**SPST Policy: CCP 20**

**Policies on VAWA Offenses**

Adopted: 10/1/2015

Updated:

**PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING POLICY STATEMENTS**

SPST conducts anti-harassment training at least once a year as its primary prevention and awareness program utilizing self-paced webinars or twice a year for in-person training sessions. This training is mandatory for new students and employees and is available to the whole community. Students and employees are required to complete this training every three years. The anti-harassment training will include, but not be limited to, the following:

1. Prevention of sexual abuse, including the seminary’s definition of “consent.”
2. Information related to Saint Paul’s policies on anti-harassment, anti-discrimination, and anti-retaliation, including procedures for reporting violations.
3. Information related to Saint Paul’s policies on consensual romantic and sexual relationships, including potential consequences for violations of this policy.
4. Procedures students or employees should follow if an offense of dating violence, domestic violence, sexual assault, or stalking occurs at any Saint Paul campus, public, or non-campus location.
5. Procedures for campus disciplinary action in cases of an alleged offense of stalking or sexual, domestic, or dating violence, including a clear statement that:
	1. The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
	2. Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding that is brought alleging an offense of stalking or sexual, domestic, or dating violence.
6. Sanctions that may be imposed for violations of sexual offenses not described in b. and c. above.
7. Advising of where law enforcement agency information concerning registered sex offenders may be obtained.

Saint Paul School of Theology has zero tolerance for any prohibited behaviors or conduct and violators will be disciplined, up to and including expulsion or termination. Prohibited behaviors include dating violence, domestic violence, sexual assault, and stalking.

Following our initial training and awareness program for Violence Against Women Act (VAWA) crimes and sexual harassment and violence prevention, Saint Paul holds various forums and sessions during our weekly Community Formation time to deepen student and employee understanding.

**Definitions**

**Consent** is the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Members of the Saint Paul community are expected to comply with the notion that “no means no” without exception. When in doubt, always err on the side of “no.” Moreover, an individual who is incapacitated in some manner, whether physically or mentally, due to the effects of drugs or alcohol or for any other reason, or is asleep, or is placed under threat, coercion, duress, intimidation, or force cannot give consent. The existence of a prior relationship or previous sexual activity does not constitute consent.

**Sexual assault** is actual or attempted sexual contact with another person without that person’s consent. This includes, but is not limited to:

1. Intentional touching of another person’s intimate parts without that person’s consent,
2. Other intentional sexual contact with another person without that person’s consent,
3. Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent, or
4. Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ or another person, without that person’s consent.

**Dating violence** means violence committed by a person--

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

It also includes controlling, abusive, and aggressive behavior in a romantic relationship.

**Domestic violence** (domestic abuse, spousal abuse, intimate partner violence, battery) includes violence and emotional abusive behavior used by one person in a relationship to control another. The violence may be criminal and include physical assault, sexual abuse, stalking, emotional/verbal, psychological and financial abuse or intimidation.

**Stalking** is unwanted or obsessive attention by an individual or group toward another person and may include following the victim in person or monitoring them. It is engaging in a course of conduct directed at a specific person that could cause a reasonable person to:

1. Fear for his or her safety or the safety of others;
2. Suffer substantial emotional distress.

**Bystander Intervention**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe or witness violence. They are not directly involved but have the choice to intervene. SPST wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. If you or someone else is in immediate danger dial 911. The following is a list of some ways to be an active bystander:

* Watch out for friends and fellow students/ employees. If you see someone who looks like they could be in trouble ask if they are ok.
* Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
* Speak up when someone discusses plans to take advantage of another person.
* Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
* Refer people to on or off campus resources for support in health, counseling or legal assistance.
* Encourage victim and/or personally report the event to the Equity Compliance Officer (ECO).

*(Bystander intervention strategies adapted from Stanford University)*

**Information on risk reduction**

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are strategies to reduce one’s risk of sexual assault or harassment (whether on or off campus):

* Choose open, well-lit and well-traveled areas.
* Travel with a friend or in a group.
* Avoid dark, vacant, or deserted areas.
* When walking, you should walk facing traffic.
* Be cautious of drivers who stop to talk to you.
* Dress in clothes and shoes that won't hamper movement.
* If you sense trouble, move away from the potential threat if possible.
* Join any group of people nearby or cross the street and increase your pace.
* If a threatening situation is imminent and people are close by, yell, scream, or make a commotion in any way you can to get their attention. Remember: if you yell "help," people tend to leave you and go to get help. If you yell "fire," people will often come towards you.
* Be alert and aware of your surroundings! Giving the appearance of not paying attention and not being alert is what offenders look for in a victim.
* Never hitchhike!
* Always tell someone where you'll be and what time you are going to return.
* Do not wear headphones while walking or jogging.
* Do not read while walking or standing on the street.
* Do not leave your drink unattended.
* Do not accept drinks from people you don’t know or trust.
* If you suspect someone has been drugged, contact law enforcement immediately.
* Be true to yourself don’t do feel obligated to do anything you don’t want to do.
* TRUST YOUR INSTINCTS. If something feels wrong, something probably is wrong.

