression and the open exchange of ideas. The expression of controversial ideas and differing views is encouraged, provided it is done in an environment of respect and civility, free of intolerance directed towards individuals or groups. (see Freedom of Expression policy for full definition of an act of intolerance)

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 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, 176, 177 and 178
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 Drug-free Workplace and Drug-free Schools Annual Notification

Westminster College is committed to complying with a drug -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 of 1989. Faculty, staff and students must also comply with Commonwealth of Pennsylvania law on possession and consumption of alcohol and other drugs. Any College employee paid from federally funded grants or contracts, or any student participating in any federally funded or guaranteed Student Loan Program, must notify the College of any criminal drug statute conviction for a violation occurring at the College or while engaged in College activities. Upon request, the Director of Human Resources must provide a copy of this notification to the Secretary of Education and members of the general public.

Drug-Free Schools and Communities Act of 1989

The Drug-Free Schools and Communities Act requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education, state educational agency, or local educational agency must certify that it has adopted and implemented a program to prevent the possession, use, or distribution of illicit drugs and alcohol by students and employees. As set forth in the statute, Westminster College's program is required to provide at a minimum:

- a. An annual distribution, in writing, to each employee and student (regardless of the length of the student's program of study), including:
 - i. Standards of conduct that clearly prohibit, at a minimum, unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities
 - ii. A description of applicable legal sanctions under local, state, or federal law
 - iii. A description of health risks associated with the use of illicit drugs and the abuse of alcohol
 - iv. A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs
 - v. A clear statement of the disciplinary sanctions that the College may impose on students and employees
- b. A biennial review by the College of its programs to determine the program's effectiveness, implement needed changes, and help ensure that disciplinary sanctions are consistently enforced.

Westminster College Policy On Alcohol And Other Drugs

Alcohol and illicit drugs are prohibited on the grounds of Westminster College. Employees, students, and visitors are not 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. 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.

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 and 90-day driver's license suspension 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.

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 (including College-owned or rented vehicles). The College cannot be legally responsible if students ignore state laws, College policies, and good common sense by drinking at all if under the legal drinking age, or drinking excessively if over the legal age. 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.

Medical Marijuana

In April of 2016, Pennsylvania legalized the use of medical marijuana. However, because the Federal government has not legalized marijuana, it remains a banned substance under federal law. Westminster College receives federal funding through such things as student financial aid. To avoid losing federal funding, Westminster College must prohibit all marijuana use, including medical marijuana. Therefore, if you are prescribed medical marijuana, it is important that you

promptly disclose that information so that we can discuss how to proceed. Students with a medical marijuana prescription must first meet with the Office of Disability Resources and provide documentation of medical conditions as well as prescription information to discuss possible accommodations. A list of guidelines will be provided to the student as a part of this discussion. Please be assured that your medical information is protected by FERPA and kept as confidential. Further, marijuana use while on campus, either with or without a prescription, is prohibited under any circumstances. Students found in possession, and/or using, and or distributing marijuana while on campus, even with a medical marijuana prescription card, will be subject to student disciplinary action and may have additional legal consequences.

Student Sanctions – Alcohol and Drugs

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. 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.

Employee Sanctions – Alcohol and Drugs

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.

Medical Amnesty

Westminster College recognizes that in an alcohol or other drug-related emergency, the potential for disciplinary action by the College may act as a barrier to students seeking assistance, medical or otherwise, for themselves or others. To reduce the harmful, potentially deadly, consequence of alcohol and drug overdose, the College agrees to the policy that seeks to ensure that students are concerned about those around them and will call for medical assistance when faced with an alcohol or drug related emergency.

Medical Amnesty exempts students from formal college discipline (alcohol violations, fines, etc.) for those receiving emergency medical attention as well as individuals/chapter(s) who contact Public Safety for assistance (Good Samaritan). To obtain Medical Amnesty, the affected student must receive emergency medical attention and follow the advice of the Medical Responder. In addition, both the altered student and the Good Samaritan student may be required to participate in follow-up meetings with the Wellness Center or Dean of Students office and comply with recommendations these offices prescribe. The Medical Amnesty/Good Samaritan Policy applies to only cases of alcohol or other drug-related emergencies. This policy does not excuse co-occurring violations of the Interfraternity Council bylaws or Student Handbook.

Note: If an individual receives emergency medical assistance on more than one occasion due to

excessive use of alcohol or other drugs, the situation will be evaluated by the Vice President for Student Affairs who may recommend additional resources or sanctions.

Social Impact

The misuse of alcohol and other substances is a public health issue that poses serious risks and consequences that can impact the individual, relationships, employers, and society in general. Substance misuse can affect anyone, regardless of age, race, gender, socio-economic status, or occupation. Over 1,800 college students between the ages of 18 and 24 die from unintentional alcohol-related injuries each year. Substance misuse is also associated with a decrease in educational outcomes, including academic problems, such as lower grades, and reduced graduation rates. Among students, substance misuse can also be associated with the increased risk of injury, violence, and legal issues.

Alcohol and marijuana continue to be choice substances among college students nationally. Of full-time college students, 5.9% percent reported daily or near daily marijuana use, per the National Institute on Drug Abuse. According to the National Institute on Alcohol Abuse and Alcoholism, nearly 55% of college students reported consuming alcohol in the past month and more than 1 out of 3 had engaged in binge drinking at least once during that timeframe.

Health Effects

Substance use can contribute to a number of problems, including negative impacts on health and well-being. These can include both short-term and long-term effects, as well as direct and indirect effects. Possible impacts may include, but are not limited to, developing a substance use disorder, organ damage, increased risk of accidents or injury, triggering or worsening psychiatric conditions, and health complications from using substances together or combined with other medications.

