

Wartburg Theological Seminary Annual Security Report and Annual Fire Safety Report –October 19, 2020

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The Wartburg Theological Seminary Annual Campus Safety and Security Report & Fire Safety Report is published in September annually (by December 31, 2020 for the 2020-2021 academic year per change of date by Clery). This is the compliance document to the Federal Student Right to Know and Campus Security Act of 1990 also known as the Clery Act, with Higher Education Amendments.

What is the Clery Act?

Signed into law in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All post-secondary public and private institutions participating in federal student aid programs must adhere to these regulations. The Clery Act was championed by Howard & Connie Clery after their daughter, Jeanne, was murdered at Lehigh University in 1986.

What is the Wartburg Theological Seminary (WTS) obligated to do?

To ensure compliance with the Clery Act, WTS must meet obligations in the following three broad categories: (1) policy disclosure; (2) records collection and retention; and (3) information dissemination.

- Policy Disclosure — WTS must provide the campus community and prospective students and prospective employees with accurate statements of current policies and practices regarding procedures for students and others to report criminal actions or other emergencies on campus, security of and access to campus facilities, and policies related to campus safety and crime statistics outlined by the Clery Act. WTS must provide the campus community and prospective students and prospective employees with accurate statements of current policies and practices regarding procedures for students and others related to fire safety and fire statistics outlined by the Clery Act.
- Records Collection and Retention — WTS is required to keep campus records of crimes reported on campus to campus security authorities, make a reasonable good faith effort to obtain certain crime statistics from appropriate law enforcement agencies to include in the annual security report and provide these statistics if requested to the public. WTS is required to keep campus records of fire statistics and include these statistics in the annual fire safety report and provide these statistics if requested to the public. WTS must report all of these statistics annually to the U.S. Department of Education.
- Information Dissemination — WTS must provide members of the campus community with information needed to make informed personal safety decisions, WTS must provide: 1) A “timely warning” of any Clery Act crime that represents an ongoing threat to the safety of students and employees including procedures and drills related to emergency and evacuation procedures; 3) Publish an annual security report and annual fire safety report, make the report available to all current students and employees, and ensure the annual security report is made available to prospective students and employees. The ASR and AFSR must contain the policy disclosures as outlined by the Clery Act, crime and fire statistics as required by the Clery Act, an explanation of the Clery Act, by whom and how

the ASR and AFSR are prepared and these reports must be published and distributed by October 1 annually (by December 31, 2020 for the 2020-2021 academic year per change of date by Clery).

By Whom and How is the WTS ASR and AFSR prepared?

The Director for Financial Aid and Student Services, prepares the ASR annually. This process begins in the summer with review of the requirements of the ASR per the Clery Act, collection and review of crime statistics, review and if needed, revision of policies related to campus safety and security, and then preparation, publishing and distribution of the report by Oct 1 annually (by December 31, 2020 for the 2020-2021 academic year per change of date by Clery). The Director for Financial Aid and Student Services submits campus statistics for both crime and fire to the US DOE security website by Oct 1 annually (by December 31, 2020 for the 2020-2021 academic year per change of date by Clery).

The Director for Financial Aid and Student Services, with the assistance of the Superintendent for Maintenance prepares the AFSR annually. This process begins in the summer with review of the requirements of the AFSR per the Clery Act, collection and review of fire statistics, review and if needed, revision of policies related to fire safety, and then preparation, publishing and distribution of the report by Oct 1 annually (by December 31, 2020 for the 2020-2021 academic year per change of date by Clery).

Where are the WTS ASR and AFSR posted on the WTS website?

The WTS annual ASR and AFSR are posted on the top of our consumer information page on our website at

<https://www.wartburgseminary.edu/wp-content/uploads/2020/10/Annual-Campus-Security-Report-and-Annual-Fire-Safety-Report-2019-20-for-2020-21-report-1.pdf>

and the description reads as follows:

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Where can I locate the crime statistics and fire statistics reported to the U.S. Department of Education?

This report can be accessed online at <https://ope.ed.gov/campussafety/#/> or please feel free to contact the Director for Financial Aid and Student Services for a print out of this report.

How can I obtain a paper copy of the ASR and/or the AFSR?

Please see the Director for Financial Aid and Student Services to request a paper copy.

What is the geography covered by the WTS ASR and AFSR?

Wartburg Seminary's ASR and AFSR report on the campus property and all facilities. For a visual map, please see this link:

<https://www.wartburgseminary.edu/wp-content/uploads/2019/12/2019-CAMPUS-MAP-UPDATE-3.pdf>

Policies regarding campus safety and security:

- To whom students should report a crime (1)
- Whether victims can report crimes confidentially (2)
- The security of and access to campus facilities, including campus housing (3)
- The security considerations used in maintenance of campus facilities (4)
- The scope of the enforcement authority of security personnel (5)
- Working relationship of campus security personnel with state and local law enforcement (6)
- Encouragement to individuals to report crimes to campus authorities and appropriate law enforcement agencies (7)
- Encouragement to pastoral and professional counselors to inform counselee to report crimes on a voluntary, confidential basis (8)
- Programs designed to inform students about campus safety procedures and crime prevention (9)
- Whether the school uses local police to monitor and document criminal activity by student at off-campus locations of student organizations (WTS does not have off-campus locations for student organizations)(10)
- Regarding possession, use and sale of alcoholic beverages and the enforcement of state underage drinking laws (11)
- Regarding possession, use and sale of illegal drugs and enforcement of federal and state drug laws (12)
- Drug or alcohol abuse education programs available to students (13)
- Wartburg's disclosure of the results of a student disciplinary proceeding for any violent crime or non-forcible sex offense (14)
- Policy Statement regarding prevention awareness of sexual harassment, sexual abuse, rape, acquaintance rape, dating violence, stalking, domestic violence and other forcible and nonforcible sex offenses (29)
- Educational programs to promote the awareness of sexual harassment, sexual abuse, rape, acquaintance rape, dating violence, stalking, domestic violence and other forcible and nonforcible sex offenses (15)
- Procedures students should follow if a sex offense occurs (16)
- Standard of Evidence for conduct proceedings (30) (
- To whom students should report sexual (17) offenses)
- Students' right to report sexual offenses (18)
- That the school will assist students in notifying appropriate law enforcement authorities to report sexual offenses (19)
- Services available to victims of sexual assault (20)
- Information regarding how to obtain information regarding registered sex offenders (21)
- That the school will change a victim's academic and living situations after a sexual offense if requested by a student (22)
- Procedure for campus disciplinary action in cases of an alleged sexual offense (23)
- Sanctions that may be imposed following a sex offense-related disciplinary proceeding (24)
- Timely warning policy (25)
- Emergency response and evacuation procedures (26)
- Documentation of the annual emergency response test (27) ○ Description of test/exercise ○ Date test was held ○ Time test started and ended
 - Whether test was announced or unannounced
- Missing Student Notification (28)

SEMINARY CAMPUS SECURITY

Crime Awareness

Wartburg Theological Seminary is committed to providing a safe, secure, working and living environment for students and their families, members of faculty, and staff. The seminary is dedicated to the practice of fair and impartial enforcement of law, apprehension of violators, maintenance of order, protection of property, and provision of services to the seminary community.

Wartburg Seminary assumes the obligation to reduce the likelihood and opportunities for criminal activity in its community and attempts to be proactive in preventing crime. The seminary promotes the attitude that prevention of crime is the responsibility of everyone. (7) Special security personnel are not employed but the campus security authorities (CSAs) on campus are the Vice president for admissions and student services, Superintendent of Maintenance, President, and Director for Financial Aid and Student Services. CSAs are responsible per their position for reporting crime information to the Vice president for admissions and student services in a timely manner with confidentiality. (5) The seminary works harmoniously and confidentially with local law enforcement agencies in all matters of security relevant to the seminary community. (6)

Access to Wartburg Seminary buildings is available during scheduled school and working hours. At other times access is available only to authorized personnel. Security and access to Wartburg Seminary's on- campus housing follows: (3)

Residence Hall: All residents are given a key to their individual room, as well as the outside doors. Outside doors are locked 24/7 except during normal school hours throughout the academic year. The door into It is up to the residents to lock their individual rooms and to not prop doors open or allow unknown individuals to enter the residence hall. Guests who are renting rooms in the residence hall are given a key to the outside doors, as well as their individual guest rooms. Wartburg Theological Seminary only rents to guests who have some connection to the seminary or business on campus.

Other On-Campus Housing:

Blair Court Houses: All residents are given 1-2 sets of keys to their home. It is the responsibility of the residents to lock their homes.

Denver Court Houses: All residents are given 1-2 sets of keys to their home. It is the responsibility of the residents to lock their homes.

A Mendota outside key is available to all non-resident hall on-campus students by request through the business office. This allows access to Afton Lounge, Reformation Room, refectory, chapel, and meditation room.