*(Adapted from Oklahoma City University 2014 ASR)*

**PROCEDURES TO FOLLOW IF A CRIME OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING HAS OCCURRED**

Any student or employee who has a question, concern, or complaint of sexual assault, domestic violence, dating violence, or stalking is encouraged to bring the matter to the immediate attention of the Associate Dean of Students (Resurrection), Associate Dean (OCU), Equity Compliance Officer, or the Interim Vice President of Academic Affairs and Dean. Any Saint Paul School of Theology official who becomes aware of any of these offenses are strongly encouraged to make immediate and accurate reports of the crime to the appropriate SPST staff and/or to the appropriate local law enforcement agency. In addition, SPST employees are required to report information they receive about sexual assault, domestic violence, dating violence, or stalking to the Equity Compliance Officer.

If a victim is unwilling or unable to make a report on the victim’s own behalf, individuals aware of the crime should contact the police to make a report. At the victim’s request, SPST will assist the victim in notifying the campus security, appropriate police department, and/or an appropriate victim services agency in the area. The student or employee should also be made aware that he or she may decline to notify such authorities. Where applicable, the victim will also be made aware of the rights of victims regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court and will be assisted by a CSA or the ECO in requesting these services, if needed.

If you are a victim of sexual assault, domestic violence, dating violence, or stalking:

* Get to a safe place
* Get medical treatment and a forensic exam
* Call the police and/or file a report with CSA Margaretta Narcisse (Resurrection/Fox Hill) or CSA Rick Burns (OCU)

 In order to preserve evidence, even if you choose not to file a police report:

* Do not shower
* Do not eat, drink, or brush your teeth
* Wear or bring the clothes you wore at the time of the assault/act of violence to the hospital
* Try not to use the restroom until you are at the hospital

Resources by campus location:

* Saint Paul: Resurrection

If you have any questions about what to do, call the Metropolitan Organization for Countering Sexual Assault (MOCSA) 816-531-0233 or 913 642 -0233. For more information about sexual assault, go to: <http://www.mocsa.org/ndhlp_sxa.php>.

* Saint Paul: OCU

If you have any questions about what to do, call the Oklahoma City YWCA Rape Hotline at 405-943-7273. For more information about sexual assault, visit the Oklahoma Coalition Against Domestic Violence and Sexual Assault website at <http://ocadvsa.org>.

The OCU Student Campus Health Clinic, OCU Police Department, and University Counseling Center are all potential points of contact for a student suffering the effects of sexual assault.

There may be consequences to waiting to file a police report. Early reports may improve preparation for prosecution. Filing a police report immediately following the incident does not force the complainant to file charges and prosecute. However, it does aid in the preservation of valuable evidence if the complainant decides to pursue charges at a later date. The complainant may decline to notify campus police and authorities.

**CONFIDENTIALITY**

If someone is the victim of a crime and does not want to pursue action within the University system or the criminal justice system, they may still want to consider making a confidential report. With explicit permission, the CSA can file a report on the details of the incident without revealing the person’s identity. The purpose of a confidential report is to comply with the wish to keep the matter confidential, while taking steps to ensure the future safety of the person and others. With such information, SPST can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

To the extent permissible by law, SPST will not disclose any identifying information about the victim or other necessary parties in any publicly available records without the prior written consent of the victim or party. SPST will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not interfere with the ability of SPST to provide such accommodations or protective measures.

**WRITTEN NOTIFICATION**

After an incident has occurred, SPST will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, offered by SPST and in the community. Some of these services are described in the *Community Handbook*. To request further information on these services, students and employees are encouraged to contact their applicable CSA or the ECO.

Saint Paul will also notify the victim in writing of the available options and assistance to request protective measures and/or appropriate and reasonable changes to the victim’s academic (such as changing a class schedule), living, transportation, and working situations after an alleged incident of sexual, domestic, or dating violence or stalking. These accommodations or protective measures are available if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the campus security or local law enforcement.

Whether the dating violence, domestic violence, sexual assault, or staking occurred on or off-campus, SPST will provide the student or employee a written explanation of his/her rights and options.

