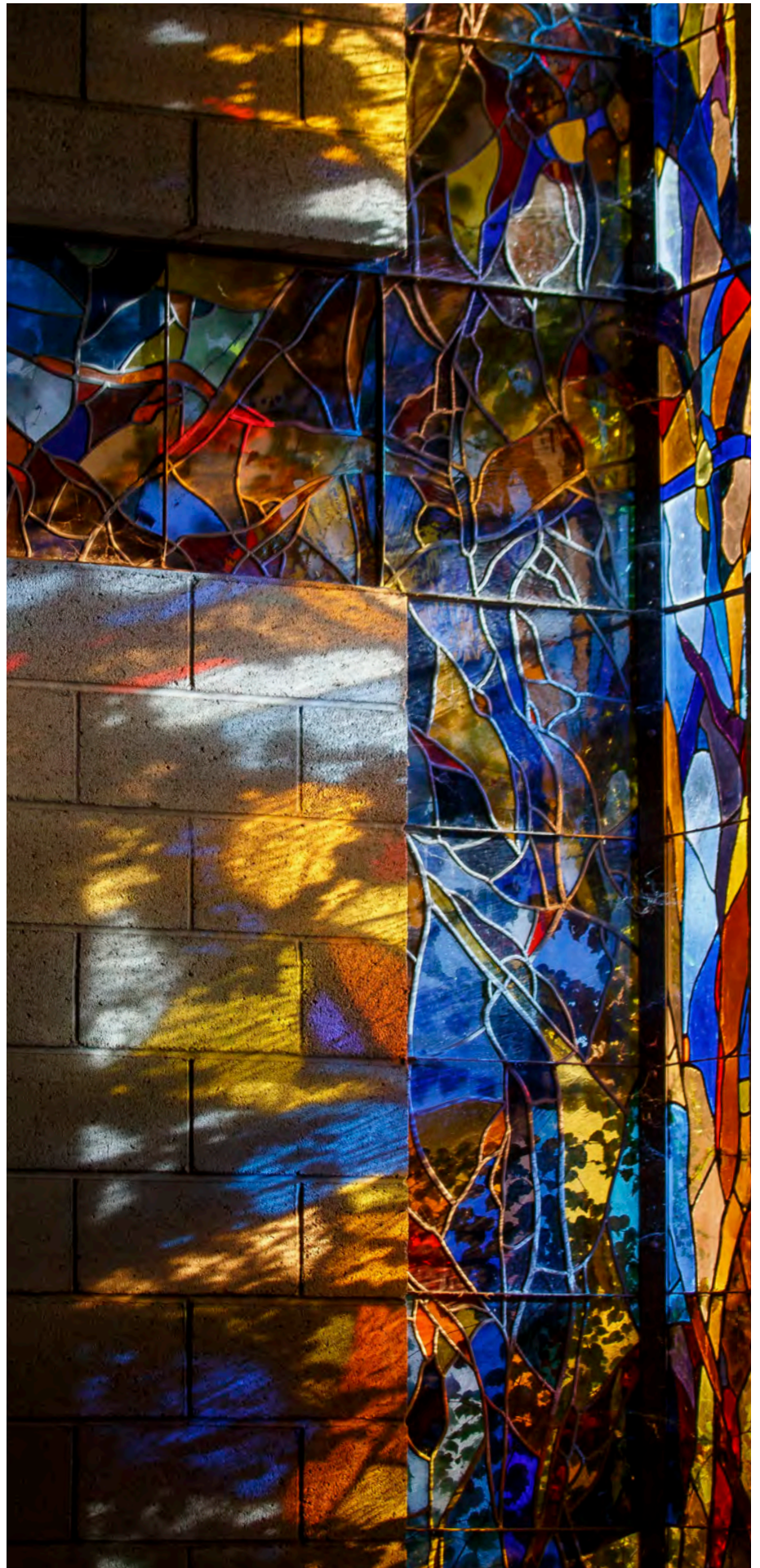


# A RESOURCE GUIDE ON SEXUAL MISCONDUCT

*Seminary  
Policies,  
Procedures,  
and Victim  
Services*



## IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
3. Contact any of the following during their available hours for immediate assistance:
  - a. Title IX Administrator, at 626-584-5357. Regular business hours, M-F
  - b. Campus Safety, at 626-584-5444, 24 hours/7 days a week
  - c. Confidential Fuller Reporting Option, Irene Rapp, MS, LMFT, FPFs, at 626-584-5569. Reg. bus. hrs., M-F\*
  - d. Fuller Psychological & Family Services (FPFS), at 626-584-5555. 8:00 a.m.-8:30 p.m., M-F\*
  - e. Dean of Students, at 626-584-5370. Regular business hours, M-F
  - f. Residents, contact Dir. of Housing Services & Residential Community, at 626-584-5464. Reg. bus. hrs., M-F
  - g. Peace Over Violence, at 626-793-3385, 24 hours/7 days a week\*
  - h. Rape Abuse and Incest National Network (RAINN), at 800-656-HOPE, 24 hours/7 days a week\*
  - i. Rape Treatment Center, Santa Monica UCLA Medical Center, at 424-259-6000, ext. 0 , 24 hours/7 days a week\*

Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately. If you are off-campus and experiencing an emergency situation, you can call local police by dialing 911. You may also call the Pasadena police department's non-emergency line at 626-744-4501.

4. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at the hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to seminary investigators or police.
5. Choose how to proceed. You have options, and are encouraged to contact a Confidential Fuller Reporting Option (Irene Rapp, MS, LMFT or FPFs clinician) to discuss your options: 1) Do nothing until you are ready; 2) Pursue resolution by the seminary; and/or 3) Initiate criminal proceedings; and/or 4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the seminary, students should contact the Dean of Students' Office. Employees should contact the Executive Director of Human Resources. Residents should contact the Director of Housing Services & Residential Community. Seminary procedures will be explained. Those who wish incidents to be handled criminally should contact Campus Safety or local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Dean of Students or Title IX Administrator for more information.

\*Denotes that this on or off campus resource is confidential.

## ABOUT CONFIDENTIALITY

*To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.*