Routine patrols by local police as well as vigilance by on-campus residents are utilized to maintain safety and security. All exterior locations including student housing areas are lighted during hours of darkness. Students should lock their cars. (4)

Be advised there are no off-campus student organizations connected with Wartburg Theological Seminary. (10) All seminary-owned student housing is located on the campus. Although Wartburg Seminary students are involved in many off-campus learning situations (internship, for example) the seminary cannot assume responsibility for their safety in all situations. However, the seminary does instruct students to report all off-campus occurrences of crime to the agency in whose jurisdiction the crime occurred and as soon as possible to report incidents to the President's Office. (7)

Crime Awareness Education

All students and employees are reminded of campus safety procedures and crime prevention and their individual responsibility for preventing and reporting incidents of crime through the annual security report, publication of policies and procedures in the respective handbooks, and at periodic meetings of students, faculty, and employees. (9)

Reporting Crime or Crime Related Incidents Policy Statement

Students, staff and faculty members should report any law, safety, or security concerns at any time to campus security authorities (Vice president for admissions and student services, Superintendent of Maintenance, President, Director for Financial Aid and Student Services, or to faculty or staff. (1) Many staff and faculty work in roles with students as pastoral counselors for students and other faculty and staff. These pastors are encouraged to inform their counselee to report crimes on a voluntary, confidential basis. (8) Victims of any crime or witnesses to any criminal or crime-related activity should report the incident immediately. All reports will be handled in a confidential and professional manner. (2) When an incident or offense is reported, assistance will be given as needed to resolve the matter and identify the offender or hazard. The President in consultation if deemed appropriate with legal authorities/law enforcement, will disclose in a timely manner the results of a disciplinary proceeding for any violent crime or non-forcible sex offense. (14)

Procedure

For reporting any Clery crime (see crime statistics table at the end of the ASR) the following procedures are to be followed:

1. IF THE SITUATION IS AN EMERGENCY, TELEPHONE 911. (7)
If not an emergency, contact by phone or in person one of the following: campus security authorities (Vice President for Admissions and Student Services, Superintendent of Maintenance, President, Director for Financial Aid and Student Services, or faculty or staff or the Dubuque Police. (1) (7)
2. The above offices or persons will take the following immediate action: Contact Dubuque Police, if necessary and not already done. Notify the Seminary President and initiate a local investigation by the seminary.
3. Appropriate action will be taken by police and/or the seminary.

Drug-free Schools and Campus Act, 1990

The welfare and success of Wartburg Seminary depends on the physical and psychological health of all of its students, faculty, and staff. The abuse of drugs and alcohol poses a threat to all studying and working in this place. It is the responsibility of Wartburg Seminary to maintain a safe, healthful, and efficient working environment.

Policy Statement

The Drug-Free Schools and Campuses Act, enacted August 16, 1990, mandates that all institutions of higher education which receive Federal Student Aid Funds must certify that they have adopted and implemented a drug prevention program. Wartburg Seminary has therefore adopted the following policies:

1. Wartburg Theological Seminary permits students, faculty and staff and seminary guest of legal drinking age per state laws to possess and use alcoholic beverages on our campus. Alcohol possession, use, distribution or sale of alcoholic beverages to those who are

underage is prohibited and will be subject to discipline, including possible dismissal. State underage drinking laws will be enforced. (11)

The unlawful possession, use, or distribution of illicit drugs by students or employees on our property, or as a part of our activities, is prohibited and will constitute grounds for possible dismissal. Federal and state drug laws will be enforced. (12)

2. Any student, staff, or faculty member under the influence of drugs or alcohol which impairs judgment, performance, or behavior while on Wartburg's premises will be subject to discipline, including possible dismissal.
3. Each student, staff, and faculty member, as a condition of employment, will agree to abide by the terms of this statement. Further, as required by the Drug-Free Schools and Campuses Act, Wartburg Seminary agrees to impose disciplinary sanctions upon students and employees, which may include expulsion or termination of employment, and referral for prosecution for violation of the standards of conduct.
4. As required by this law, WTS will annually distribute to students and employees a description of the applicable legal sanctions for the unlawful possession or distribution of drugs and alcohol and a list of the health risks associated with the use of illicit drugs and abuse of alcohol. (13 including the following)

Drug Free Schools and Campus Act of 1990

These policies, as well as the following two sections and Appendix C, are to comply with The DrugFree Schools and Campuses Act, enacted August 16, 1990, which mandates that all institutions of higher education which receive Federal Student Aid Funds must certify that they have adopted and implemented a drug prevention program.

Referral for Help

Wartburg Seminary seeks to retain valuable students and employees and maintain productivity by identifying personal drug or alcohol problems at early stages and motivating individuals to seek help with these problems. The seminary suggests confidential, off-campus, Dubuque counseling services: Turning Point Treatment Center (563) 589-8291 or SASC: Substance Abuse Services Center (563) 582-3784. These organizations provide access to substance abuse evaluations and outpatient treatment programs.

If you are experiencing drug or alcohol related problems, or if your studying is affected by such problems, you may seek counseling and information at Turning Point or SASC. Your advisor or supervisor may refer you to a drug/alcohol abuse program when it is believed that some personal problem may affect your performance or behavior. Any disciplinary action or termination resulting from your problem could be suspended pending the outcome of the referral to a drug/alcohol abuse agency. Attendance in a program is not a substitute for actual correction of any unacceptable performance or behavior. You remain responsible for making a required improvement, whether or not you participate in the program.

The advisor or supervisor will request a report from the drug abuse agency about your participation only in the case of referral. This report will be limited to a confirmation that you have participated. With your consent, it may also indicate whether you have made satisfactory progress.

Except for the reports just mentioned, all contacts with the drug abuse agency will be treated in strict confidence. All records kept by the agency shall be kept for the exclusive use of that agency.

INFORMATION REGARDING ALCOHOL AND DRUGS

Wartburg Associated Students Statement on Responsible Alcohol Use at WAS Sponsored Events

Introduction

Wartburg Associated Students (WAS) is committed to maintaining an environment conducive to healthy lifestyles, including the academic and personal development of all members of the Wartburg community. Members of this community are accountable for their own actions and are expected to make responsible, lawful decisions regarding the use of alcohol.

Understanding that Wartburg Theological Seminary has the ultimate authority to determine the specific institutional events in which alcoholic beverages are consumed on seminary property, this statement addresses how WAS will operate regarding the use of alcohol at WAS sponsored events.

Statement

Alcohol should be used only in ways which are lawful and do not harm or degrade individuals or the community. WAS encourages responsible behavior for those individuals who consume alcohol and respects the rights of individuals who choose to consume alcohol. Consistent with these rights, WAS will encourage responsible decision-making regarding the consumption of alcoholic beverages.

WAS recognizes that some individuals have difficulty with alcohol because they are chemically dependent. Although this body has an interest in helping those individuals, it neither ensures the safety of nor protects those individuals from the consequences of their actions.

Drinking activities that are potentially dangerous, such as “chugging” of alcoholic beverages, competitive drinking activities, and activities that employ peer pressure to force participants to consume alcohol are discouraged. Alcohol should not be used as an award or prize.

Supervision and Compliance

When alcoholic beverages are served at a social function, WAS should ensure compliance with all the applicable laws, ordinances, and rules governing the distribution, possession, and consumption of alcoholic beverages.

- Self-service bars are discouraged. This includes those events in which alcohol will be provided for guests and events that are BYOB. Person(s) assigned to distribute and control the amount of alcohol served to guests should refrain from drinking.
- Non-alcoholic beverages and food should be provided whenever alcohol is being served. They should be displayed as prominently as the alcohol and should be made available in appropriate quantities depending on the number of people in attendance. • The quantity of alcohol provided at an event should be proportionate to the number of people of legal drinking age expected in attendance and the duration of the activity.
- WAS should ensure that a reminder to drink responsibly is posted at all events in which alcohol is being served.
- WAS must not violate the Iowa State Liquor laws.
- No alcohol will be served to a guest under age 21.

- All individuals must comply with the laws of the State of Iowa, the ordinances of the City of Dubuque, and the policies of Wartburg Theological Seminary. It is the duty and responsibility of WAS to comply with all applicable laws and seminary regulations.

All coordinators of WAS events should heed these recommendations understanding that failure to do so risks legal and institutional punishment. See also The EIA Guidelines and Best Practices for Hosting Social Events with Alcohol Beverages as found in Appendix VII of the WAS Co-President Handbook for additional information.

Alcohol policies provided by WTS' Representative at EIA. These resources included policies from Iowa State University, and a statement from an unnamed theological seminary (which sites policies from Rice University, Vanderbilt University, University of Denver, University of North Carolina at Chapel Hill, and Tulane University).

¹ See also the statement "The Drug-Free Schools and Campus Act, 1990" found in the Wartburg Theological Seminary Student and Community Life Handbook.

The Drug-Free Schools and Campuses Act, enacted August 16, 1990, mandates that all institutions of higher education which receive Federal Student Aid Funds must certify that they have adopted and implemented a drug prevention program. The following information is provided for the student body with this Act in mind:

Alcohol Effects

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are a greater risk than other youngsters of becoming alcoholics.

Narcotics

Among the hazards of illicit drug use is the ever-increasing risk of infection, disease, and overdose. Medical complications common among narcotic abusers arise primarily from adulterants found in street drugs and in the non-sterile practices of injecting. Skin, lung, and brain abscesses, endocarditis (inflammation of the lining of the heart), hepatitis, and AIDS are commonly found among narcotic abusers. While pharmaceutical products have a known concentration and purity, clandestinely produced street drugs have unknown compositions. Since there is no simple way to determine the purity of a drug that is sold on the street, the effects of illicit narcotic use are unpredictable and can be fatal. Physical signs of narcotic overdose include constricted (pinpoint)

pupils, cold clammy skin, confusion, convulsions, severe drowsiness, and respiratory depression (slow or troubled breathing). Most narcotic deaths are a result of respiratory depression.

