



## **Policy Against Sexual Misconduct**

### Contents

I.	Introduction .....	2
II.	Applicable Federal Law .....	2
III.	Policy .....	3
IV.	Title IX Coordinator and Responsibilities .....	4
V.	Prohibited Conduct and Definitions .....	5
VI.	Resources .....	11
VII.	Guidance on Reporting .....	16
VIII.	Reporting Options .....	18
IX.	Interim Remedies/Measures.....	19
X.	Retaliation Prohibited.....	20
XI.	Investigation/Procedures .....	20
XII.	Other Helpful Information .....	22

## **I. Introduction**

At Fuller Theological Seminary 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 Fuller Theological Seminary are expected to exhibit these moral characteristics.

The behavioral standards of Fuller Theological Seminary are guided by an understanding of Scripture and a commitment to its authority regarding all matters of Christian faith and living. The seminary community also desires to honor and respect the moral tradition of the churches who entrust students to us for education. 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 Fuller Theological Seminary 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 <https://www.fuller.edu/about/mission-and-values/community-standards/>.

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

## **II. Applicable Federal Law**

This policy of Fuller Theological Seminary ("Seminary") addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX"), a federal law prohibiting discrimination based on sex 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.

This Title IX policy covers all programs and activities, including but not limited to 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 all forms of sexual misconduct, such as discriminatory treatment on the basis of sex, sexual harassment, sexual assault, sexual exploitation, intimate partner violence (dating & domestic violence), and stalking (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.*

Other forms of harassment and discrimination not of a sexual nature will be dealt with under other seminary policies including, but not limited to, Community Standard: Respect for People and Property; Community Standard: Policy Against Unlawful Discrimination; Policy Against Discrimination Based on Race, Color, or National Origin; Policy Against All Forms of Unlawful Harassment in the Workplace; and Policy Against Retaliation.

### **III. Policy**

Fuller Theological Seminary 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. This commitment extends to the seminary's administration of its educational policies, admissions, employment, educational programs, and activities, including in person or online. In keeping with this commitment, the seminary does not discriminate on the basis of sex, as stated in the seminary's Community Standard: Policy Against Unlawful Discrimination, Community Standard: Policy Against Sexual Harassment, as described throughout this document, and as defined in section V below. Therefore, any violation of the Policy Against Sexual Misconduct will be treated as a potential Community Standards Violation.

Sexual misconduct includes discriminatory treatment on the basis of sex, sexual harassment, sexual assault, sexual exploitation, intimate partner violence (dating & domestic violence), and stalking. 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. While this policy applies to any on-campus conduct and any off-campus (including online) conduct that affects the learning experience of students or working experience of employees or the campus climate, the seminary will process all Title IX complaints regardless of where the conduct occurred to determine whether the conduct occurred in the context of its educational programs or had continuing effects on campus on or in off-campus programs or activities. This policy applies to all seminary students, faculty, administrators, and staff, to other members of the seminary community, including contractors, consultants, and vendors doing business or providing services to the seminary, whether in person or online.

Violation of the policy against sexual misconduct will result in disciplinary actions. The range of disciplinary sanctions includes, but is not limited to the following, for each of the following groups:

- Students: written warning, probationary status, academic suspension, or expulsion.
- Employees: written warning, performance improvement plan, required training or education, suspension with or without pay, administrative leave, revocation of tenure, or termination of employment.
- Fuller Housing Residents: written warning, probation, or termination of residential lease.
- Campus Organization (student group): written warning, withholding of privileges, suspension, or expulsion.

Seminary discipline is in addition to penalties that may be imposed by state or federal law, which could include imprisonment or financial fines.

#### **IV. Title IX Coordinator and Responsibilities**

The Title IX Coordinator at Fuller is the individual designated by the Provost to oversee the seminary's overall compliance with Title IX. The Title IX Coordinator is responsible for the following:

- coordinating the seminary's efforts to comply with the seminary's Title IX responsibilities;
- overseeing the seminary's response to reports of Title IX violations;
- identifying and addressing any pattern or systemic problems;
- providing or coordinating education and training about discrimination, harassment, and sexual misconduct to the seminary community (including facilitating mandatory annual training for Title IX & Discrimination Officers, investigators, and decision-makers on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and complaint resolution process that protects the safety of victims and promotes accountability, along with a focus on Fuller's procedures and applicable confidentiality requirements);
- coordinating discrimination and sexual misconduct investigations to ensure they are fair and equitable; and
- facilitating the writing and updating of relevant policies.