### CONFIDENTIAL REPORTING

Students, faculty, and staff may wish that details of an incident be kept confidential. Fuller Psychological & Family Services (FPFS) clinicians, operating in that capacity, maintain confidentiality under their professional license, or that of their supervisor. Local resources such as crisis centers are also confidential and have no duty to report your information to the seminary. In addition, the seminary has designated the following employee(s) who can be consulted confidentially by students, faculty, and staff:

- Irene Rapp, MS, LMFT, Director of Training, FPFS, 626-584-5569, [irenerapp@fuller.edu](mailto:irenerapp@fuller.edu)
- FPFS clinicians, operating in that capacity, under their professional license or that of their supervisor.

### MANDATED REPORTING

All supervisors, administrators/managers, administrative faculty, student government leaders and other leaders, and community coordinators, are mandated reporters. Seminary employees listed here who are not designated above as confidential, are mandated reporters for all the details of which they are aware about an incident. They share this information with the Title IX Administrator. Giving a mandated reporter notice of an incident constitutes official notice to the institution. Incidents of sexual misconduct will be taken seriously when official notice is given to the institution. Such incidents of sexual misconduct will be investigated and resolved in a prompt and equitable manner under the seminary's resolution procedures.

You may request confidentiality and/or that the Title IX Administrator provide you with remedies and resources without initiating a formal resolution process. The Title IX Administrator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the seminary will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the seminary will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the available resources. If the seminary decides it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the seminary to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

### CLERGY CONFIDENTIALITY?

While many Fuller administrators, faculty, and staff are ordained clergy, their role at the seminary takes precedence as to whether or not they are mandated reporters. For example, ordained administrators/supervisors at Fuller are mandated reporters, as are ordained faculty who are supervisors/administrators or who advise student groups.