Saint Paul takes allegations of sexual assault, domestic violence, dating violence, and stalking very seriously. Such allegations will be investigated by the Equity Compliance Officer or his/her designee through a fair and impartial disciplinary proceedings. Disciplinary actions may include up to expulsion or termination from the Seminary, as well as criminal prosecution.

Students or employees in need of support following an incident are encouraged to contact local advocacy agency and/or the Associate Dean of Students (Resurrection/Fox Hill), Associate Dean (OCU), or Equity Compliance Officer.

**REGISTERED SEX OFFENDER POLICY STATEMENT**

The Campus Sex Crimes Prevention Act of 2000 requires SPST to provide to students and employees information concerning registered sex offenders. This information can be accessed through the Kansas Bureau of Investigation at <http://www.accesskansas.org/kbi/ro.shtml> or the Oklahoma Department of Corrections at <http://docapp8.doc.state.ok.us/>. Students or employees of Saint Paul who are registered sex offenders are required to notify the Associate Dean of Students (Resurrection) or Associate Dean (OCU) of their status.

**DISCIPLINARY PROCEDURES – POLICY STATEMENTS**

Saint Paul is committed to investigating and resolving concerns of behavior or conduct prohibited by its policies as confidentially and as quickly as practicable for an effective investigation and resolution of the complaint. The length, duration, and precise details of each investigation will necessarily depend on the particular circumstances under investigation. The complaints that might be investigated by this procedure include, but are not limited to, dating violence, domestic violence, sexual assault, and stalking.

Student disciplinary proceedings will take the following steps:

* Any person who has a complaint against a student is encouraged to bring the matter to the immediate attention of the Associate Dean of Students, Associate Dean, Vice President of Academic Affairs and Dean, or directly to the ECO. Any Saint Paul School of Theology official who becomes aware of any complaint of stalking or sexual, domestic, or dating violence should contact the ECO immediately.
* Within 48 hours of the receipt of a complaint the Vice President of Academic Affairs and Dean (for non-sexual offenses) or the ECO (for sexual, domestic, and dating violence and stalking-related offenses) will appoint a primary investigator, charged with completing a prompt, fair, and impartial review process from the initial investigation to the final result. This investigation may include interviews and written statements, as well as other pertinent materials. The investigation normally should be completed within 2 weeks. If the complaint is against the VPAAD, the CFO/HR will be responsible for appointing an investigator. If the complaint is against the ECO, the CFO/HR will be responsible for appointing an investigator.
* Saint Paul will act to ensure that any improper conduct ceases immediately and corrective action is taken to prevent its recurrence.
* Investigations, under the purview of the ECO, will be conducted by officials who, at minimum, receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Investigators will communicate only with those who must know of the complaint and with those who may provide facts and details about the complaint. Investigations may include interviews, hearings, and review of written documents in order to gather facts and details. The accuser and the accused will be provided with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Such advisors may speak only at the request of the investigator.
* Investigators will formalize their findings in a confidential written report that will be provided to the Vice-President for Academic Affairs and Dean or Equity Compliance Officer, and, when appropriate, to the Associate Dean of Students (Resurrection) or Associate Dean (OCU). Affirmative judgments will be made based upon the preponderance of evidence, suggesting the available evidence points to a greater probability that the offense did occur. These findings will be forwarded to the VPAAD (non-sexual offenses) or ECO (sexual offenses) for action. Depending upon the severity of the offense, and taking into account particularities of the case, the VPAAD or ECO may impose one or more of the following: Closure with no further action toward the accused (except instruction of non-retaliation); restriction on living accommodations; restitution; transfer to the other Saint Paul campus; required training or counseling with documentation of successful completion; suspension from classes for a period of time from one week to a full semester; or disenrollment for a period of one year, after which a student may petition for reinstatement (with no guarantee of approval). Other sanctions may be imposed in light of particular circumstances. Final disposition should be made within 30 days of the complaint.
* Appeals related to the findings or actions taken may be made to the President of Saint Paul School of Theology. Such appeals must be made within 7 days of receiving the VPAAD’s or ECO’s determination of follow-on actions. The President’s determination will be final.
* All complaints will be treated confidentially to the extent practicable for effective resolution. No person will suffer direct employment or educational consequences or retaliation as a result of making a good faith report or taking part in the investigation of a complaint. An individual who knowingly alleges a false or frivolous complaint against another will be subject to the full range of corrective actions, up to and including expulsion and/or termination from the Seminary**.**
* Saint Paul will provide, as reasonably possible, protection to a student or employee such as changing a class schedule, living assignments, transportation, escorts, and working situations after an allegation is levied. The type of protective measures to be provided will be considered on a case-by-case basis by the investigator.