Stimulants

Stimulants are diverted from legitimate channels and clandestinely manufactured exclusively for the illicit market. They are taken orally, sniffed, smoked, and injected. Smoking, snorting, or injecting stimulants produce a sudden sensation known as a "rush" or a "flash." Abuse is often associated with a pattern of binge use--sporadically consuming large doses of stimulants over a short period of time. Heavy users may inject themselves every few hours, continuing until they have depleted their drug supply or reached a point of delirium, psychosis, and physical exhaustion. During this period of heavy use, all other interests become secondary to recreating the initial euphoric rush. Tolerance can develop rapidly, and both physical and psychological dependence occur. Abrupt cessation, even after a brief two- or three-day binge, is commonly followed by depression, anxiety, drug craving, and extreme fatigue known as a "crash."

Depressants

There are marked similarities among the withdrawal symptoms seen with most drugs classified as depressants. In the mildest form, the withdrawal syndrome may produce insomnia and anxiety, usually the same symptoms that initiated the drug use. With a greater level of dependence, tremors and weakness are also present, and in its most severe form, the withdrawal syndrome can cause seizures and delirium. Unlike the withdrawal syndrome seen with most other drugs of abuse, withdrawal from depressants can be life threatening.

Depressants will put you to sleep, relieve anxiety and muscle spasms, and prevent seizures.

Barbiturates are older drugs and include butalbital (Fiorina), phenobarbital, Pentothal, Seconal, and Nembutal. A person can rapidly develop dependence on and tolerance to barbiturates, meaning a person needs more and more of them to feel and function normally. This makes them unsafe, increasing the likelihood of coma or death.

Benzodiazepines were developed to replace barbiturates, though they still share many of the undesirable side effects including tolerance and dependence. Some examples are Valium, Xanax, Halcion, Ativan, Klonopin, and Restoril. Rohypnol is a benzodiazepine that is not manufactured or legally marketed in the United States, but it is used illegally.

Lunesta, Ambien, and Sonata are sedative-hypnotic medications approved for the short-term treatment of insomnia that share many of the properties of benzodiazepines. Other CNS depressants include meprobamate, methaqua-lone (Quaalude), and the illicit drug GHB

Cannabis

Cannabis products are usually smoked. Their effects are felt within minutes, reach their peak in 10 to 30 minutes, and may linger for two or three hours. The effects experienced often depend upon the experience and expectations of the individual user, as well as the activity of the drug itself. Low doses tend to induce a sense of well-being and a dreamy state of relaxation, which may be accompanied by a more vivid sense of sight, smell, taste, and hearing, as well as by subtle alterations in thought formation and expression. This state of intoxication may not be noticeable to an observer. However, driving, occupational, or household accidents may result from a distortion of time and space relationships and impaired motor coordination. Stronger doses intensify reactions. The individual may experience shifting sensory imagery, rapidly fluctuating emotions, fragmentary thoughts with disturbing associations, an altered sense of self-identity, impaired memory, and a dulling of attention despite an illusion of heightened insight. High doses may result in image distortion, a loss of personal identity, fantasies, and hallucinations.

Hallucinogens

Taken in non-toxic dosages, these substances produce changes in perception, thought, and mood. Physiological effects include elevated heart rate, increased blood pressure, and dilated pupils. Sensory effects include perceptual distortions that vary with dose, setting, and mood. Psychic effects include disorders of thought associated with time and space. Time may appear to stand still and forms and colors seem to change and take on new significance. This experience may be either pleasurable or extremely frightening. It needs to be stressed that the effects of hallucinogens are unpredictable each time they are used. There is a considerable body of literature that links the use of some of the hallucinogenic substances to neuronal damage in animals, and recent data support that some hallucinogens are neurotoxic to humans. However, the most common danger of hallucinogen use is impaired judgment that often leads to rash decisions and accidents.

Inhalants

Inhalants depress the central nervous system, producing decreased respiration and blood pressure. Users report distortion in perceptions of time and space. Many users experience headaches, nausea, slurred speech, and loss of motor coordination. Mental effects may include fear, anxiety, or depression. A rash around the nose and mouth may be seen, and the abuser may start wheezing. An odor of paint or organic solvents on clothes, skin, and breath is sometimes a sign of inhalant abuse. Other indicators of inhalant abuse include slurred speech or staggering gait, red, glassy, watery eyes, and excitability or unpredictable behavior.

The chronic use of inhalants has been associated with a number of serious health problems. Sniffing glue and paint thinner causes kidney abnormalities, while sniffing the solvents toluene and trichloroethylene cause liver damage. Memory impairment, attention deficits, and diminished nonverbal intelligence have been related to the abuse of inhalants. Deaths resulting from heart failure, asphyxiation, or aspiration have occurred.

Steroids

Anabolic steroids are synthetically produced variants of the naturally occurring male hormone testosterone that are abused in an attempt to promote muscle growth, enhance athletic or other physical performance, and improve physical appearance. Testosterone, nandrolone, stanozolol, methandienone, and boldenone are some of the most frequently abused anabolic steroids. The long-term adverse health effects of anabolic steroid use are not definitely known. There is, however, increasing concern of possible serious health problems associated with the abuse of these agents, including cardiovascular damage, cerebrovascular toxicity, and liver damage.

Physical side effects include elevated blood pressure and cholesterol levels, severe acne, premature balding, reduced sexual function, and testicular atrophy. In males, abnormal breast development (gynecomastia) can occur. In females, anabolic steroids have a masculinizing effect, resulting in more body hair, a deeper voice, smaller breasts, and fewer menstrual cycles. Several of these effects are irreversible. In adolescents, abuse of these agents may prematurely stop the lengthening of bones, resulting in stunted growth. For some individuals, the use of anabolic steroids may be associated with psychotic reactions, manic episodes, feelings of anger or hostility, aggression, and violent behavior.

Designer Drugs

Recently, the abuse of clandestinely synthesized drugs has re-emerged as a major worldwide problem. These drugs are illicitly produced with the intent of developing substances that differ slightly from controlled substances in their chemical structure while retaining their pharmacological effects. These substances are commonly known as designer drugs and fall under several drug categories. The following section describes these drugs of concern and their associated risks.

Synthetic stimulants often referred to as “bath salts” are from the synthetic cathinone class of drugs. Synthetic cathinones are central nervous stimulants and are designed to mimic effects similar to those produced by cocaine, methamphetamine, and MDMA (ecstasy). These substances are often marketed as “bath salts,” “research chemicals,” “plant food,” “glass cleaner,” and labeled “not for human consumption,” in order to circumvent application of the Controlled Substance Analogue Enforcement Act. Marketing in this manner attempts to hide the true reason for the products’ existence—the distribution of a psychoactive/stimulant substance for abuse.

Drugs of Concern

Even though some substances are not currently controlled by the Controlled Substances Act, they pose risks to individuals who abuse them. The following section describes these drugs of concern and their associated risks.

WHAT IS DXM?

DXM is a cough suppressor found in more than 120 over-the-counter (OTC) cold medications, either alone or in combination with other drugs such as analgesics (e.g., acetaminophen), antihistamines (e.g., chlorpheni-ramine), decongestants (e.g., pseudoephedrine), and/ or expectorants (e.g., guaifenesin). The typical adult dose for cough is 15 or 30 mg taken three to four times daily. The cough-suppressing effects of DXM persist for 5 to 6 hours after ingestion. When taken as directed, side effects are rarely observed.

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture	Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	1 kg or more mixture	Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount			
Flunitrazepam (Schedule IV)	Other than 1 gram or more	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount			

FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

Federal Student Aid Penalties for Drug Convictions

A federal or state drug conviction can disqualify a student for FSA funds. Convictions only count if they were for an offense that occurred during a period of enrollment for which the student was receiving Title IV aid. Students who became ineligible due to offenses that did NOT occur during such a period are eligible. Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when she was a juvenile, unless she was tried as an adult.

The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession and whether the student had previous offenses. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

	Possession of Illegal Drugs	Sale of Illegal Drugs
First offense	One year from date of conviction	Two years from date of conviction
Second offense	Two years from date of conviction	Indefinite period
Third plus offenses	Indefinite period	

If the student was convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period. Schools must provide each student who becomes ineligible for FSA funds due to a drug conviction a clear and conspicuous written notice of his loss of eligibility and the methods whereby he can become eligible again.

A student regains eligibility the day after the period of ineligibility ends (i.e., for a 1st or 2nd offense); or when he or she successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make him ineligible again.

Students denied eligibility for an indefinite period can regain eligibility after completing any of the following options:

- 1) Successfully completing a rehabilitation program, as described below, which includes passing two unannounced drug tests from such a program);
- 2) Having the conviction reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record; or
- 3) Successfully completing two unannounced drug tests which are part of a rehab program (the student does not need to complete the rest of the program).