## POLICY

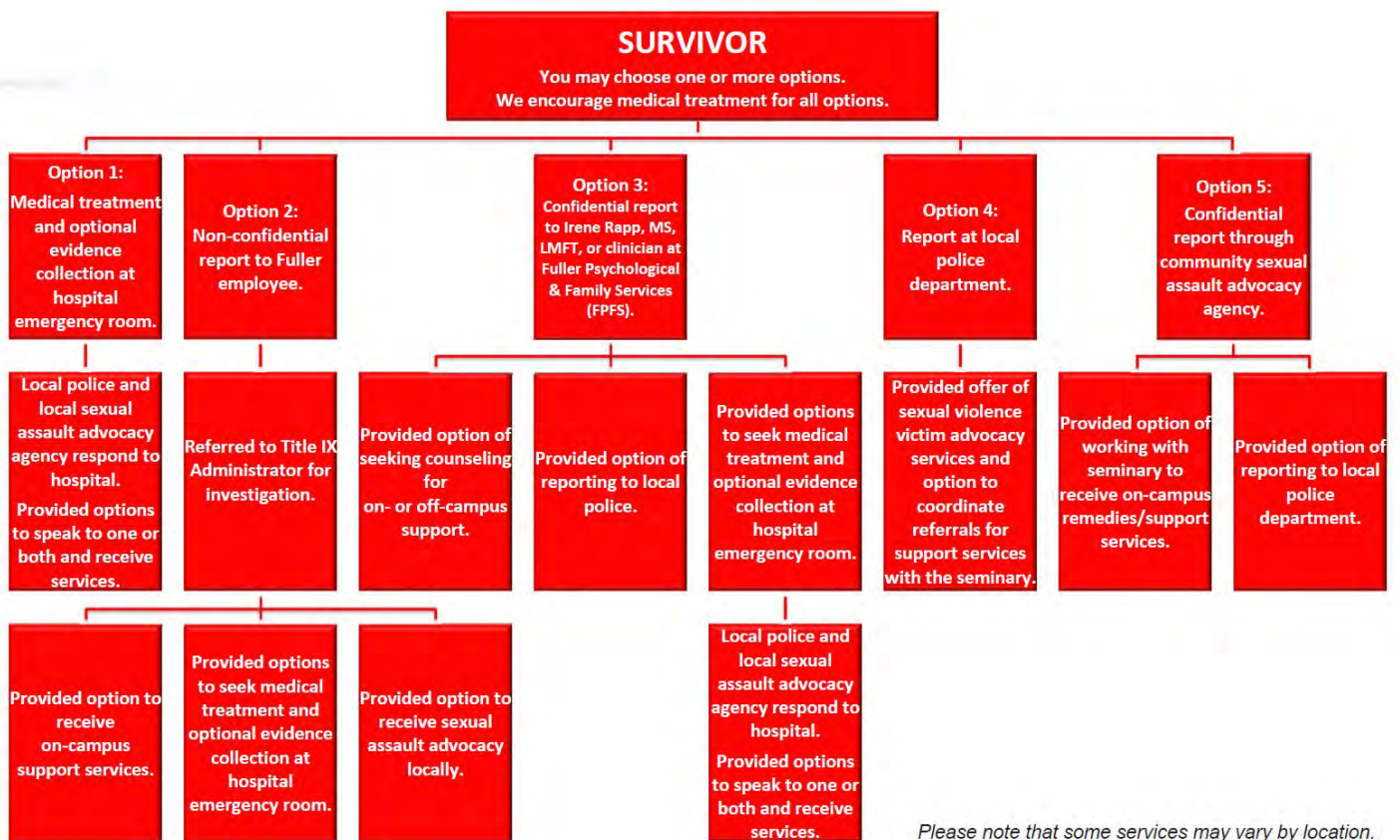
Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, domestic violence, dating violence, and stalking are violations of Fuller Theological Seminary's Community Standards and its sexual misconduct policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of California law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The seminary's sexual misconduct policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. When individuals accused of sexual misconduct are found to be in violation of the policy, the seminary will impose serious sanctions, as noted on the next page.