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. He/she and/or his/her designee makes sure appropriate remedies or measures are provided to impacted students and employees.

For complaints involving students or student groups, a Title IX & Discrimination Officer for Students has been designated. For complaints *not* involving students, including complaints involving faculty, administrators/managers, staff, contractors, third parties, or visitors, a Title IX & Discrimination Officer for Employees has been designated. See below for the contact information.

Questions about Title IX can be directed to the Executive Director of the Office of Student Concerns or to the Office of Civil Rights of the U.S. Department of Education:

<p><b>Nicole Boymook</b>          Title IX Coordinator          Executive Director of the Office of Student Concerns          626-584-5678  <a href="mailto:titleix@fuller.edu">titleix@fuller.edu</a></p>	<p><b>Nicole Boymook</b>          Title IX &amp; Discrimination Officer for Students          Executive Director of the Office of Student Concerns          626-584-5678  <a href="mailto:nicoleboymook@fuller.edu">nicoleboymook@fuller.edu</a></p>
<p><b>Bernadette (BJ) Barber</b>          Title IX &amp; Discrimination Officer for Employees          Executive Director of Human Resources &amp;          Organizational Development          626-584-5238  <a href="mailto:bjbarber@fuller.edu">bjbarber@fuller.edu</a></p>	<p><b>U.S. Department of Education</b>          Office for Civil Rights   <a href="http://www2.ed.gov/about/offices/list/ocr/index.html">http://www2.ed.gov/about/offices/list/ocr/index.html</a></p>

**V. Prohibited Conduct and Definitions**

***A. Discriminatory Treatment***

**Discriminatory Treatment occurs when:**

- an agent or employee of the seminary, acting within the scope of his or her official duties, treats a person differently on the basis of sex in the context of an educational program or activity without a legitimate, nondiscriminatory reason, so as to interfere with or limit the ability of the person to participate in or benefit from the services, activities or privileges provided by the seminary.

***B. Sexual Harassment***

**Sexual Harassment is:**

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

Anyone experiencing sexual harassment in any seminary program is encouraged to report it immediately to the Title IX Coordinator or a Title IX & Discrimination Officer (see also other Reporting Options in section VIII below). Remedies, education, and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

## **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, employment, social, and/or residential program.

## **Quid Pro Quo Harassment is:**

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- By a person having power or authority over another constitutes sexual harassment when
- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

Sexual harassment may include, but is 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 reporting party and the respondent (the person alleged to have committed the misconduct) may be of either gender and need not be of different genders.

Some specific examples of Sexual Harassment include:

- A faculty member insists that a student go on a romantic getaway away with him/her to the faculty member's cabin in exchange for a good grade. This is harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus.

- Two supervisors frequently ‘rate’ employees’ bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A faculty member engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- A student or employee texts sexually explicit pictures to another student or employee.

### ***C. Other Forms of Prohibited Conduct***

#### **Sexual Assault/Sexual Violence is:**

- A particular type of sexual harassment that includes non-consensual sexual contact, non-consensual sexual intercourse, 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 sexual assault, domestic violence, dating violence, stalking, or attempts to commit these acts.

#### **Non-Consensual Sexual Intercourse is:**

- any sexual penetration or intercourse (anal, oral or vaginal),
- however slight,
- with any object,
- by a person upon another person,
- 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:**

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person
- 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.

### **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:

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

### **Intimate Partner Violence (includes dating & domestic violence) is:**

- Any instance of violence or abuse—verbal, physical, or psychological—that occurs between those who are in or have been in a sexual, dating, domestic, or other intimate relationship with each other.
  1. **Verbal Abuse** is the extreme or excessive use of language, often in the form of insults, name-calling, and criticism, designed to mock, shame, embarrass, or humiliate the other intimate partner. Verbal abuse often has the aim of diminishing the reporting party’s self-esteem, dignity, or security.



2. **Physical Violence or Abuse** occurs when one intentionally or recklessly (1) causes bodily harm; (2) attempts to cause another bodily harm; or (3) puts another in fear of imminent bodily harm.
3. **Emotional/Psychological Abuse** involves a persistent pattern or prolonged climate of dominating or controlling behavior, often involving some type of power imbalance. The abuser's behavior is often intended to terrorize, intimidate, isolate, or exclude an intimate partner, and can often result in measurable psychological harm, such as depression, anxiety, or post-traumatic stress symptoms. Examples include relentless denigration and disparagement, threatening to harm a beloved pet or destroy sentimental possession(s), as well as financial and economic abuse and blackmail.