Qualified Drug Program Standards

A qualified drug rehabilitation program must include at least two unannounced drug tests and must satisfy at least one of the following requirements:

- Be qualified to receive funds directly or indirectly from a federal, state, or local government program.
- Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company.
- Be administered or recognized by a federal, state, or local government agency or court.
- Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.

Source: <http://www.justice.gov/dea/pubs/abuse/index.htm> June 2, 2010

Iowa Smoke Free Air Act

The “Iowa Smoke Free Air Act” became effective on Tuesday, July 1, 2008.

This law bans the smoking of tobacco in all indoor and outdoor spaces on our campus including: all Seminary property, parking lots (including if you are lighting up while sitting in your personal vehicle), Seminary vehicles (no matter if it’s on- or off- campus), apartments, houses, residence halls and Seminary sidewalks. In essence, it is against the law to smoke tobacco on or in any Seminary property. The law does not prohibit smoking on public sidewalks around the Seminary. Public sidewalks surrounding the Seminary are those on Wartburg Place and Fremont Avenue.

Please be attentive to this law and help by informing anyone smoking on Seminary property that Iowa law prohibits this activity. The law takes a firm position concerning the failure to maintain a smoke-free campus community that will result in civil penalties, as well as other consequences, for both the individual and the Seminary.

For smokers, as well as friends and family who smoke, this law is not easy. Iowa is following national environmental and health pathways and is neither the first state, nor the last state, to regulate smoking in a comprehensive way. Please assist and cooperate with the Seminary to abide by this law.

Drug and Alcohol Abuse Prevention Biennial Review – School year 2017-2018

A biennial review which included an assessment of Wartburg Theological Seminary’s drug and alcohol abuse prevention program was completed by Amy Current, Vice president for admissions and student services and Barb Simon, Director for Financial Aid and Student Services. The review entailed reviewing the requirements of the Department of Education Regulations for the Drug and Alcohol Prevention Program and the Drug-free Workplace requirements and Wartburg’s prevention program was deemed to be in compliance with these requirements. Wartburg’s policy is outlined in the student and community life handbook, the staff handbook, and the faculty handbook. Having had zero (0) drug or alcohol related incidences since the last biennial review, Wartburg Theological Seminary’s drug and alcohol abuse prevention program was deemed to be effective and only requiring updates to the posted drug and alcohol incident statistics and the Biennial Review report. These changes have been made.

Wartburg has had zero (0) drug and alcohol related violation and zero (0) fatalities that occurred on campus or as a part of any of the school’s activities since the 2013-14 biennial review. Wartburg has not had to impose any kind of sanctions for drug and alcohol-related violations and fatalities that occurred on campus or as part of any of the school’s activities.

Sexual Misconduct: Harassment, Offense, Abuse, or Child Abuse Policy Statement

Source: Student and Community Life Handbook 2020 - 2021

WARTBURG THEOLOGICAL SEMINARY TITLE IX REGULATIONS UPDATE EFFECTIVE AUGUST 15, 2020

- I. Policy Overview**
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- IV. **Prohibited Sexual Harassment**
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I. **Policy Overview**

This policy sets forth [Wartburg Theological Seminary]'s obligations under the 2020 Title IX Regulations. This policy also includes Wartburg's obligations under the 2013 Clery Amendments pertaining to sexual assault, dating violence, domestic violence, and stalking.

Our Title IX Coordinator is:

Barb Simon
 bsimon@wartburgseminary.edu
 563-589-0332
 333 Wartburg Pl
 Dubuque, Iowa 52003

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

Civil Rights Commission
 Grimes State Office Building
 400 E 14th St
 Des Moines, IA 50319-1004
 515-281-4121 or 800-457-4416
<https://icrc.iowa.gov/>

Any person may report conduct prohibited by this policy to the Title IX Coordinator. A complaint about the Title IX Coordinator may be made to the seminary president.

II. **Statement of Non-Discrimination**

Wartburg Theological Seminary does not discriminate on the basis of sex in its educational programs and activities, including employment and admission. Complaints of discrimination on the basis of sex will be handled under the following sections from the Student and Community Life Handbook:

2.11.5.2 Sex Discrimination

Sex Discrimination is defined by Iowa Code Sec. 216.6 as follows: 30 The Iowa Civil Rights Act prohibits discrimination in employment based on sex, marital status, pregnancy (including childbirth or related conditions), gender identity, and sexual orientation The Act defines "gender identity" as the gender-related identity of a person, regardless of the person's assigned sex at birth. The term "sexual orientation" is defined to include actual or perceived heterosexuality, homosexuality, or bisexuality.

2.11.5.7

Redress of Complaints

Complaints based on the conduct of seminary students, faculty and staff members, other persons acting in official capacities, and visitors should be reported to the appropriate administrative official. Any individual who believes she or he has been harassed or discriminated against should address her or his complaint to the Title IX coordinator.

III. Scope

This policy applies to all students, faculty, and staff who experience prohibited sexual harassment in Wartburg Theological Seminary's education programs or activities. This includes locations, events, or circumstances over which Wartburg Theological Seminary exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Wartburg Theological Seminary. Wartburg Theological Seminary has other policies and procedures that may be applicable if the conduct does not meet the definition of prohibited sexual harassment under this policy or otherwise fall within the scope of this policy. *[See the Student and Community Life Handbook Section 2.11.5 – Sexual Misconduct: Harassment, Offense, Abuse, or Child Abuse Policy Statement. This is also referenced in the faculty and staff handbook.]*

IV. Prohibited Sexual Harassment

In accordance with its obligations under the Title IX Regulations of 2020, Wartburg Theological Seminary prohibits sexual harassment, which is conduct on the basis of sex, including gender identity, gender expression, or sexual orientation, that satisfies one or more of the following definitions:

1. **Quid Pro Quo Conduct.** An employee conditions the provision of an aid, benefit, or service of Wartburg Theological Seminary on an individual's participation in unwelcome sexual conduct;

2. **Unwelcome Conduct.** Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Wartburg Theological Seminary's education program or activity; or

3. **Sexual assault.** An offense classified as a forcible or nonforcible sex offense. This category of prohibited conduct includes the following:

i. **Sex Offenses**—Any sexual act directed against another person, without the affirmative consent. Sexual Act is defined as conduct between persons consisting of:

- a. Contact between the penis and the vulva.
- b. Contact between the penis and the anus.
- c. Contact between the mouth and the penis.
- d. Contact between the mouth and the vulva

ii. **Non-Consensual Penetration** Actual or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim. This includes penetration forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving affirmative consent because of their temporary or permanent mental or physical incapacity.

iii. **Fondling**—The non-consensual touching of the private body parts of another person for the purpose of sexual gratification, without affirmative consent, whether forcibly and/or

against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving affirmative consent because of their youth or because of their temporary or permanent mental or physical incapacity.

iv. Other Lawfully Prohibited Sexual Intercourse

This category includes conduct constituting sexual assault that does not meet the definition of Non-Consensual Penetration or Fondling:

- i. Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law, regardless of affirmative consent.
- ii. Nonforcible sexual intercourse with a person who is under the statutory age of consent, regardless of affirmative consent.

4. Dating violence. Violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

5. Domestic violence. A felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, or by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner within 1 year prior to the assault.

6. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

7. Sexual Exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, re, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may

v. Definitions

1. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

- Lack of protest or resistance does not mean consent.

- Silence does not mean consent.
- The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious.
- The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
- The Complainant was unable to communicate due to a mental or physical condition.

In addition, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

2. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment under this policy.
3. **Formal complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that Wartburg Theological Seminary investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of Wartburg Theological Seminary with which the Formal Complaint is filed.
4. **Grievance Process** means the fact-finding process from the time of the filing of the Formal Complaint through the final determination of an appeal (if any).
5. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under this policy.
6. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Wartburg Theological Seminary's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Wartburg Theological Seminary's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures

may also include written notification about available services both within the institution and the community and options for available assistance as required by the Clery Act. Supportive measures are not disciplinary measures.

VI. Reporting Prohibited Sexual Harassment

1. **Notice of Allegations.** Wartburg Theological Seminary has notice of sexual harassment or allegations of sexual harassment under this policy when such conduct is reported to the Title IX Coordinator or any official of Wartburg Theological Seminary who has authority to institute corrective measures on behalf of Wartburg Theological Seminary. However, all employees are *required* to report sexual harassment, as defined and prohibited by this policy, to the Title IX Coordinator, consistent with the requests of the Complainant.
2. **Response to a Report.** With or without a Formal Complaint, upon a report of sexual harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.
3. **Information Packet.** Upon a receipt of a report of sexual assault, dating violence, domestic violence or stalking, Wartburg Theological Seminary shall provide an information packet (*section 2.11.2.5.8 and section 2.11.5.14 in the Student and Community Life Handbook*) that contains procedures to follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—
 - i. The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order and the identification and location of witnesses;
 - ii. How and to whom the alleged offense should be reported;
 - iii. Options regarding law enforcement and campus authorities, including notification of the option to:
 - a. notify proper law enforcement authorities, including on-campus and local police;
 - b. be assisted by campus authorities in voluntarily notifying law enforcement authorities; and
 - c. decline to notify such authorities;
 - iv. Where applicable, their rights and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;
 - v. Information about appropriate and available services both at the institution and in the community including information about the availability of, and contact information for, on- and off-campus resources and services, and coordination with law enforcement, as appropriate; and
 - vi. Options for, available reasonably available assistance and accommodations and how to request them; and

- vii. Information about the participation of victim advocates and other supporting people.