All members of the seminary community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The seminary has jurisdiction over all acts of sexual misconduct involving members of the seminary community, no matter where they occur, whether on- or off-campus. For more details on the seminary's Policy Against Sexual Misconduct, please visit [Fuller.edu/TitleIX](http://Fuller.edu/TitleIX).

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the campus Annual Security Report. Access it here: <http://Fuller.edu/About/Institutional-Reports-and-Documents/Student-Right-to-Know-and-Consumer-Information/> under Security Report.

## SURVIVOR REPORTING OPTIONS FLOW CHART



## SEXUAL MISCONDUCT VIOLATIONS

*The following are the definitions of conduct prohibited by the sexual misconduct policy.*

### SEXUAL HARASSMENT

Sexual harassment is:

- unwelcome,
- sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

### HOSTILE ENVIRONMENT

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
  - unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the seminary's educational or employment, social, and/or residential program.

*Sanctions range from reminder through expulsion/termination.*

### NON-CONSENSUAL SEXUAL CONTACT

Non-consensual sexual contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

*Sanctions range from warning through expulsion/termination.*

### NON-CONSENSUAL SEXUAL INTERCOURSE

Non-consensual sexual intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

*Sanctions typically result in suspension or expulsion/termination.*

### SEXUAL EXPLOITATION

- Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and
- that behavior does not otherwise constitute one of other sexual misconduct offenses.

*Sanctions range from reminder through expulsion/termination.*

### INTIMATE PARTNER VIOLENCE (includes dating & domestic violence)

Intimate/dating/domestic partner violence is:

- violence or emotional and/or psychological abuse between those in an intimate (or familial) relationship toward each other;

Sanctions range from reminder through expulsion/termination.

### STALKING

Stalking 1:

- a course of conduct,
- directed at a specific person,
- on the basis of actual or perceived membership in a protected class,
- that is unwelcome, and,
- would cause a reasonable person to feel fear.

*Sanctions range from reminder through expulsion/termination.*

Stalking 2:

- repetitive and menacing
- pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

*Sanctions typically result in suspension or expulsion/termination.*

### RETALIATION

Retaliation is:

- any adverse action,
- taken against a person participating in a protected activity,
- because of that person's participation in that protected activity
  - Subject to limitations imposed by the First Amendment and/or academic freedom.

*Sanctions range from reminder through expulsion/termination.*

## CONSENT

*Knowing, voluntary, and clear permission, by word or action,  
to engage in mutually agreed upon  
sexual activity or contact.*

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has provided ongoing, clear consent to engaging in the activity or contact.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact. Pressuring another person into sexual activity can constitute coercion, which is also considered to be sexual misconduct.

Silence or the absence of resistance alone does not constitute consent. A victim is not required to resist or say “no” for an offense to be proven.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for sexual activity exists.

Previous consent to sexual activity does not imply consent to sexual activity in the future.

To legally give consent in California, individuals must be at least 18 years old.

## FORCE

Force is defined as direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access. Force, unless part of mutually-permissible kink, is a clear demonstration of a lack of consent.

## INCAPACITATION

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they can’t understand what is happening, or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Those engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct. The possession, use, distribution, and/or administration of any incapacitating substances is prohibited.

The fact that a responding party was intoxicated, and thus did not realize the reporting party was incapacitated, does not excuse sexual misconduct.

## YOUR RIGHTS

*Fuller Theological Seminary strives to provide members of the seminary community with fair and equitable resolution processes that include both formal and informal options.*

### REPORTING

- Reporting parties have the right to notify law enforcement of incidents and to receive assistance from seminary personnel in doing so.
- Reporting parties may decline to report to law enforcement if they so wish.
- Reporting parties have the right to have their allegations investigated and resolved internally by the seminary.

