



Annual Security Report 2015

Following the murder of a freshman in her dorm room in 1986, the federal Jeanne Clery Act was enacted under the belief that awareness of crime could prevent campus victimization. According to the Clery Act, if an institution participates in the Title IV financial aid program, it needs to disclose crime statistics and security information and provide timely warnings of crimes that threaten the safety of the campus community. The following is the campus safety policy statement for Westminster Seminary California.

Campus Safety

Westminster Seminary California, located 40 miles north of San Diego, in the foothills of the mountain range that separates the Pacific coast from the inland desert, provides a quiet and peaceful location for theological studies. The campus sits on the eastern edge of Escondido making for convenient off-campus housing options and employment opportunities.

A full and segmented electronic security system allows the library and the student lounge to remain open for use in the evenings after class and on Saturdays while the rest of the campus is secured. The inner campus and front parking lot are well lit. When the library is closed in the evenings, the campus is secured with a locked gate. The campus community is encouraged to use common sense safety measures, such as locking transportation vehicles and offices, not leaving valuables unattended, being aware of the locations of the fire extinguishers and well marked emergency exits, and reporting suspicious activity. The campus has no on site student housing and encourages students to exercise good judgment in choosing accommodations.

Campus Security Authorities

The Seminary's Primary Emergency Officers (PEOs) are responsible for responding to reports of crime and other emergencies that threaten campus safety and security, assisting victims, and investigating alleged sexual offenses between two members of the Seminary community. Westminster's PEOs are the Academic Dean (Dr. John Fesko, jvfesko@wscal.edu) and the Dean of Students (Dr. Julius Kim, jjkim@wscal.edu), both of whom can be reached via the Seminary Front Office Assistant at 760-480-8474.

The Vice President for Administration (Dr. Marcus McArthur, mmcarthur@wscal.edu) is responsible for general campus maintenance and safety hazard prevention. Burned out or broken security lights or other campus hazards should be reported to the Front Office Assistant. Suspicious activity and criminal infractions should be reported in a timely manner to any of the PEOs. The Seminary provides confidentiality and does not require reporting crimes to the local police.

Timely Warnings

WSC will issue “timely warnings” to students, faculty, and staff via email should the administration determine that a threat to personnel exists.

Daily Crime Log

Information regarding crime reports is available in the Registrar’s office.

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Reported crimes that occur on-campus and/or along the boundaries of the Seminary’s campus are recorded and reported annually to the U.S. Dept. of Education by the Registrar. Crime statistics and the Seminary’s Campus Safety Policy are published and distributed annually for the campus community, and available to prospective students or employees upon request.

Each year WSC is required to report statistics to the U.S. Department of Education on the following crimes on, or in the immediate vicinity of, the campus and any properties under the seminary’s control:

- a. murder
- b. rape
- c. robbery
- d. aggravated assault
- e. burglary
- f. motor vehicle theft

WSC is also required to record and report the number of arrests for the following crimes occurring on or in the immediate vicinity of, the campus and any properties under the seminary’s control:

- a. liquor law violations
- b. drug abuse violations
- c. weapons possessions

Additionally, in compliance with the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4), the seminary is required to record and report the number of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies occurring on or in the immediate vicinity of, the campus and any properties under the seminary’s control.

POLICIES AND PROCEDURES

Firearms, Tobacco, Alcohol and Drugs

Only licensed law enforcement officials are permitted to possess firearms on campus.

Alcoholic beverages and their consumption are prohibited on campus.

Smoking is prohibited inside buildings owned or leased by the seminary.

The Seminary will cooperate fully with local police in prosecuting offenders who possess, use, or sell illicit drugs on campus. Appropriate disciplinary action will also be taken by the Seminary for any violations of policy.

Please refer to the Student Handbook or the Faculty Handbook for WSC's Substance Abuse Policy.

Emergency Response and Evacuation

The Seminary's Primary Emergency Officers (PEOs) are responsible for responding to reports of crime and other emergencies that threaten campus safety and security, assisting victims, and investigating alleged sexual offenses between two members of the Seminary community.

Westminster's PEOs are:

- Academic Dean, Dr. John Fesko 760-755-5339
- Dean of Students, Dr. Julius Kim 760-735-9306

Suspicious activity and criminal infractions should be reported in a timely manner to any of the PEOs. The Seminary provides confidentiality and does not require reporting crimes to the local police.