The above types of abuse can occur concurrently.

**Stalking is:**

- Repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another.
  1. **Repetitive** involves at least two occurrences, although the repeated conduct does not have to be of the same type.
  2. **Menacing** conduct is intended to control someone, restore a relationship at any cost, or obtain some other desired end for which the stalker is willing to cause harm if they don't get what they want. It includes conduct that is meant to frighten or intimidate.
  3. **Pursuit, following, harassing, and/or interfering with the peace and/or safety of another** examples:
    - Unwelcome phone calls, voice or text messages, hang-ups
    - Unwelcome emails, instant messages, messages through social media
    - Unwelcome cards, letters, flowers, or presents
    - Watching or following from a distance, spying with a listening device, camera, or global positioning system (GPS)
    - Installing tracking apps or keystroke recorders on electronic devices
    - Approaching or showing up in places such as the target's home, workplace, or school when it is unwelcome
    - Leaving strange or potentially threatening items for the target to find

- Sneaking into target's home or car and doing things to scare the target or let the target know the stalker has been there<sup>1</sup>

All three (repetitive, menacing, and pursuit...) of the above elements must be present to constitute stalking according to this policy.

#### ***D. Consent, Incapacitation, Force, Coercion***

##### **Statement on Consent:**

- 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, or medication. 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. The question of what the responding party (respondent) should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party (complainant).
- 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.

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<sup>1</sup> NISVS, *supra* at 29

- 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.

### **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.

## **VI. Resources**

### ***A. Confidential Resources***

#### **Confidential Fuller Resources**

Students, faculty, and staff may wish to seek confidential assistance in dealing with a Title IX violation, or related issues no matter where the issues arose (e.g., on-campus, off-campus, or online). The seminary has identified the following employees who are currently located on the Pasadena Campus, but who are able to coordinate service with any seminary student or employee, no matter their location. The resources below will maintain confidentiality under the professional license or professional ethics necessary for performing their employed role at the seminary:

- **Irene Rapp, MS, LMFT**, Fuller’s director of training of Fuller’s Psychological and Family Services is available to assist any member of the seminary community who needs help dealing with a sexual misconduct situation in a caring, confidential manner. Her contact information is included below:

Irene Rapp, MS, LMFT  
Director of Training  
Fuller Psychological and Family Services (FPFS)  
180 N. Oakland Ave., 2<sup>nd</sup> Floor, Pasadena, CA 91101  
626-584-5569

- **FPFS Clinicians**, operating in that capacity, under their professional license or that of their supervisor. Fuller Psychological and Family Services is available to assist members of the seminary community who become clients. Fuller students and employees may contact Fuller Psychological and Family Services (FPFS) to arrange a session with an FPFS therapist at no charge. FPFS contact information is as follows:

Fuller Psychological & Family Services (FPFS)  
180 North Oakland Avenue  
Pasadena, CA 91101  
Phone: 626-584-5555  
Office Hours: 8:00AM - 4:30PM M-F  
Counseling Hours: 8:00AM - 9:00PM M-Th and 8:00AM - 5:00PM Fri  
See more at: <http://www.fuller.edu/fpfs/>

- **Seminary Chaplain(s)**, in conjunction with providing pastoral counseling. Fuller employees and students may schedule confidential pastoral counseling session(s) with a Seminary Chaplain. See below for the contact information:

Seminary Chaplain Office  
130 N. Oakland Ave., Pasadena, CA 91101, 1<sup>st</sup> floor (Catalyst building)  
626-584-5273  
[chaplain@fuller.edu](mailto:chaplain@fuller.edu).

All of the above Confidential Fuller Resources will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor.

#### **Additional, Seminary-Provided Confidential Resource**

- **Employee Assistance Program (EAP)**, available to benefits-eligible employees. All EAP services are free, confidential, and available to all covered members and dependents. The services can be accessed 24 hours a day, 7 days a week, by calling toll-free at **1-800-767-5320**.