Saint Paul will simultaneously inform the alleging party and the accused, in writing, of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. Both parties will also be notified in writing of their right to appeal the outcome of the disciplinary proceeding, as well as the procedures for doing so. Both parties shall receive simultaneous written notice of any change to the results, as well as when such results become final.

Employee disciplinary proceedings will take the following steps:

* Any person who has a complaint against an employee is encouraged to bring the matter to the immediate attention of the Associate Dean of Students, Associate Dean, Vice President of Academic Affairs and Dean, or directly to the ECO. Any Saint Paul School of Theology official who becomes aware of any complaint of stalking or sexual, domestic, or dating violence should contact the ECO immediately.
* Within 48 hours of the receipt of a complaint the Vice President of Academic Affairs and Dean (for non-sexual offenses related to faculty), the CFO/HR (for non-sexual offenses related to non-faculty employees) or the ECO (for sexual, domestic, and dating violence and stalking-related offenses) will appoint a primary investigator, charged with completing a prompt, fair, and impartial review process from the initial investigation to the final result. This investigation may include interviews and written statements, as well as other pertinent materials. The investigation normally should be completed within 2 weeks. If the complaint is against the VPAAD, the CFO/HR will be responsible for appointing an investigator in the case of non-sexual offenses. If the complaint is against the ECO, the CFO/HR will be responsible for appointing an investigator. If the complaint is against the CFO/HR, the VPAAD will be responsible in the case of non-sexual offenses.
* Saint Paul will act to ensure that any improper conduct ceases immediately and corrective action is taken to prevent its recurrence.
* Investigations, under the purview of the ECO, will be conducted by officials who, at minimum, receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Investigators will communicate only with those who must know of the complaint and with those who may provide facts and details about the complaint. Investigations may include interviews, hearings, and review of written documents in order to gather facts and details. The accuser and the accused will be provided with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Such advisors may speak only at the request of the investigator.
* Investigators will formalize their findings in a confidential written report that will be provided to the Vice-President for Academic Affairs and Dean (in the case of faculty), the CFO/HR (in the case of non-faculty employees) or Equity Compliance Officer (for sexual offenses). Affirmative judgments will be made based upon the preponderance of evidence, suggesting the available evidence points to a greater probability that the offense did occur. These findings will be forwarded to the VPAAD (non-sexual offenses by faculty), CFO/HR (non-sexual offenses by staff) or ECO (sexual offenses) for action. Depending upon the severity of the offense, and taking into account particularities of the case, the VPAAD, CFO/HR, or ECO may impose one or more of the following: Closure with no further action toward the accused (except instruction of non-retaliation); restriction on living accommodations; restitution; transfer to the other Saint Paul campus; required training or counseling with documentation of successful completion; suspension from work for a designated period of time; or termination of employment. In the case of faculty termination, procedures in the *Faculty Handbook* will be followed. Other sanctions may be imposed in light of particular circumstances. Final disposition should be made within 30 days of the complaint.
* Appeals related to the findings or actions taken may be made to the President of Saint Paul School of Theology. Such appeals must be made within 7 days of receiving the VPAAD’s, CFO’s, or ECO’s determination of follow-on actions. The President’s determination will be final.
* All complaints will be treated confidentially to the extent practicable for effective resolution. No person will suffer direct employment or educational consequences or retaliation as a result of making a good faith report or taking part in the investigation of a complaint. An individual who knowingly alleges a false or frivolous complaint against another will be subject to the full range of corrective actions, up to and including expulsion and/or termination from the Seminary**.**
* Saint Paul will provide, as reasonably possible, protection to a student or employee such as changing a class schedule, living assignments, transportation, escorts, and working situations after an allegation is levied. The type of protective measures to be provided will be considered on a case-by-case basis by the investigator.

Saint Paul will simultaneously inform the alleging party and the accused, in writing, of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. Both parties will also be notified in writing of their right to appeal the outcome of the disciplinary proceeding, as well as the procedures for doing so. Both parties shall receive simultaneous written notice of any change to the results, as well as when such results become final.

**DISCLOSURE OF RESULTS OF DISCIPLINARY PROCEEDINGS POLICY STATEMENT**

Upon request, SPST will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or non-forcible sex offence to the alleged victim or next of kin, if the victim is deceased. This request must be made in writing to the Equity Compliance Officer (ECO) or Interim Vice President for Academic Affairs and Dean (VPAAD).