PEOs are registered with the local police and receive direct communication of local emergencies, crimes, etc.

When campus safety is threatened, the following policies and procedures will determine our response.

Policies and Procedures

1. General Emergency Response

For all life/property threatening emergencies dial **911** and provide our location: 1725 Bear Valley Parkway, Escondido 92027. The Front Office Assistant should then be called at **x100** – the FOA will immediately contact the Primary Emergency Officers (PEO). When calling emergency personnel, stay on the line until all requested information is provided.

People at the scene of an emergency must determine the basic incident facts (who, what, when, where, and how). A PEO will then coordinate an appropriate response with local authorities (police, fire department, medical personnel, etc.).

2. Procedure to Notify the Campus Community:

A. When campus is open:

1. In the event of an emergency situation during normal operating hours, whether class is in session or not, the front office assistant under the direction of one of the

administrative officers shall utilize the “All Page” function of the phone system (dial 192) to notify all personnel on campus of the threat and recommended response.

2. An email shall be sent to the listserv stating the nature of the emergency and advising further action.
3. After the close of the administrative offices during the academic year, this responsibility will shift to the circulation desk of the library.

B. When campus is closed:

1. IT personnel shall alter the message on the main phone stating the emergency and advising further action.
2. An email shall be sent to the listserv stating the nature of the emergency and advising further action.

3. Non-Emergency Response

Report the security event to a PEO in a timely manner (if the event is reported to someone other than a PEO, that person is responsible for notifying the PEO). The PEO will then assist in contacting the police or medical authorities. A written report within 72 hours must be filled out for the Seminary, with assistance of the PEO.

4. Sexual Offense or Other Crime Between Two Seminary Community Members

Criminal allegations of any kind will be investigated by the PEO with input from the Academic Dean. If the Dean is accused of the offense, the Seminary President will provide the input. A disciplinary proceeding will follow, both the accuser and the accused having the right to be present, and both the accuser and the accused will be notified of the outcome. An outcome of guilty will subject the offender to appropriate disciplinary and/or corrective measures commensurate with the seriousness of the offense and relevant circumstances, up to, and including, termination of employment and/or academic expulsion.

5. Evacuation of Buildings

In the event of a fire in one of the buildings, evacuate to either the back parking lot farthest from the buildings, or down to the orchard/sidewalk outside of the front gates. Unless otherwise directed, do not attempt to drive off campus as this may prevent the timely response of the emergency response vehicles.

6. Imminent Threat to Campus Security

A. When campus is open:

1. In the event of an emergency situation during normal operating hours, whether class is in session or not, the front office assistant under the direction of one of the administrative officers shall utilize the “All Page” function of the phone system (dial 192) to notify all personnel on campus of the threat and recommended response.

2. An email shall be sent to the listserv stating the nature of the emergency and advising further action.
 3. After the close of the administrative offices during the academic year, this responsibility will shift to the circulation desk of the library.
- B. When campus is closed:
1. IT personnel shall alter the message on the main phone stating the emergency and advising further action.
 2. An email shall be sent to the listserv stating the nature of the emergency and advising further action.

7. Testing of Procedure

Each year WSC shall review emergency response policies and procedures along with all notification systems.

Title IX: POLICY AGAINST SEXUAL MISCONDUCT

At Westminster Seminary California we believe that men and women of God are suited for Christian service by moral character as well as by academic achievement and spiritual gifts. Among their qualifications should be compassion for individual persons, sensitivity to the needs of the communities of which they are a part, a commitment to justice, a burden that the whole of God's will be obeyed on earth, personal integrity, a desire for moral growth, and mutual accountability. Students and employees at Westminster Seminary California are expected to exhibit these moral characteristics.

The behavioral standards of Westminster Seminary California are guided by an understanding of Scripture and a commitment to its authority regarding all matters of Christian faith and living. These moral standards encompass every area of life, but prevailing confusion about specific areas leads the community to speak clearly about them. Students receiving training in a discipline for which there are professional ethical standards are subject to those as well. Enrollment in or employment by Westminster Seminary California includes a commitment by each individual to adhere to all of the seminary's published policies and ethical and behavioral standards. These Community Standards may be found at http://wscal.edu/media/docs/CurrentStudents_Student_Handbook.pdf.