Prevention & Education

DRUG AND ALCOHOL EDUCATION MATRIX

Title	Delivery	Topic	Frequency	Target Audience
Alcohol and Other Drug Use Risk Reduction	Seminar/ Workshop	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

Alcohol Education in WST 101	Seminar/ Workshop	Campus culture and safety around alcohol use; student attitudes about alcohol use and binge drinking		First-year students
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Information and Assistance for Alcohol and Drug Abuse

Employees are encouraged to use Westminster College Employee Assistance Programs for assistance with substance use disorders.

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

https://my.westminster.edu/ICS/Campus_Life/Campus_Groups/Wellness_Center/Community_Resources.jnz

Federal Drug Laws

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction. For more information on Federal Drug Laws, please visit the Drug Enforcement Agency website using the following links:

DEA Controlled Substances Act: <https://www.dea.gov/drug-information/csa>

DEA Drug Scheduling: <https://www.dea.gov/drug-information/drug-scheduling>

Denial of Federal Aid (20 USC 1091)

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs may have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility may regain eligibility by successfully completing an approved drug rehabilitation program.

Forfeiture of Personal Property and Real Estate (21 USC 853)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including

houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 USC 841)

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

- If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces mandatory life sentence and fines ranging up to \$8 million.
- Persons convicted on federal charges of drug trafficking within 1,000 feet of an institution of higher education (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

For more information regarding drug trafficking penalties, please visit the Drug Enforcement Agency website at <https://www.dea.gov/drug-information>

Federal Drug Possession Penalties (21 USC 844)

Persons convicted on Federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000. Possession of drug paraphernalia is punishable by a minimum fine of \$750.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than 5 years but not more than 20 years and a fine up to \$250,000, or both if:

1. It is a first conviction and the amount of crack possessed exceeds 5 grams;
2. It is a second conviction and the amount of crack possessed exceeds 3 grams;
3. It is a third or subsequent crack conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

Commonly cited Pennsylvania Alcohol and Drug Penalties include the following: Underage drinking or possession of alcohol, 0 to 90 days imprisonment, up to \$500 in fines for a first offense; Fake IDs used to obtain alcohol, 0 to 90 days imprisonment, up to \$500 in fines; Marijuana possession 30 grams or less, 0 days imprisonment, up to \$500 in fines; Marijuana

possession over 30 grams, up to 1 year imprisonment, up to \$5,000 in fines; Manufacturing or selling marijuana controlled substances, 1 to 10 years imprisonment, \$5,000 to \$250,000 in fines depending on the substance; Possession of drug paraphernalia, up to 1 year imprisonment, up to \$2,500 in fines; Public drunkenness, 0 to 90 days imprisonment, up to \$500 in fines for a first offense and up to \$1,000 in fines for a second offense; Selling or furnishing liquor or malt or brewed beverages to minors, up to 1 year imprisonment, minimum of \$1,000 in fines for a first offense and a minimum of \$2,500 for a second offense; Minor (less than 21) operating a motor vehicle with any alcohol in their system, 48 hours+ imprisonment, \$500 to \$5,000 in fines, safety school, and comply with alcohol/drug treatment requirements.

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 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 and the Campus Ministry Fellow.

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 Associate Director of Well-being Programs and Violence Prevention, Nursing Staff 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
- Athletics
- Finance and Management Services
- Institutional Advancement
- New Wilmington Police Department
- Arise (dba Crisis Shelter of Lawrence County)

The prevention education program is administered by the Associate Director of Well-being Programs and Violence Prevention 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
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 intervention workshop		Fraternity & Sorority Life
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		R e p o r t i n g O p t
When a Student Discloses Interpersonal Violence: Referral & Resources Guides	Seminar	Campus and community-based referral process, Victim Rights and		t , '

Once per semester for
all staff; at time of
new hire

Residence Life Professional Staff
(Area Coordinators and Graduate
Residence Directors)

Employees

Available by request

trauma-informed response, Campus Security Authority status/reporting obligations

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@arise1c.org or 724-652-9036 (24/7 Confidential Hotline), or walk into the Wellness Center 7:30 AM – 4:30 PM Monday – Friday.

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.

WORKPLACE SAFETY COMMITTEE

The Workplace Safety Committee 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 committee follows the goals and processes of the State of Pennsylvania’s Workplace Safety Committee requirements.

WESTMINSTER COLLEGE CRIME STATISTICS

Offense	On Campus			On Campus Residence Halls			Non-campus			Public Property		
	2024	2023	2022	2024	2023	2022	2024	2023	2022	2024	2023	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	1	1	0	0	1	0	0	0	0	0	0	0
Fondling	0	0	1	0	0	1	0	2	1	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	2	0	0	0	0	0	0	0	0	1	0
Dating Violence	0	0	1	0	0	1	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	3	0	6	0	0	0	0	0	0	0	1	0
Arrests												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	8	6	1
Drug Law Violations	0	0	0	0	0	0	0	0	0	10	1	2
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Referrals												
Liquor Law Referrals	5	12	14	5	12	14	0	0	0	0	0	0
Drug Law Referrals	11	3	16	11	3	16	0	0	0	0	0	0
Weapons Law Referrals	0	0	0	0	0	0	0	1	0	0	0	0

NR: not reported

Hate Crimes
2024 – 1 All parties interviewed, and no threats identified.
2023
2022 1 Incident of Intimidation (race) on campus.

CRIME STATISTICS FOR UPMC JAMESON SCHOOL OF NURSING

Note: Chief John Rand of the Neshannock Police Department, where the Jameson School of Nursing courses are taught informed Westminster College that in his search of Clery Crimes for this location, he did not find any crimes to report.