Wartburg Theological Seminary's information for victims of sexual assault, dating violence, domestic violence and stalking is located in section 2.11.5.14 of the Student and Community Life Handbook or available from the Title IX Coordinator.

4. **Implementation of Supportive Measures.** Wartburg Theological Seminary shall treat parties equitably by offering Supportive Measures to the Complainant, and by following a grievance process that complies with this policy before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures as against the Respondent. Wartburg Theological Seminary will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of Wartburg Theological Seminary to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. The Title IX Coordinator should record and retain records regarding requests and provision of Supportive Measure in accordance with the requirements set out at XIV. Record Keeping, below.
5. **Emergency removal.** Nothing in this part precludes Wartburg Theological Seminary from removing a Respondent from Wartburg Theological Seminary education program or activity on an emergency basis, provided that Wartburg Theological Seminary undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.
6. **Administrative Leave.** Wartburg Theological Seminary reserves the right to place a non-student employee Respondent on administrative leave during the pendency of a grievance process.
7. **Amnesty for Student Code of Conduct Violations.**

OPTION 1: Sometimes, individuals are reluctant to come forward to report perceived violations of this policy out of fear that they may be charged with violations of other policies. To ensure that all perceived violations of this policy are reported so that those affected can receive the support and resources needed Wartburg Theological Seminary may choose not to charge students who report violations of this policy with violations of other policies.

OPTION 2: An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of Wartburg Theological Seminary's student conduct policy at or near the time of the incident, unless Wartburg Theological Seminary determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

VII. Procedures for Resolving Complaints of Prohibited Sexual Harassment

1. Informal Resolution

Consistent with the requirements of this section, at any time prior to reaching a determination regarding responsibility Wartburg Theological Seminary may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that Wartburg Theological Seminary

- i. Provides to the parties a written notice disclosing:
 - a. The allegations,
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint, and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- ii. Obtains the parties' voluntary, written consent to the informal resolution process; and
- iii. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- iv. Completes the informal resolution process within 60 days of receiving the Formal Complaint, unless unusual or complex circumstances exist.

Wartburg Theological Seminary does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual harassment under this policy. Wartburg Theological Seminary shall not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a Formal Complaint is filed.

2. Formal Complaint and the Grievance Process

- i. **Filing a Formal Complaint.** A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator above. A "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Wartburg Theological Seminary that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party. A Formal Complaint shall trigger an investigation except as specified below. The Formal Complaint should include the date(s) of the alleged incident(s), the name of the Respondent, and should describe the circumstances of the incident(s), where known.
- ii. **Dismissal of a Formal Complaint.** Wartburg Theological Seminary shall investigate the allegations in a Formal Complaint, except as follows:
 - a. **Mandatory Dismissal.** Wartburg Theological Seminary shall dismiss the Formal Complaint if the conduct alleged in the Formal Complaint
 - i. would not constitute sexual harassment as defined by this policy, even if proved,
 - ii. did not occur in Wartburg Theological Seminary's education program or activity,
 - iii. or did not occur against a person in the United States.
 - iv. This dismissal does not preclude action under another policy or procedure of Wartburg Theological Seminary.
 - b. **Discretionary Dismissal.** Wartburg Theological Seminary may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

- i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- ii. The Respondent is no longer enrolled in or employed by Wartburg Theological Seminary or
- iii. Specific circumstances prevent Wartburg Theological Seminary from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- iv. Occurred prior to August 14, 2020, in which case, Wartburg Theological Seminary's current policy shall be used.

Wartburg Theological Seminary may dismiss a Formal Complaint at any time in the process if it becomes known that one of the foregoing reasons for dismissal applies.

Upon a dismissal required or permitted under this section,

Wartburg Theological Seminary will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

Wartburg Theological Seminary may also refer the matter to the appropriate department for resolution under section 2.21.14 of the Student and Community Life Handbook.

iii. Consolidation of Formal Complaints.

Wartburg Theological Seminary may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

v. Notice of Charges

- a. **Initial Notice of Charges.** Upon receipt of a Formal Complaint, prior to commencing the investigation, Wartburg Theological Seminary shall provide the following written notice to the parties who are known. This notice shall include:

- i. This policy (as a link or attachment).
- ii. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under this policy, and the date and location of the alleged incident, if known.
- iii. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- iv. Notification to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.

- v. Notification to the parties that they may inspect and review evidence, as set forth in this policy.
- vi. Any provision in Wartburg Theological Seminary's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- vii. Describes the standard of evidence that will be used. Throughout the investigation and subsequent determination of appropriate actions, all findings and conclusions shall be arrived at through preponderance of the evidence and shall be the standard of evidence adhered to by the investigator(s). Preponderance of the evidence is defined to be: the greater weight of evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other. (Black's Law Dictionary, 9th edition) This may be referred to as 50% plus a feather.
(excerpt from 2.11.5.8 of the Student and Community Life Handbook.)
- viii. Lists all possible sanctions the institution may impose. The Title IX coordinator shall then take appropriate action as required to ensure justice is done on behalf of both the complainant or victim, and the accused, according to the policy of the seminary. Appropriate action may include, but is not limited to, written reprimand of the person against whom the complaint is made, suspension or dismissal of the student against whom the complaint or allegation is made, change of employment status and/or responsibilities, or any other appropriate action or sanction, at the discretion of the Title IX coordinator. Any appropriate action decided or implemented may be reported by the Title IX coordinator and will become a part of the personnel file of the individual against whom the complaint is made.(excerpt from 2.11.5.8 of the Student and Community Life Handbook.)

vi. **Amended Notice of Charges.** If, in the course of an investigation, Wartburg Theological Seminary to investigate allegations about the Complainant or Respondent that are not included in the initial notice of charge, Wartburg Theological Seminary must provide notice of the additional allegations to the parties whose identities are known.

vii. **Principles for the Grievance Process**

Under this grievance process, Wartburg Theological Seminary shall:

- a. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Wartburg Theological Seminary and not on the parties, provided that Wartburg Theological Seminary cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist,

psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Wartburg Theological Seminary obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then Wartburg Theological Seminary must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3).

- b. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- c. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- d. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, Wartburg Theological Seminary may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. For the purposes of this policy, the role of the advisor is limited to the following: the advisor may attend any interview or meeting connected with the grievance process, but may not actively participate in interviews nor provide testimony or argument on behalf of the party. The advisor may attend the live hearing and may conduct cross-examination of the other party and any witness at the hearing; otherwise, the advisor may not actively participate in the hearing.
- e. Allow each party to be accompanied by a support person if they do not wish to have an advisor. Each party may be accompanied by only one other person unless there is good cause, such as a disability-related accommodation or union representative.
- f. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- g. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence— and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- h. Require that any individual designated as a Title IX Coordinator, investigator, decisionmaker, or any person to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. Wartburg Theological Seminary may use internal personnel or external parties in the informal resolution process or the grievance process, provided that they meet this requirement.
- i. Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- j. Use the following standard of evidence to determine responsibility for allegations in a Formal Complaint of sexual harassment: preponderance of the evidence standard.] The

standard of evidence shall be the same for Formal Complaints against students as for Formal Complaints against faculty and staff.

- k. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

viii. Extensions of the Grievance Process

The Title IX Coordinator may grant or deny requests from either party to temporarily delay the grievance process or may issue the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

ix. Investigation of Formal Complaints

If not serving as the Investigator, the Title IX Coordinator will appoint an Investigator, who may be an employee or official of Wartburg Theological Seminary or may be an external investigator with appropriate experience or expertise. The parties will be provided with notice of the identity of the appointed Investigator, and will be informed that any objections to the service of the appointed Investigator on grounds of conflict of interest or a lack of impartiality should be submitted in writing to the Title IX Coordinator within three days of notice of the appointment. The Title IX Coordinator will decide promptly whether the appointed Investigator will or will not continue to conduct the investigation. Any materials collected or notes prepared by the Investigator during the objection period will be turned over to any replacement Investigator. The replacement Investigator will decide whether to use such materials or not.

When investigating a Formal Complaint, Wartburg Theological Seminary shall, within 20 calendar days of receiving the Formal Complaint, unless unusual or complex circumstances exist:

- a. Engage in fact-gathering of all relevant facts. Credibility resolutions and fact-finding shall be conducted in the live hearing phase of the grievance process.
- b. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which Wartburg Theological Seminary does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- c. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

- d. Make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- e. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, the Title IX Coordinator shall send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Upon finalization of the investigative report, the Title IX Coordinator shall provide it to the decision-maker(s).