## Community-Provided Confidential Resources

- **Arizona Coalition to End Sexual & Domestic Violence**
  - Victim Service Specialist: 602-279-2900 (8:30a-5:00p, M-F)
  - 800-782-6400 (Hotline Hours: 8:30a-5:00p, M-F)
  - TTY 602-279-7270
  - [www.acesdv.org](http://www.acesdv.org)
  
- **HAWC (Houston Area)**
  - Domestic Violence: 713-528-2121 (24-Hour Hotline)
  - Sexual Assault: 713-528-7273 (24-Hour Hotline)
  - [www.hawc.org](http://www.hawc.org)
  
- **Peace Over Violence - West San Gabriel Crisis Center (Pasadena Area)**
  - Helps victims of domestic violence, sexual assault, and stalking by offering referral information and crisis intervention assistance.
  - 626-793-3385 (24-Hour Hotline)
  
- **National Domestic Violence Hotline**
  - 800-799-SAFE (7233)
  - 800-787-3224 TDD
  
- **National Stalking Resource Center**
  - <https://victimsofcrime.org/our-programs/past-programs/stalking-resource-center>
  
- **Rape Abuse and Incest National Network (RAINN)**
  - The RAINN hotline offers free, confidential counseling and support 24 hours a day, from anywhere in the country.
  - [www.rainn.org](http://www.rainn.org)
  - 800-656-HOPE (4673)

### ***B. Confidential\* Medical Resources***

#### **Houston Area:**

- Memorial Hermann Hospital
  - 713-704-1261 (Forensic Nurse Response Team info)
  
- Ben Taub Hospital in the medical center
  - 713-873-2000

You can get more information about SANE (Sexual Assault Nurse Examiner) exams at the Texas Attorney General's website [here](#).

**Pasadena Area:**

- **Rape Treatment Center, Santa Monica UCLA Medical Center**
  - Offers comprehensive, free treatment for sexual assault victims and their families, including 24-hour emergency medical care, forensic examinations, crisis intervention, long-term professional counseling, advocacy, and accompaniment services.
  - 24 hours a day, 7 days a week
  - 424-259-7208
  - <https://www.uclahealth.org/santa-monica/rape-treatment>

**Phoenix Area:**

- **Sexual Assault Response Team (SART) Centers**

Sexual violence affects many aspects of a victim's life—including safety and health, family and work situations, and finances—and often leads to perplexing legal questions. To receive basic assistance, victims often must navigate a complicated maze of governmental and community agencies. SARTs, or sexual assault response teams, help victims through the maze.

The following Phoenix area family advocacy centers provide the forensic examination:

- [Mesa Family Advocacy Center](#)

130 N. Robson, Mesa, AZ 85201

480-644-4075

480-312-6339\*\*

- [Phoenix Family Advocacy Center](#)

2120 N Central Ave # 250, Phoenix, AZ 85004-1453

602-534-2120

480-312-6339\*\*

- [Scottsdale Family Advocacy Center](#)

10225 E. Via Linda, Scottsdale, AZ 85258

480-312-6340

480-312-6339\*\*

- [Glendale Family Advocacy Center](#)

4600 W. Glendale, Glendale, AZ 85301

623-930-3720

480-312-6339\*\*

\*\*This phone number is for individuals who want a medical forensic exam, but do not want to report the incident to law enforcement in **Maricopa County**. Victims/survivors who participate in a VAWA (non-report) exam have the option to report to police at a later date.

\*NOTE: In some jurisdictions, medical providers may be required by state or local law to notify law enforcement of abuse or sexual abuse of children, disabled individuals or the elderly. However, the victim has the right to request that law enforcement not pursue a criminal charge at that time. Beyond that notification, the disclosure of private information contained in medical records is protected by HIPAA. Further, community medical providers will not notify the seminary unless granted permission to do so by the complainant.

### ***C. Non-Confidential Fuller Resources***

In addition to the confidential resources listed above, Fuller community members have access to a variety of resources provided by the seminary:

- **Campus Safety**  
626-584-5444  
[campussafety@fuller.edu](mailto:campussafety@fuller.edu)
- **Korean Resource - Sam Bang**  
Executive Director for Student Engagement and Success  
626-584-5398  
[sbang@fuller.edu](mailto:sbang@fuller.edu)

- **Spanish Resource - Alma Cardenas**  
Centro Latino Office  
626-584-5658  
[almacardenas@fuller.edu](mailto:almacardenas@fuller.edu)
- **Title IX Coordinator - Nicole Boymook**  
Executive Director of the Office of Student Concerns  
626-584-5678  
[titleix@fuller.edu](mailto:titleix@fuller.edu)
- **Title IX & Discrimination Officer for Students - Nicole Boymook**  
Executive Director of the Office of Student Concerns  
626-584-5678  
[nicoleboymook@fuller.edu](mailto:nicoleboymook@fuller.edu)
- **Title IX & Discrimination Officer for Employees - BJ Barber**  
Executive Director of Human Resources & Organizational Development  
626-584-5238  
[bjbarber@fuller.edu](mailto:bjbarber@fuller.edu)

If you have any questions or concerns related to sexual misconduct, please contact Nicole Boymook, Executive Director of the Office of Student Concerns, at [titleix@fuller.edu](mailto:titleix@fuller.edu).