As an educational institution, Westminster Seminary California also recognizes its legal obligations in regard to Title IX, the Campus Sexual Violence Elimination Act, and the Clery Act.

Applicable Federal Law

This policy of Westminster Seminary California ("Seminary") addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX"), a federal law prohibiting discrimination based on gender in federally-funded education programs and activities. Title IX states as follows:

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

Programs and activities that may be included are admissions, recruitment, financial aid, academic programs, athletics, housing, and employment. Title IX also protects men and women from unlawful sexual harassment in school programs and activities. Under Title IX, discrimination on the basis of sex can include sex discrimination, sexual harassment, sexual assault, sexual violence, and sexual exploitation (as those terms are defined below). Title IX prohibits sex discrimination in both the educational and employment settings.

This policy also addresses the requirements of the Campus Sexual Violence Elimination Act, or Campus SaVE Act (SaVE), a 2013 amendment to the federal Jeanne Clery Act. The SaVE Act addresses sexual violence in the form of sexual assault, domestic violence, dating violence, and stalking. For the purpose of this policy and the seminary's handling of such matters, "Title IX" includes the concerns of the Campus SaVE Act.

Policy

Westminster Seminary California is committed to providing and modeling a learning, working, living, and community environment free of discrimination on the basis of sex, which includes all forms of sexual misconduct. Sexual misconduct includes sex discrimination, sexual harassment, sexual assault, and all forms of sexual violence. Sexual misconduct can be committed by men or women and it can occur between people of the same or different sex. The seminary considers sexual misconduct in any form to be a serious violation of the Christ-like conduct expected from all members of its community. This policy applies to any on-campus conduct and any off-campus conduct that affects the learning experience of students or working experience of employees or the campus climate. This policy applies to all seminary students, faculty, administrators, and staff, to other members of the seminary community, and to contractors, consultants, and vendors doing business or providing services to the seminary. Violation of the policy against sexual misconduct will result in disciplinary actions, which could include, but is not limited to, probationary status, academic suspension or expulsion, or employment suspension or termination. Seminary discipline is in addition to penalties that may be imposed by state or federal law, which could include imprisonment or financial fines.

Sexual Misconduct Definition

1. Sex Discrimination is:
 - a. Making a distinction in favor of, or against, a person on the basis of sex rather than on individual merit
 - b. In an educational setting, making a distinction on the basis of sex that deprives a person of the ability to participate in or benefit from the seminary's education program or activities

2. Sexual Harassment is:

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct based on sex or of a sexual nature, up to and including sexual assault, constitute sexual harassment when one or more of the following apply ¹:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other seminary activity;
- b. submission to or rejection of such conduct by an individual is used as a basis for evaluation in making any academic or employment decision affecting that individual;
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's performance or participation in instructional, employment-related, or other seminary activity; or
- d. such conduct has the purpose or effect of creating an intimidating, hostile, or offensive academic or work environment from the standpoint of a reasonable person of the same sex as the individual affected.

Examples of sexual harassment include, but are not limited to, unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's gender, sexuality or sexual experience. Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The complainant and the respondent (the person alleged to have committed the misconduct) may be of either gender and need not be of different genders.

3. Sexual Assault/Sexual Violence is:

A particular type of sexual harassment that includes non-consensual sexual contact, non-consensual sexual intercourse, rape, or other physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual assault/sexual violence includes, but is not limited to, physical assaults of a sexual nature, such as rape, sexual assault, sexual battery, domestic violence, dating violence, stalking, or attempts to commit these acts.¹

Non-Consensual Sexual Intercourse is:

- a. any sexual penetration or intercourse (anal, oral or vaginal),
- b. however slight,
- c. with any object,
- d. by a person upon another person,
- e. that is without consent and/or by force.

Note: "Sexual intercourse" includes vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Non-Consensual Sexual Contact is:

- a. any intentional sexual touching,
- b. however slight,
- c. with any object,

¹ The harassing conduct based on sex or gender must also be sufficiently severe, pervasive or persistent, or objectively offensive to be considered sexual harassment.

- d. by a person upon another person
- e. that is without consent and/or by force.

Note: “Sexual contact” includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact of a sexual manner, including the nonconsensual touching of a person’s intimate parts, or the clothes covering the immediate area of those parts, or forcing a person to touch another’s intimate parts.