VIII. Live Hearings Under the Grievance Process

1. Requirement of a Live Hearing for Fact-Finding and Determining Responsibility.

- i. Following the investigation, within 10 days of sending the final investigative report to the parties, unless unusual or complex circumstances exist, Wartburg Theological Seminary shall conduct a live hearing in front of the decision-maker(s), which may be an individual or a Review Panel, for the purposes of determining responsibility for allegations of sexual harassment in the Formal Complaint. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s). A decision-maker may include internal employees or external third-parties contracted by Wartburg Theological Seminary. If using a Review Panel, the Title IX Coordinator will choose 3 Review Panel members from its pool to attend the hearing and make determinations. All potential Review Panel members will receive annual training as specified by this policy. The parties each may challenge the participation of any member of the Review Panel for conflict of interest or other good cause. The Title IX Coordinator will make the final decision whether to select an alternate upon a challenge from a party. If using a Review Panel, the Title IX Coordinator will appoint a member of the Review Panel to be Chair of the Review Panel.
- ii. The live hearing will be closed. The only individuals permitted to participate in the hearing are as follows: the Complainant and Respondent, the decision-maker(s), the advisor for each party, any witnesses (only while being questioned), and any individual providing authorized accommodations or assistive services.
- iii. If a party does not have an advisor present at the live hearing, Wartburg Theological Seminary shall provide without fee or charge to that party, an advisor of Wartburg Theological Seminary's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party. Wartburg Theological Seminary is obligated to ensure each party has an advisor, either of the party's or [Institution's] choice regardless of whether or not the party is present at the hearing. To ensure timely proceedings, a party shall alert the Title IX Coordinator as soon as practicable if the party will need an advisor. If a party's selected advisor is unavailable for a hearing date, the live hearing date may be postponed for good cause.
- iv. Live hearings may be conducted with all parties physically present in the same geographic location or, at Wartburg Theological Seminary's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

- v. At the request of either party, Wartburg Theological Seminary shall provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- vi. Wartburg Theological Seminary shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Any other recording is prohibited, and violations may result in discipline.
- vii. The parties shall separately participate in a pre-hearing meeting with the investigator to go over the process and administration of the live hearing. Prior to or during this meeting, the investigator will set the deadlines for submitting and exchanging names of witnesses, evidence, and pre-hearing questions. (The parties will also be permitted to submit questions during the live hearing.) Participation in this pre-hearing meeting is required in order to facilitate the efficient and fair administration of the live hearing process.

2. Questioning at the Live Hearing

- a. At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- b. Only relevant cross examination and other questions may be asked of a party or witness.
- c. Decision-maker(s) also have the right to question a party or witness.
- d. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding Wartburg Theological Seminary's ability to otherwise restrict the extent to which advisors may participate in the proceedings.
- e. Before the Complainant, Respondent, or witness answers a cross-examination or other question, the Chair must first determine whether the question is relevant. The Chair must explain to the party proposing the questions any decision to exclude a question as not relevant.
- f. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

3. Use of Witness Statements

- i. If a party or witness does not submit to cross examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility but may reach a determination based on evidence that does not constitute a statement by the party.
- ii. The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

4. Written Determination of the Decision-Maker

- i. The decision-maker(s) shall issue a written determination regarding responsibility. If the decision-maker is a Review Panel, a majority of the Review Panel members must find that a policy violation occurred for a finding of responsibility and a majority of the Panel members must assent to the sanction(s) imposed, if any.
To reach this determination, the decision-maker must apply the standard of evidence required by this policy. The written determination must include:
 - a. Identification of the allegations potentially constituting sexual harassment as defined by this policy;
 - b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of Wartburg Theological Seminary's policy to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to Wartburg Theological Seminary's education program or activity will be provided to the complainant; and
 - f. The procedures and permissible bases for the Complainant and Respondent to appeal, as set forth in this policy.
- ii. Wartburg Theological Seminary shall provide the written determination to the parties simultaneously.
- iii. The determination regarding responsibility becomes final either on the date that Wartburg Theological Seminary provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

IX. Appeals

1. Grounds

Within 10 days of receiving the written determination, either party may appeal from a determination regarding responsibility, and from Wartburg Theological Seminary's dismissal of a Formal Complaint or any allegations therein, on the following grounds:

Ground 1: Procedural irregularity that affected the outcome of the matter;

Ground 2: New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

Ground 3: The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals must be sent to the Title IX Coordinator in writing.

2. Response to Appeals

As to all appeals, the Title IX Coordinator (or designee) shall:

- i. Notify the other party in writing immediately when an appeal is filed and implement appeal procedures equally for both parties;
- ii. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- iii. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
- iv. Give the non-appealing party an opportunity to submit a written statement in response to the appeal within 10 days of receiving the appeal, which shall be transmitted within 2 business days to the Appeal decision-maker(s).

3. Decision on Appeal

Within 20 days of receiving the appeal and the response, the Appeal decision-maker(s) shall issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties. The Appeal decision-maker(s) may deny the appeal or, if the appeal ground(s) has or have been met, may return the case to the initial decision-maker(s) for reconsideration, or convene a new hearing. If a case is returned to the initial decision-maker(s), the Appeal decision-maker(s) shall identify which aspects merit further review.

X. Remedies and Sanctions

Remedies must be designed to restore or preserve equal access to Wartburg Theological Seminary's education program or activity.

A student found responsible for a violation of this policy will be subject to sanction(s) regardless of whether legal proceedings involving the same incident are underway or anticipated. An employee found responsible for a violation of this policy will be subject to sanction(s) up to and including termination of employment.

The Title IX coordinator shall then take appropriate action as required to ensure justice is done on behalf of both the complainant or victim, and the accused, according to the policy of the seminary. Appropriate action may include, but is not limited to, written reprimand of the person against whom the complaint is made, suspension or dismissal of the student against whom the complaint or allegation is made, change of employment status and/or responsibilities, or any other appropriate action or sanction, at the discretion of the Title IX coordinator. Any appropriate action decided or

implemented may be reported by the Title IX coordinator and will become a part of the personnel file of the individual against whom the complaint is made. *(excerpted from section 2.11.5.8 of the Student and Community Life Handbook)*

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

XI. Retaliation Prohibited

No student, faculty or staff member may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established by this policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

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

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

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination available in section 2.11.5.12 - Retaliation of the Student and Community Life Handbook

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

XII. Confidentiality

Consistent with the requirements of this policy, Wartburg Theological Seminary shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. This means that Wartburg Theological Seminary will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this policy.

Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for Wartburg

Theological Seminary to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

In most cases, Confidential Resources at Wartburg Theological Seminary will not share the substance of any such communications or that such communications occurred without consent. Individuals who wish to talk about issues related to sexual harassment or sexual misconduct confidentially, with the understanding that Wartburg Theological Seminary will not take any action based on such confidential communications, are encouraged to contact one of these Confidential Resources.

Confidential resources may, however, have an obligation to disclose otherwise-privileged information where they perceive an immediate and/or serious threat to a person and/or property. This is a limited exception to the privileged nature of communications with Confidential Resources. Reports or records maintained by Wartburg Theological Seminary (including Counseling Service records), and other confidential, non-privileged records may, however, be subject to a subpoena if civil or criminal charges are filed in court.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Confidential Resources will not report Clery crimes they learn about through confidential communications for purposes of Wartburg Theological Seminary's compilation of campus crime statistics.¹ In addition, when appropriate and legally permissible, Wartburg Theological Seminary shall conduct record-keeping on reports of dating violence, domestic violence, stalking and sexual assault, such as that collected for legally required disclosures, that excludes personally-identifiable information of any complainants.

XIII. Required Trainings

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process (whether internal or external) shall receive training on the definition of sexual harassment under this policy, the scope of Wartburg Theological Seminary's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. These individuals shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Decision-makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

¹ Crimes reported to a pastoral or professional counselor are not required to be reported by an institution under the Clery Act; however, institutions are strongly encouraged to establish voluntary, confidential reporting processes so that incidents of crime that are reported exclusively to professional and pastoral counselors will be included in the annual crime statistics. 34 C.F.R. §668.46(b)(2)(iii).

XIV. Recordkeeping.

Wartburg Theological Seminary shall maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this policy, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to Wartburg Theological Seminary's education programs or activities;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. Wartburg Theological Seminary outsources all investigations and hearing proceedings.
5. Records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, Wartburg Theological Seminary will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Wartburg Theological Seminary's education program or activity. If Wartburg Theological Seminary does not provide a complainant with Supportive Measures, then Wartburg Theological Seminary must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Wartburg Theological Seminary in the future from providing additional explanations or detailing additional measures taken.

XV. Effective Date; Revisions

This policy is effective as of August 14, 2020 and was approved by the Wartburg Theological Seminary's Board of Trustees on August 14, 2020].

END

4844-8087-2392, v. 1

2.11.5.12 Information Regarding Registered Sex Offenders

A sex offender registry may be found at: www.nsopw.gov

2.11.5.13 Local Resources and National Resources

It is important to be aware of local resources available for education in the prevention of and services for rape, acquaintance rape, and other forcible and non-forcible sex offenses. Local resources include:

Riverview
Center
2600

Dodge
Street
Dubuque, IA 52001
(563) 557-0310

YWCA Domestic Violence Program
625 N. Booth St.
Dubuque, IA 52001
(563) 556-1100

Helping Services of Northeast
Iowa 2728 Asbury Road,
Ste. 510
Dubuque, IA 52001
(563) 582-5317

Iowa Coalition Against Sexual Assault
<http://www.iowacasa.org/>
Sexual Abuse Hotline: (800) 284-7821
Sexual Violence Prevention
<https://www.iowacasa.org/resources>

Rape, Abuse & Incest National Network (RAINN)
(800) 656 HOPE (4673)
Safety and Prevention
<https://www.rainn.org/safety-prevention>

Center for Changing our Campus Culture
Victim Services/Advocates
<http://changingourcampus.org/category/victim-services/>

2.11.5.14 Child Abuse

All employees of Wartburg Theological Seminary have in the scope of their employment responsibilities to report to administration and to law enforcement any instance of suspected physical or sexual abuse of a child that one examines, attends, counsels, or treats. These reporting responsibilities include designating the time, circumstances, and method for reporting such suspected abuse to Wartburg Theological Seminary's administration and to law enforcement. Employees in no way shall be prohibited from reporting suspected child abuse in good faith to law enforcement.