### FAIRNESS

- All members of the seminary community have the right to have reported incidents addressed according to the published seminary complaint resolution procedures.
- All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, etc.). This person can be an advisor, advocate, attorney, family member, friend, faculty member, etc.
- All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations) that are secondary to incidents of sexual misconduct.
- Reporting parties, their supporters, and witnesses have a right to be free from retaliation.

### SUPPORT

- Students have a right to be notified of their ability to access campus counseling services.
- Students and employees have a right to be notified of on- and off-campus supportive resources.
- All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Reporting parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts, and may seek the help of Campus Safety in requesting and/or enforcing.

## REMEDIES

The seminary may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect students' rights, and keep members of the seminary community safe from further harm. Measures include, but are not limited to:

- Issuing interim suspensions pending a complaint resolution process.
- Reporting incidents to local police and/or prosecutors.
- Referring to counseling and health services.
- Referring to the Employee Assistance Program.
- Providing education to the community.
- Altering the housing situation of the reporting or responding party.
- Altering work arrangements for employees.
- Providing Campus Safety escorts.
- Providing transportation assistance.
- Implementing contact limitations between the parties.
- Offering adjustments to academic deadlines, course schedules, etc.

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.

## PROCEDURES

*The seminary's procedures are detailed fully at:*

[Fuller.edu/TitleIX](http://Fuller.edu/TitleIX)

### INTAKE

A seminary official will assist the reporting party with making choices and accessing resources. Assuming the reporting party chooses to move forward with a seminary resolution, the next step is a preliminary inquiry.

All resolutions will be conducted by seminary officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation process that protects the safety of victims and promotes accountability.

The resolution process is confidential. The institution will protect the confidentiality of victims, consistent with federal law. Title IX-related resolutions are not subject to publicly available recordkeeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

### PRELIMINARY INQUIRY

An initial determination is made about the allegations and whether to move them forward to a formal investigation. This decision is made by the Title IX Administrator, taking into account the nature of the allegations and the reporting party's wishes. If the decision is made to move forward, the Title IX Administrator refers the allegations to investigators.

### INVESTIGATIONS

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview reporting and responding parties and witnesses, and prepare reports with their findings and sanctioning recommendations. Information about all the steps in the investigative process is available at [Fuller.edu/TitleIX](http://Fuller.edu/TitleIX).

### BEING HEARD DURING THE COMPLAINT RESOLUTION PROCESS

Both the reporting and responding party will each have an opportunity to review the findings and recommendations prepared by the investigator(s) and have an opportunity to submit a written response to be included along with the findings and recommendations, to be reviewed by the seminary official making the decision as to the outcome of the resolution.

### STANDARD OF EVIDENCE

The seminary uses a preponderance of evidence standard. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

### PAST HISTORY

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the seminary will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

### FINAL DETERMINATION

The parties will be informed in writing of the outcome of the resolution, without significant delay between the notifications to each party. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

### APPEALS

All parties involved in sexual misconduct proceedings may appeal decisions within the timeframe as set forth in the letter of decision (usually within two weeks of notice of the outcome) on the basis of the [4] purposes permitted by the seminary's policy. All parties are included in any appeal reconsideration and have equal rights of participation. See the seminary's Complaint Resolution Procedures: Sexual Harassment, Unlawful Discrimination, Unlawful Harassment, Sexual Misconduct, Retaliation, at [Fuller.edu/TitleIX](http://Fuller.edu/TitleIX), for further details.