4. Sexual Exploitation

Refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact.

Examples of sexual exploitation include, but are not limited to:

- a. Invasion of sexual privacy,
- b. Prostituting another student,
- c. Non-consensual recording, broadcasting sexual activity, including redistribution of pictures, video, or audio,
- d. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex),
- e. Engaging in voyeurism,
- f. Knowingly exposing another to an STD or HIV,
- g. Exposing one’s genitals in non-consensual circumstances or inducing another to expose their genitals,
- h. Sexually based stalking and/or bullying, including cyber-stalking and/or cyber-bullying, may also be forms of sexual exploitation.

5. Statement on Consentⁱⁱ:

- a. Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid there must be a clear expression in words or actions that the other individual agreed to that specific sexual conduct.
- b. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs, including so-called “date rape” drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.
- c. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from a mental or developmental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.
- d. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating

relationship is not sufficient to constitute consent. Silence or the absence of resistance alone is not consent.

- e. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.
- f. A minor below the age of consent according to state law cannot consent to sexual activity. This means that sexual contact by an adult with a person below the age of consent is a crime as well as a violation of this policy, even if the minor appeared to have wanted to engage in the act.

6. Statement on Force:

- a. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you. Okay, don’t hit me; I’ll do what you want.”)
- b. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Westminster Seminary California believes that sexual union must be reserved for marriage, which is the covenant union between one man and one woman, and that sexual abstinence is required for the unmarried. The seminary believes premarital, extramarital, and homosexual forms of explicit sexual conduct to be inconsistent with the teaching of Scripture. Consequently, the seminary expects all members of its community--students, faculty, administrators/managers, staff, and trustees--to abstain from what it holds to be unbiblical sexual practices.

In some situations such as date rape, the victim may fear being blamed or disciplined if he or she has violated any community standards, for example, if he or she had been drinking on campus. However, the Office of the Title IX Administrator is committed to sensitive and fair handling of such situations with healing, safety of others, and justice as primary concerns. There will be accountability for sexual assault or misconduct, not the violation of community standards, in particular alcohol, on the part of the victim. The seriousness of sexual misconduct is the greater concern and the seminary does not want the circumstances (i.e., drug or alcohol use) to inhibit the reporting of sexual misconduct.

Guidance on Reporting

Westminster Seminary California encourages those who have experienced any form of sex discrimination/sexual misconduct to report the incident promptly, to seek all available assistance, and to pursue seminary conduct violation charges and criminal prosecution of the offender. WSC takes complaints very seriously and will work with victims to ensure their safety as much as possible and to remedy the situation. The seminary will fully cooperate with the police in any related investigation and reserves the right to commence its internal complaint resolution procedures prior to the completion of any police investigation.

Complaints may be filed with a Title IX Coordinator or any seminary employee identified as a mandatory reporter. All sexual misconduct complaints made to mandatory reporters will be reported to a Title IX Coordinator.

Complaint Resolution Procedure

All incidents of sex discrimination, including sexual misconduct or retaliation, should be reported. The Title IX Coordinator will provide for the adequate, reliable, and impartial investigation of all complaints.

Title IX Coordinators

Mark MacVey
mmacvey@wscal.edu
(760) 480-8474 ext 106

Daniel Marriott
dmarriott@wscal.edu
(760) 480-8474 ext 108

The Title IX Coordinators are the individuals designated with responsibility for providing education and training about discrimination, harassment, and sexual misconduct to the seminary community and for receiving and investigating reports and complaints of discrimination, harassment, and sexual misconduct in accordance with this policy. The Title IX Coordinator is authorized to designate other appropriately trained individuals to receive and investigate reports and complaints of discrimination, harassment, and sexual misconduct as deemed appropriate at his/her sole discretion. Questions about Title IX can be directed to the Title IX Coordinator or to the Office of Civil Rights (OCR, <http://www2.ed.gov/about/offices/list/ocr/index.html>) of the U.S. Department of Education.

Mandatory Reporters

All staff and faculty are mandatory reporters, including community coordinators. A mandatory reporter must report all allegations of sexual misconduct to a Title IX Coordinator.