## VII. Guidance on Reporting

Fuller Theological Seminary encourages those who have experienced any form of 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. Fuller 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 the Title IX Coordinator, a Title IX & Discrimination Officer, or any seminary employee identified as a Responsible Employee. All sexual misconduct complaints made to Responsible Employees will be reported to the applicable Title IX & Discrimination Officer.

### How to Request Confidentiality

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a



request to the Title IX Coordinator or Title IX & Discrimination Officer, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, or in instances where the seminary would like to pursue disciplinary action if the responding party is found in violation of the policy, the seminary will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the seminary to honor that request, the seminary will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the seminary when formally reported, and to have those incidents investigated and properly resolved through these procedures.

In addition, see above for Confidential Fuller Resources. Confidential Resources will only report to the Title IX Coordinator upon request of the victim.

### **Privacy**

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: Compliance and Risk Management Office, Department of Campus Safety, Office of Human Resources, Office of Student Concerns, and the Office of Student Engagement and Success. Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting and responding parties' rights and privacy.

### **Reporting to Campus Safety**

Victims may request assistance from any of the Confidential Fuller Resources (see above) or Reporting Options (see below) in reporting the incident to Campus Safety and/or the police. Or, reporting parties may report the incident directly to Campus Safety and/or the police. However, in doing so, please be aware that Campus Safety employees are Responsible Employees and required to notify the Title IX Coordinator of the incident.

### **Amnesty for Reporting Party and Witnesses**

The Fuller community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to seminary officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as alcohol or drug violations at the time of the incident. It is in the best interests of this community that reporting parties choose to report to seminary officials, and that witnesses come forward to share what they know. To encourage reporting, Fuller pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident.

## **VIII. Reporting Options**

### **Title IX & Discrimination Officers**

All incidents of sexual misconduct or retaliation should be reported. For all complaints involving students, the Title IX & Discrimination Officer for Students will ensure that prompt steps will be taken to prevent recurrence of harassment and to correct its discriminatory effects on the reporting party and others, if appropriate, and will provide for an adequate, reliable, and impartial investigation. For all complaints not involving students, the Title IX & Discrimination Officer for Employees will ensure that prompt steps will be taken to prevent recurrence of harassment and to correct its discriminatory effects on the reporting party and others, if appropriate, and will provide for an adequate, reliable, and impartial investigation. The contact information is as follows:

#### ***Title IX & Discrimination Officer for Students***

Nicole Boymook

Executive Director of the Office of Student Concerns

Office location: Kreyssler Hall (Catalyst), 2nd Floor, 130 N. Oakland, Pasadena, CA 91101

Phone: 626-584-5678

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#### ***Title IX & Discrimination Officer for Employees***

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### **Responsible Employees**

All supervisors, administrators/managers, and faculty, as well as community coordinators and Campus Safety personnel, with the exception of counseling employees identified above under Confidential Fuller Resources, are considered Responsible Employees. A Responsible Employee must report all allegations of sexual misconduct to the Title IX Coordinator or a Title IX & Discrimination Officer.

- See the Seminary's [Responsible Employees & Campus Security Authorities Policy](#) for a list of Responsible Employees.

## Online Complaint Form

Reporting parties may file a formal complaint on the Quad:

- <http://quad.fuller.edu/studentlife/resolution>

Questions about Title IX can be directed to the Executive Director of the Office of Student Concerns 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.

## IX. Interim Remedies/Measures

The Title IX Coordinator, Title IX & Discrimination Officer, or his/her designee, may provide interim remedies intended to address the short-term effects of sexual misconduct, harassment, discrimination, and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations. Interim remedies/measures are also available to protect the reporting party, as necessary, during the seminary's Title IX investigation. Responding parties may also be eligible for the following remedies/measures, as applicable.