## RISK REDUCTION

### RISK REDUCTION FOR INTIMATE PARTNER/DATING VIOLENCE,

### STALKING, SEXUAL HARASSMENT, AND SEXUAL VIOLENCE

While victim-blaming is never appropriate and Fuller Theological Seminary fully recognizes that only those who commit sexual misconduct are responsible for their actions, Fuller Seminary provides the suggestions that follow to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

#### REDUCING THE RISK OF VICTIMIZATION

- Don't rely on the other person (Fuller student or employee) following the seminary's Sexual Standards Community Standard.
- Make any limits/boundaries you may have known as early as possible.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from an aggressor's physical presence.
- Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

#### REDUCING THE RISK OF BEING ACCUSED OF SEXUAL MISCONDUCT

- Show your potential partner respect if you are in a position of initiating sexual behavior, including kissing, petting, touching, etc.
- If a potential partner says "no," accept it and don't push. If you want a "yes," ask for it, and don't proceed without clear permission.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what's OK in any interaction, ask.
- Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
- Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others' loss of control does not put you in control.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.

## PROGRAMS

### BYSTANDER INTERVENTION AND SEXUAL VIOLENCE PREVENTION TRAINING

The seminary offers bystander intervention programming and sexual violence prevention training to all new students in an effort to ensure that each member of the campus community is invested in creating a safe campus environment for themselves and others. Program participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct exists.

### VAWA/CLERY TRAINING

Incoming students and employees are provided with education and training on awareness and risk reduction of sexual violence, dating violence, domestic violence, stalking, and consent in compliance with the Violence Against Women Act and the Clery Act.

### ONGOING CAMPAIGNS

Ongoing awareness and prevention campaigns are provided throughout the school year to students, faculty, and staff.

## KEY CONTACTS

### Title IX Administrator

Teresa Lewis

Director of Institutional Policy Compliance

626-584-5357

[tlewis@fuller.edu](mailto:tlewis@fuller.edu)

250 N Madison, #328

### Title IX Coordinators

Steve Yamaguchi

Dean of Students

626-584-5370

[steveyamaguchi@fuller.edu](mailto:steveyamaguchi@fuller.edu)

130 N Oakland, 2nd Floor

Bernadette Barber

Executive Director of HR & OD

626-584-5238

[bjbarber@fuller.edu](mailto:bjbarber@fuller.edu)

490 E Walnut, 2nd Floor

## OTHER RESOURCES \*Denotes that a resource is confidential

Campus Safety	626-584-5444	24 hours/7 days a week
Irene Rapp, MS, LMFT*	626-584-5569	Regular business hours, M–F
Fuller Psychological & Family Services*	626-584-5555	8:00 am-8:30 pm/M-F
Dir of Housing Services & Res Community	626-584-5464	Regular business hours, M–F
Rape Abuse and Incest National Network*	800-656-HOPE	24 hours/7 days a week
Peace Over Violence*	626-793-3385	24 hours/7 days a week
Rape Treatment Center*	424-259-6000, ext. 0	24 hours/7 days a week

*Fuller Theological Seminary is committed to providing and modeling a learning, working, living, and community environment that is free of unlawful discrimination in all of its policies, practices, procedures, and programs. This commitment extends to the seminary's administration of its educational policies, admissions, employment, educational programs, and activities. In keeping with this commitment, the seminary does not discriminate on the basis of race, color, national origin, ancestry, sex, marital status, military and veteran status, medical condition, physical disability, mental disability, genetic characteristics, citizenship, gender, gender identity, gender expression, pregnancy, or age.*

*Inquiries regarding the nondiscrimination policies may be directed to the Director of Institutional Policy Compliance and Title IX Administrator (Title IX, Title VI and Section 504 Coordinator), 626-584-5357, [tlewis@fuller.edu](mailto:tlewis@fuller.edu), 250 N. Madison Avenue, Pasadena, CA 91101.*

*Inquiries regarding Federal laws and regulations concerning nondiscrimination in education or the seminary's compliance with those provisions may also be directed to: Office for Civil Rights, U.S. Department of Education, 50 United Nations Plaza, Room 239, San Francisco, CA 94102.*