Non-Mandatory Reporters

Students, faculty, and staff may wish to seek confidential assistance in dealing with a Title IX violation. The seminary has identified the following employees who will maintain confidentiality under the professional license or professional ethics necessary for performing their employed role at the seminary:

Julius Kim
Dean of Students
jjkim@wscal.edu
(760) 480-4874 ext 109

Interim Protective Measures

The seminary reserves the right to suspend or place on immediate administrative leave any member of the campus community accused of violating this policy, or to take any other interim measures the seminary deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings. Such interim measures can include, but are not limited to, placing an employee on paid or unpaid administrative leave, removing a student from campus housing and/or current classes, modifying course schedules, and issuing a “no contact” order, among many other remedies.

Retaliation Prohibited

Fear of retaliation should not hinder the reporting of an alleged violation(s) of sexual misconduct. The seminary strictly prohibits retaliation against a member of the Westminster community who opposes the practices prohibited by this policy against sexual misconduct, who brings forth a complaint, against whom a complaint is brought, or who otherwise is a participant in a complaint resolution process. Such prohibited retaliatory conduct includes, but is not limited to, reducing a student's grade, decreasing an employee's pay, or downgrading a person's performance evaluation. Retaliatory conduct will be considered a violation of seminary policy, and anyone who violates this policy against retaliation will be independently disciplined by the seminary, up to and including possible termination of student status (expulsion) and/or termination from employment.

This policy against retaliation applies to all members of the seminary community, including students, authorized student organizations, faculty, administrators/managers, staff-level employees, and trustees. This policy may also be applicable to complaints deemed to have been submitted without merit and for a retaliatory purpose.

Investigation/Procedures

The Grievance Policy & Procedure will be followed with the following additional provisions:

1. The investigation of a sexual misconduct allegation may proceed whether or not a related criminal matter is pending.
2. In accordance with federal regulations, Westminster will complete investigations within a 60-day time period.
3. Both parties will be provided periodic updates during the complaint resolution process.
4. Both parties will be advised in writing of the outcome of a complaint, at the same time, once a decision has been reached.
5. Allegations of sexual assault will not be resolved by mediation.
6. The standard used to determine whether this policy has been violated is whether it is more likely than not that the respondent violated this policy. This is often referred to as a “Preponderance of Evidence” standard.
7. Both parties may have an advisor of their choice present during the investigation process.

Resources for Assistance

Institute of Biblical Counseling
655 West Eleventh Avenue
Escondido, CA 92025
(760) 747-9252

Rev. Kevin Daane
New Life Presbyterian Church
615 West Citracado Parkway
Escondido, CA 92025
760-489-5714

Rev. Stephen Donovan
Escondido United Reformed Church
1864 North Broadway
Escondido, CA 92026
(760) 740-6617

Center for Community Solutions (888) 272-1767
S.D. District Attorney's Office (619) 531-4041
San Diego Police Department (619) 531-2000
San Diego Sheriff's Department (858) 565-5200
24 Hour Countywide Crisis Line (888) 385-4657
Stalking Hotline (619) 515-8900
North County Women's Resource Center (760) 757-3500
Rape Abuse Incest National Network (800) 656-4673
Victims of Crime Resource Center (800) 842-8467

As time passes, evidence of a sexual violence incident may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, prosecution or obtaining a protective order related to the incident more difficult. Adult victims who wish to have physical evidence collected pursuant to a sexual assault incident, but do not wish to have law enforcement investigate the incident, may have this evidence collected at one of the adult Sexual Assault Response Team (SART) facilities in San Diego County. There is no cost to the victim for this service. Adult victims may present by a variety of methods including: a phone call to a sexual assault / domestic violence hotline; a phone call to 911; or by a report to a medical professional or facility. To ensure consistent quality of care and proper collection of evidence in all cases, these individuals will be referred to the San Diego County DV Hotline (888-385-4657).

Individuals will be counseled on their options for reporting of the incident and directed to a SART facility for an exam and collection of physical evidence. Patients who chose the non-investigative reporting option will be responsible for their own transportation to the SART facility if they do not want law enforcement involvement. The evidence will be kept by the appropriate law enforcement agency for a period of 18 months from the date of the exam. Should

the patient later decide to proceed with a criminal justice system investigation, the SART facility will notify the law enforcement agency with jurisdiction of the incident and the appropriate advocacy agency. The victim will be notified that they will be contacted by law enforcement and examination of physical evidence may proceed at this time. Should the patient/victim not initiate an investigative report during this time period the evidence will be destroyed per agency guidelines.