These remedies/measures may include, but are not limited to:

- referral to counseling for either party
- referral to health services
- referral to the Employee Assistance Program
- education to the community
- altering the housing situation of the reporting and/or responding party (on-campus resident student and/or on-campus resident employee)
- altering work arrangements for employees (student employee and/or responding party)
- providing campus escorts
- providing transportation accommodations
- implementing contact limitations between the parties
- offering adjustments to academic deadlines, course schedules, ability to retake courses, or withdraw without penalty, etc.

Any interim steps provided above will be taken promptly, at no cost to the reporting party. The seminary will continue to take these steps after the conclusion of an investigation, if applicable, if sexual violence is found to have occurred.

In addition, the seminary reserves the right, at the direction of the provost or his/her designee or the chief financial officer or his/her designee, to suspend or place on immediate administrative leave any member of the seminary community accused of violating this policy, or to take any other

interim protective measures the seminary deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings.

Any interim remedies and measures will be kept confidential by the institution with the exception of those who need to know to carry out the interim remedies and measures, and otherwise, only in accordance with applicable state and federal laws.

## **X. 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 Fuller community:

- who opposes the practices prohibited by this policy against sexual misconduct (consistent with all laws and applicable Fuller conduct policies),
- 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. This also includes intimidating, threatening, coercing, or in any way discriminating against or harassing an individual because of an individual's complaint or participation in the complaint resolution process, provided that the individual is not breaching applicable law or conduct policies. Retaliatory conduct within the meaning of this policy will be considered a violation of seminary policy, and anyone over whom the seminary has authority to do so (including third parties such as friends or colleagues of respondents) 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.

## **XI. Investigation/Procedures**

The Community Standard *Complaint Resolution Procedures: Sexual Harassment, Unlawful Discrimination, Unlawful Harassment, Sexual Misconduct, and Retaliation* will be followed for incidents of reported violation(s) of the Policy Against Sexual Misconduct. However, for incidents of reported dating violence, domestic violence, sexual assault, or stalking, the *Complaint Resolution*

*Procedures: Sexual Harassment, Unlawful Discrimination, Unlawful Harassment, Sexual Misconduct, and Retaliation* will be followed with the following additional provisions:

- The investigation of a sexual misconduct allegation may proceed whether or not a related criminal matter is pending. If a reporting party files a grievance with local law enforcement, the seminary will comply with that agency's requests for cooperation, which may require the seminary to temporarily suspend the fact-finding aspect of its Title IX investigation while the law enforcement agency gathers evidence. If such is the case, the seminary will promptly resume its Title IX investigation as soon as notified by law enforcement that it has completed the evidence gathering process.
- The seminary's complaint resolution procedures will not be conducted by officials who have a conflict of interest or bias for or against the reporting party or the responding party. If either party is concerned that a conflict of interest may exist with anyone involved in handling the complaint resolution procedure, such as a Title IX & Discrimination Officer, investigator, or decision-maker, then he or she must timely indicate his/her concern in writing, including the reason(s) for the potential conflict of interest, and submit his/her written concern to a Title IX & Discrimination Officer.
- 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.
- The reporting party and the responding party will have timely notice for meetings at which the reporting party or responding party, or both, may be present.
- Both parties and appropriate officials will be provided periodic updates during the complaint resolution process and will have timely and equal access to any information that will be used during formal and informal investigatory meetings.
- The reporting party and the responding party will have the same opportunities to have others present during any institutional disciplinary proceeding. The reporting party and the responding party each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The seminary will not limit the choice of advisor or presence for either the reporting party or the responding party in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to the following:
  - An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or proceeding.
- Both parties may discuss and share information relating to their grievance(s) with others who may support or assist them in presenting their allegations or response.
- Both parties 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.

- Information about the reporting party's past relationships with anyone other than the responding party will not be used as evidence in determining the findings and recommendations prepared by the investigator(s) or by the decision-maker when determining the final result of the complaint resolution procedure.
- Both parties will be informed in writing of the result of the complaint resolution procedure, at the same time (without significant delay between the notifications to each party), once a decision has been reached. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time such results become final, and when results are considered to be final. The results will include any sanctions imposed by the seminary, including the rationale for the result.
- Fuller will usually complete investigations within 60 business days. However, if extensions are necessary, the good cause reasons for the extensions will be provided in writing to both parties.

## **XII. Other Helpful Information**

Please see Fuller's [Resource Guide on Sexual Misconduct](#) for information on risk reduction, safe and positive options for bystanders, and the ongoing prevention/awareness campaigns for students and employees. It also provides a helpful overview of some of the information provided above.