2.11.6 Emergency Response and Evacuation

Wartburg Seminary conducts emergency response exercises each year, such as fire drills, tornado drills, and tests of the fire alarm system, we also conduct an annual emergency response drill. These tests are designed to assess and evaluate the emergency plans and capabilities of the seminary. General information about the

emergency response and evacuation procedures for Wartburg Theological Seminary is publicized each year as part of the institution's Clery Act compliance efforts and in our student, staff, and faculty handbooks.

Wartburg Theological Seminary implemented RAVE Mobile Safety (RAVE) in November 2015. This is a sms (short message service) texting and email alert system for the Wartburg campus and housing community. A message sent through this system is received by intended recipients within seconds. The RAVE software uploads the Wartburg database daily to ensure that emails and cell phone numbers remain current in their system. RAVE maintains this system and is monitored by Wartburg's database director. RAVE is used in conjunction with our main campus Simplex system.

When a significant emergency or dangerous situation occurs that causes an immediate threat to the campus, Wartburg Theological Seminary President will assess the situation and work together with the vice presidents and deans, the director for human resources, superintendent for maintenance, the director for financial aid and student services, and the director for communication depending on the nature of the incident, to respond, communicate, and manage the situation. Depending on the nature of the incident, other Wartburg departments and other local or federal agencies could also be involved in responding to the incident. If the situation warrants, the president or another will call 911 immediately.

All members of the Wartburg community are notified on an annual basis that they are required to notify the Dubuque Fire and Emergency Medical Services, Dubuque Police Department, the president, vice presidents and deans, the director for human resources, the superintendent for maintenance, or the director for financial aid and student services of any situation or incident on campus that involves a significant emergency. Wartburg Theological Seminary works with Dubuque local authorities and first responders to the scene such as the Dubuque Fire and Emergency Medical Services and the Dubuque Police Department.

2.11.6.1 Notification to the Wartburg Community about an Immediate Threat

If there is a significant emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Wartburg Community, the president on his/her own or together with some or all the vice presidents and deans, director for human resources, superintendent for maintenance, the director for financial aid and student services, and the director for communication will collaborate to determine the content of the message. They will use some or all the systems described below to communicate the threat to the Wartburg community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The president will, taking into account the safety of the community, determine the content of the notification. The president will initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to:

Dubuque Police Department, Dubuque Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The president will determine how to communicate the emergency

information to the larger community with the assistance of the local authorities, administrative colleagues, and the director for communications.

In the event of a significant emergency or dangerous situation that poses an immediate threat to members of the Wartburg community, the seminary has various systems in place for communicating information quickly. Some or all these methods of communication may be activated in the event of an immediate threat to the Wartburg community. These methods of communication include network emails, campus phone system, a PA/Fire alarm system that is strategically placed throughout the Fritschel and Tower buildings, residence hall and Mendota Guesthouse. The public address feature could be used to further communicate with the Wartburg community of any current significant emergency. Individuals could call recorded information on the telephone line at (563) 589-0300 (administrative assistant to the president) for updates or check the Wartburg Theological Seminary website. The notification's content will be determined on a case by case basis per the given situation. The notification may include information or instructions to evacuate all or specific segments of campus or to shelter in place in all or specific segments of campus.

If notification indicates that community members should evacuate, the notification would include instructions to proceed to the nearest exit and follow the evacuation maps posted to the safest area outside the confines of the building. Evacuation and exit directions are posted on building entrances and exits. Evacuees gathering locations will be dependent on each situation. If notification indicates that community members should shelter in place, the notification would include instructions for sheltering in place:

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter in place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

A shelter in place notification will be sent through the seminary's communication tools. If the building you are in is not damaged, stay inside – seeking an interior room – until you are told it is safe to come out. If your building is damaged, follow the evacuation guidelines and seek shelter at the closest building as quickly as possible. If police or fire department officials are present, follow their directions.

If you are notified to shelter in place, follow these basic instructions, unless instructed otherwise:

- Stay in an interior room with the least number of windows.
- Collect emergency supplies and a telephone to be used in an emergency.
- Shut and lock all windows and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able.
- Make a list of people with you and ask someone to call 563.589.0300 to provide a list of those who are sheltering with you.
- Turn on a radio or TV or computer and listen for further instructions.
- Make yourself comfortable.

2.11.6.2 Documentation of the Annual Emergency Response Test

Wartburg Theological Seminary
Reverse Evacuation Plan
April 30, 2020

Planning for the Reverse Evacuation Drill took place on March 11, 2020. Present for the planning meeting were Executive Assistant to the President Lynne Baumhover, Superintendent of Maintenance Bill Link, IT Director Ted Winders, and Director for Financial Aid and Student Services Barb Simon. Planning results are as follows:

There are various reasons for a reverse evacuation drill. Potential situations include:

- dangerous person in area/on campus, police chase in area
- (inclement weather)
- aggressive animal
- chemical spill
- other

A RAVE alert will be sent to Wartburg Community via text and email:

“This is a reverse evacuation drill. Proceed to the closest building entrance immediately and remain inside until further notice. “

A second RAVE alert will be sent with directions to one of the following:

- lock down
- shelter in place
- resume normal activities

Call 911 if warranted – this call may be made by anyone on campus who deems it warranted. Multiple calls are better than none.

Should a lock down be necessary, doors in each of the buildings need to be locked by and monitored by assigned staff members:

Tower – 4 doors

- narthex (To front quad)
- West entrance to parking lot (two sets of doors)
- North basement entrance between tower and Fritschel
- maintenance shop entrance

Fritschel –4 doors

- main door (to front quad)
- East door on Wartburg Pl
- North door to Fremont Ave.
- ground level where Tower and Fritschel meet (near Bill’s office)

Mendota –

- 1st floor to Afton
- Two doors South entrance basement level (Stairs and hallway)
- West basement door near dumpster

Residents Hall

- First floor to Mendota
- North entrance to front quad
- East entrance to Wartburg Place
- South West door to parking lot

Once the eminent danger has passed, a RAVE alert indicating an 'all clear' will be sent and doors are to be unlocked and faculty/staff/students may return to their normal routine.

Barb Simon sent an email to the community on April 17th informing the community of the emergency drill scheduled for April 30th. The drill was attended by students, faculty, and staff presented via ZOOM in a pre-recorded/narrated PowerPoint presentation. Barb Simon was the primary host for the drill and provided opening remarks and offered time for questions post presentation.

2.11.7 Timely Warning Policy

The president or the president's appointee will receive information related to reported crimes and determine if a timely warning for the safety and security of the campus community is warranted for the safety of the community or to aid in the prevention of similar crimes. The timely warning should be communicated to the campus in a timely manner through the best form of communication available at the time. Determination of timely warnings will be assessed on a case by case basis based on the crime report as well as consideration of if there is a continuing or serious threat to students, families, and employees. In some cases, law enforcement advice will be sought as to if a timely warning is warranted. The timely warning must include information about the crime that triggered the warning as well as advice for caution, response, etc.

2.11.8 Missing Student and Emergency Contact Registration

Wartburg will request of all new students residing in the Wartburg owned residence system that they provide, on a voluntary basis at the time of registration, emergency contact information (located in their student records file). This confidential information will be used only by authorized Wartburg personnel in the event a student is reported missing while at the institution. If a Wartburg student living in Wartburg-operated housing is suspected to be missing from campus, students, faculty and staff are instructed to immediately report this information to the Department for Vocation or President's Office. In the event that a student is reported missing after 24 hours, this must be reported to the department for vocation or president's office. If the reported missing student resides offcampus, individuals may contact the local law enforcement agencies which has the jurisdiction to investigate. All reports of missing students made to the department for vocation and/or president's office will be investigated and given priority to other tasks. If the investigation determines that the student has been missing over 24 hours then within the next 24 hours the seminary staff will:

Notify the individual identified as the student's emergency contact person; if the student is over 18 years of age and has been missing over 24 hours, Wartburg Seminary will notify the appropriate jurisdictional law enforcement agency and others as deemed necessary.

2.11.9 Policy Regarding Firearms, Weapons, and Explosives On-Campus

As a safety precaution, shotguns, rifles, handguns, air guns, bows and arrows, paint ball equipment, knives exceeding the state legal limits, ammunition and other types of potentially dangerous weapons or equipment are not permitted on campus, including seminary-owned facilities or residences. Additionally, all types of explosive materials and devices, including – but not limited to – fireworks, are prohibited on campus. Furthermore, any student (or family members) found in violation of this policy may be subject to disciplinary action, including dismissal of the student.