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, a representative from the University will help guide the victim through the available options and support and provide a written explanation of their rights. The California Victim's Bill of Rights (Marsy's Law) provides certain enumerated rights to justice and due process to crime victims. "Victim" as used in the California Constitution is defined as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The California Victims' Bill of Rights can be viewed at: http://oag.ca.gov/victimservices/content/bill_of_rights.

AWARENESS AND EDUCATIONAL PROGRAMS

To promote awareness of the incidence of sex offenses and to guide responses if a sex offense does occur, the seminary provides materials and administrative responses through the departments of Student Life, Human Resources, and the Office of the Title IX Administrator. During orientation programs, incoming students, faculty, and staff are provided with the locations of information, including the Student Handbook, Staff & Faculty Handbook, which describe seminary policies and procedures for dealing with reports of sexual misconduct, including sexual assault, sexual violence, and sexual harassment. These procedures are presented in the seminary's Behavioral Standards. Additional training and awareness programs and campaigns will also be provided.

The seminary believes that our community should not only seek to prevent injustices but to pursue purity and love for our neighbors. True change comes by the work of the Holy Spirit through the Gospel of Jesus Christ. For this reason, all members of the community are encouraged to participate in the weekly chapel programs and prayer groups.

ⁱ **END NOTE 1:**

Violence Against Women Act (VAWA) 1994: For purposes of interpreting and applying VAWA, the following non-exhaustive list of definitions is applicable:

1. Dating Violence, as defined in Section 40002 of VAWA 1994, means:

Violence committed by a person—

- a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1) The length of the relationship.
 - 2) The type of relationship.
 - 3) The frequency of interaction between the persons involved in the relationship.”

2. Domestic Violence, as defined in Section 4002 of VAWA:

includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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.”

Immediate Family Member means: “with respect to a person –

- a. a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
- b. any other person living in the household of that person and related to that person by blood or marriage.”

3. Stalking means:

- a. “to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and
 - 1) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and
- b. in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to –
 - 1) that person;
 - 2) a member of the immediate family of that person; or
 - 3) the spouse or intimate partner of that person; ...”

The state-specific, criminal law definitions of sexual assault, domestic violence, dating violence, and stalking follow:

California

1. Sexual Assault Defined

California's criminal law does not define sexual assault, as such. Rather, California has defined many separate sex crimes such as unlawful sexual penetration, rape and sexual battery.

2. Sexual Battery

Generally, sexual battery consists of unlawfully touching the intimate part of another person's body. "Intimate part" means the sexual organ, anus, groin or buttocks of any person, and the breast of a female. Sexual battery occurs when any of the following circumstances exist:

- a. Any person touches an intimate part of another person while that person is unlawfully restrained when the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification or sexual abuse.
- b. Any person touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated when the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification or sexual abuse, is guilty of sexual battery.
- c. Any person touches an intimate part of another person for the purpose of sexual arousal, sexual gratification or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose.
- d. Any person who, for the purpose of sexual arousal, sexual gratification or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.
- e. Any person touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification or sexual abuse.

3. Unlawful Sexual Penetration

Sexual penetration is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification or abuse by any foreign object, substance, instrument or device, or by any unknown object.

Any person who commits an act of sexual penetration is guilty of a crime under the following circumstances:

- a. When the act is accomplished against the victim's will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the victim or another person.
- b. When the act is accomplished against a victim who is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed.
- c. When the act is accomplished against a victim who is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed. "Unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

- d. Was unconscious or asleep.
- e. Was not aware, knowing, perceiving or cognizant that the act occurred.
- f. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
- g. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- h. When the act is accomplished against a victim when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
- i. When the act is accomplished against a victim who submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused and this belief is induced by any artifice, pretense or concealment practiced by the accused, with intent to induce the belief.
- j. When the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.
- k. When the act is accomplished with another person who is under 18 years of age.

4. Rape

Rape is an act of sexual intercourse accomplished with a person, under any of the following circumstances:

- a. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. This provision does not apply when the victim and perpetrator are spouses.
- b. Where it is accomplished against a person's will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the person or another.
- c. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
- d. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. "Unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
 - 1) Was unconscious or asleep.
 - 2) Was not aware, knowing, perceiving or cognizant that the act occurred.
 - 3) Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
 - 4) Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. This provision does not apply when the victim and the spouse are married.
 - 5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense or concealment practiced by the accused, with intent to induce the belief. This provision does not apply if the victim and perpetrator are spouses.

- 6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. "Threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury or death.
- 7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. The perpetrator does not actually have to be a public official.

5. Unlawful Oral Copulation

Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person. It is a crime under the following circumstances:

- a. The act of oral copulation is with another person who is under 18 years of age.
- b. When the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.
- c. When the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person.
- d. Where the victim is at the time of the act incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
- e. The act is accomplished while confined in any state prison.
- f. The victim is at the time unconscious of the nature of the act and this is known to the person committing the act. "Unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
 - 1) Was unconscious or asleep.
 - 2) Was not aware, knowing, perceiving or cognizant that the act occurred.
 - 3) Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
 - 4) Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.
- g. The victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
- h. The victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered.
- i. The victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

- j. The victim submits under the belief that the person committing the act someone known to the victim other than the accused, and this belief is induced by any artifice, pretense or concealment practiced by the accused.
- k. Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.

6. Unlawful Sexual Intercourse with a Person Under 18

Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. A “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

7. Sodomy

Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the act of sodomy. Sodomy is a crime when the act is accomplished upon a person under the age of 18 or when it is accomplished against the victim's will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury.

8. Domestic Violence Defined

Domestic Violence has been defined under California law to mean the infliction or threat of physical harm against past or present adult or adolescent intimate partners, including physical, sexual and psychological abuse against the person, that is a part of a pattern of assaultive, coercive, and controlling behavior directed at achieving compliance from or control over that person.

In addition, the California Family code has defined domestic violence to mean abuse perpetrated against any of the following persons:

- a. A spouse or former spouse.
- b. A cohabitant or former cohabitant.
- c. A person with whom the respondent is having or has had a dating or engagement relationship.
- d. A person with whom the perpetrator has had a child.
- e. A child of or the presumed child of the perpetrator or victim.
- f. Any other person related by consanguinity or affinity within the second degree.

Abuse means any of the following:

- a. Intentionally or recklessly causing or attempting to cause bodily injury.
- b. Sexual assault.
- c. Placing a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
- d. Conduct that can be prohibited as abuse by a court, including: Molesting, attacking, striking, stalking, threatening, battering, credibly impersonating, falsely personating, harassing, telephoning, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of or disturbing the peace.

9. Dating Violence Defined

California law does not define the term dating violence as such. However, violence between intimate or dating partners is a form of domestic violence.

A dating relationship means a serious courtship; it is a social relationship between two individuals who have or have had a reciprocally amorous and increasingly exclusive interest in one another, and shared expectation of the growth of that mutual interest, that has endured for such a length of time and stimulated such frequent interactions that the relationship cannot be deemed to have been casual.

10. Stalking Defined

Any person who willfully, maliciously and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.

Harasses means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person, and that serves no legitimate purpose.

Course of conduct means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose.

Credible threat means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family.

ii END NOTE 2:

The state-specific, criminal law definitions of consent follow:

California

1. Consent Defined

In California, consent means positive cooperation in act or attitude pursuant to an exercise of free will. The consenting person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. Consent must be affirmatively and freely given in order to be effective.

Simply having a current or prior marital, dating or sexual relationship is not enough alone (without words or conduct) to establish consent.

The above state-specific definitions were provided by Workplace Answers.

Westminster Seminary California Crime Statistics
2013-2015

OFFENSE	ON CAMPUS			PUBLIC PROPERTY			OPTIONAL TOTAL		
	2015	2014	2013	2015	2014	2013	2015	2014	2013
MURDER / NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0
SEX OFFENSES, FORCIBLE	0	0	0	0	0	0	0	0	0
SEX OFFENSES, NON-FORCIBLE	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	1	0	0	0	0	0	1	0
ARSON	0	0	0	0	0	0	0	0	0
LIQUOR LAW ARRESTS	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0
DRUG LAW ARRESTS	0	0	0	0	0	0	0	0	0
DRUG LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	0	0	0	0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0
OPTIONAL TOTAL	0	1	0	0	0	0	0	1	0