2.11.10 Crime Information and Statistics

As mandated by the Crime Awareness and Campus Security Act of 1990, the Wartburg Seminary will provide to its students and employees yearly statistics of on-campus occurrence of the following criminal offenses within the last three years. The Seminary will provide yearly statistics to students, faculty and employees as well as prospective students and employees. Following is a composite summary of statistics of criminal and hate offenses and arrests related to on-campus, residence hall, and public property adjoining the seminary.

Official statistics can be viewed at: <http://ope.ed.gov/security>

Criminal/Hate Offenses	2012	2013	2014	2015	2016	2017	2018	2019
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Sex Offenses – Forcible	0	0	0	0	0	0	0	0
Sex Offenses – Non-Forcible	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Arrests	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0
Drug law Violations	0	0	0	0	0	0	0	0

Liquor Law Violations	0	0	0	0	0	0	0	0
Domestic Violence*			0	0	0	0	0	0
Dating Violence*			0	0	0	0	0	0
Sexual Assault*			0	0	0	0	0	0
Stalking*			0	0	0	0	0	0

*These crimes are required to report beginning in 2014 for crimes in 2013.

2.12 Campus Fire Safety Policies

2.12.1 Fire Safety System

Wartburg Seminary Fire Safety System consists of a Simplex monitoring system providing smoke and heat detection that will automatically call a 24 hour monitoring service for emergency dispatch. The residential portion of our main campus building has a fire sprinkler system provided long with approximately half of our administrative buildings. See residential fire safety policies for each type of on-campus housing. No further improvements are planned at this time.

2.12.2 Fire Reporting

Fires should be reported to the superintendent for maintenance and director for financial aid and student services.

Fire Drill

Two fire drills are performed annually. Latest fire drills were 10/29/18 and 4/4/19. We had a tornado drill on 3/27/19. We also had a bomb threat drill on 4/12/19.

2.12.3 Fire Safety Education and Training Programs Provided to Students and Employees

- fire safety month - annual email sent mid-September
- holiday fire safety email sent 12/13/18
- spring safety and emergency drill awareness - email sent 4/2/19
- fire drills occurred 10/29/18 and 4/4/19
- student managers educate in on-campus housing regarding fire evacuation

2.13 Wartburg Seminary Housing Fire Safety Policy and Fire Evacuation Procedures

2.13.1 Smoke Detectors

If the early warning fire protection system (smoke detector) is battery operated, every occupant is responsible to maintain the device in proper working condition, provide and install a new battery when needed, and to notify the maintenance superintendent whenever the device is inoperable even though a new battery has been installed. No occupant shall cause a smoke detector to be removed or disconnected from its power source.

2.13.2 Residence Hall Fire Safety Policy

The Residence Hall was remodeled in 2001. It is equipped with smoke and heat detection system, sprinkler system, fire extinguishers, and fire rated doors. All of which are inspected periodically throughout each year. Bi-annual fire drills are performed to help students recognize what the alarm sounds like and to evaluate where they should go in case of an emergency. Evacuation map floor plans are on each occupant's door with an arrow showing the shortest route to an exit. Below are the instructions given to each resident on the evacuation procedures.

Small appliances are allowed, but please check all power cords for safety. Fire department regulations specify that extension cords are not allowed and that only power strips plugged directly into the wall are acceptable. Microwaves, refrigerators (up to five cubic feet), coffee makers, and electric kettles are the only appliances allowed. No other type of hot plate or heating device is to be used in residence hall.

All stairways and hallways are to remain clear at all times. Please do not store any items in these areas at any time.

Resident hall rooms with kitchenette's

Rooms with this feature are set up with appliances (microwave, induction cooktop and fridge). The rooms were altered in ways to meet city code from fire to electrical and plumbing requirements in order to allow the appliances.

2.13.3 Residence Hall Fire Evacuation Procedure

When the alarm sounds please proceed to the nearest exit and exit the building ASAP. If you go out the back door to the parking lot, please come around to the front of the building and meet at the Martin Luther Statue on the sidewalk next to the street. Please note that your neighbor and floor mates are all outside. Let the Residence hall representative/Police/Fire person know if someone is missing and not outside. (Please be in communication with one another if you are going to be gone for the weekend etc.)

If your room is the one that the situation occurred in, please stand near the edge of the group so that the residence hall representative can find you readily and be made aware of the situation. If the Residence hall representative is not there for some reason you need to tell the fire Department/Police department the situation.

If the fire situation is unknown and the residence hall representative is not there, please let the Fire/Police people know if there are any residents that have any type

of disability that could still be in their room if they are not outside, please send the Fire/Police for them.

If it is after 10 pm the doors will be locked, if the residence hall representative or their fill in person is not there, the fire department has a key to the lock box that can let you back into the dorm, once the alarm has been cleared.

2.13.4 Other Buildings

Blair Court Houses and Denver Court Housing Fire Safety Policy and Plans for Fire Evacuation Since these units are single or duplex units. It is up to the occupant or neighboring occupants to notify the fire dept., /police dept. if a fire occurs. All units are equipped with smoke detectors and fire extinguishers. Residents are responsible for checking the battery of the smoke detectors at least twice per year. Each tenant is responsible for coming up with and practicing their own plans for fire evacuation.

2.13.4.3 Electrical Cords and Lights

Temporary electrical wiring or extension cords are prohibited. Only power strips plugged directly into wall outlets are acceptable. Halogen lamps are prohibited because of fire hazard. Residents are responsible for supplying and replacing light bulbs during their stay.

2.13.4.4 Candles

The Dubuque Fire Marshall has strongly cautioned Wartburg regarding the use of candles, halogen bulbs, and incense. Since the majority of our housing units are connected to another unit, it is our policy to strictly prohibit the use of candles, oil lamps, halogen bulbs, and incense in any on-campus unit. Another reason is because the soot that gets on the walls and ceilings is virtually impossible to remove, and always requires extra cleaning and painting. Consequently, besides losing the deposit originally made for housing, the resident receives additional charges to cover the cost of the extra cleaning required.

2.13.4.5 Kerosene Space Heaters

Kerosene space heaters are illegal to use in the city of Dubuque; therefore, are not allowed in Wartburg housing. All heating issues need to be brought to maintenance's attention.

2.13.5 Annual Fire Statistics for 2016-17

1. Number and cause of each fire
 - a. Intentional fires – 0
 - b. Unintentional fires – 1

2. Number of persons who received fire-related injuries that resulted in treatment at a medical facility – 0
3. Number of deaths related to a fire – 0
4. Value of property damage caused by a fire – 0
5. Fire statistics (even if zero) must be reported by facility:
 - a. Fritschel/Tower Buildings –
 - i. Number and cause of each fire
 - ii. Intentional fires – 0
 - iii. Unintentional fires – 0
 - iv. Number of persons who received fire-related injuries that resulted in treatment at a medical facility – 0
 - v. Number of deaths related to a fire – 0
 - vi. Value of property damage caused by a fire – 0
 - b. Campus Grounds
 - i. Number and cause of each fire
 - ii. Intentional fires – 0
 - iii. Unintentional fires – 0
 - iv. Number of persons who received fire-related injuries that resulted in treatment at a medical facility – 0
 - v. Number of deaths related to a fire – 0
 - vi. Value of property damage caused by a fire – 0
 - c. Residence Hall
 - i. Number and cause of each fire
 - ii. Intentional fires – 0
 - iii. Unintentional fires – 0
 - iv. Number of persons who received fire-related injuries that resulted in treatment at a medical facility – 0
 - v. Number of deaths related to a fire – 0
 - vi. Value of property damage caused by a fire – 0
 - d. Mendota Guest House
 - i. Number and cause of each fire
 - ii. Intentional fires – 0
 - iii. Unintentional fires – 0
 - iv. Number of persons who received fire-related injuries that resulted in treatment at a medical facility – 0
 - v. Number of deaths related to a fire – 0
 - vi. Value of property damage caused by a fire – 0
 - e. Blair House* and Pulpit Rock Apartments
 - i. Number and cause of each fire
 - ii. Intentional fires – 0
 - iii. Unintentional fires – 0
 - iv. Number of persons who received fire-related injuries that resulted in treatment at a medical facility – 0
 - v. Number of deaths related to a fire – 0
 - vi. Value of property damage caused by a fire – 0
 - f. Blair Court and Denver Court
 - i. Number and cause of each fire
 - ii. Intentional fires – 0
 - iii. Unintentional fires – 0

- iv. Number of persons who received fire- related injuries that resulted in treatment at a medical facility – 0
 - v. Number of deaths related to a fire – 0
 - vi. Value of property damage caused by a fire– \$0
- g. Wartburg Place Duplexes and president's residence
 - i. Number and cause of each fire
 - ii. Intentional fires – 0
 - iii. Unintentional fires – 0
 - iv. Number of persons who received fire- related injuries that resulted in treatment at a medical facility – 0
 - v. .Number of deaths related to a fire – 0
 - vi. Value of property damage caused by a fire – 0
- h. Pulpit Rock storage building
 - i. Number and cause of each fire
 - ii. Intentional fires – 0
 - iii Unintentional fires – 0
 - iv. Number of persons who received fire-related injuries that resulted in treatment at a medical facility – 0
 - v. Number of deaths related to a fire – 0
 - Value of property damage caused by a fire – 0