

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

Source: 2023-2024 Student and Community Life Handbook

All public and private postsecondary institutions that participate in any of the Title IV financial assistance programs (Wartburg participates in the Federal Student program of Title IV) must comply with the *Higher Education Act (HEA) of 1965*, amended to the *Crime Awareness and Campus Security Act of 1990* and to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in 1998*, to disclose campus crime statistics and security information annually as well as to issue timely warnings. The *Violence Against Women Reauthorization Act of 2013 (VAWA)* included amendments to the Clery Act. What follows is a portion of the Campus Security Report (found on our Consumer Information page on our website) which falls under the umbrella of *Title IX of the Education Amendments of 1972, intertwined with the Clery Act and VAWA*, which requires institutions to log and report certain crimes that occur on institutional property, including the crime of sexual assault. The Clery Act also requires institutions to issue emergency notifications and timely warnings for criminal conduct that presents an imminent, serious, or continuing threat to campus.

2.11.1 Wartburg Theological Seminary Title IX Regulations

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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:

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333 Wartburg Pl

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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/>

The Director of Community Life and Candidacy is the designated Title IX Coordinator. Students or employees may address complaints and grievances related to Title IX to the Title IX coordinator. Reports may be made in person, via email or phone, or via the [Incident Reporting Form \(IRF\)](#). The coordinator will then coordinate an immediate and thorough investigation of student and employee complaints and grievances which will provide a prompt and equitable resolution.

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:

i. 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.

ii. 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 they have been harassed or discriminated against should address their complaint to the Title IX coordinator.

III. Scope

This policy applies to all students, faculty, staff, or others who experience prohibited sexual harassment while participating 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.

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 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 consent of the victim including instances where the victim is incapable of giving consent.
 - ii. **Rape— (Except Statutory Rape)** The actual or attempted carnal knowledge of a person, 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 consent because of their temporary or permanent mental or physical incapacity.
 - iii. **Sodomy—**Oral or anal sexual intercourse with another person, 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 consent because of their youth or because of their temporary or permanent mental or physical incapacity.
 - iv. **Sexual Assault with An Object—**To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 consent because of their youth or because of their temporary or permanent mental or physical incapacity.
 - v. **Fondling—**The touching of the private body parts of another person for the purpose of sexual gratification, 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 consent because of their youth or because of their temporary or permanent mental or physical incapacity.
 - vi. **Incest—**Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - vii. **Statutory Rape—**Nonforcible sexual intercourse with a person who is under the statutory age of 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, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Iowa or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Iowa.
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.

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 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 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;
- 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;
 - 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; and
- vi. Options for, available reasonably available assistance and accommodations and how to request them.

Wartburg Theological Seminary's information packet for victims of sexual assault, dating violence, domestic violence and stalking is located in 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 a recipient from removing a Respondent from Wartburg Theological Seminary's 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.

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.

- ii. Dismissal of a Formal Complaint. Wartburg Theological Seminary shall investigate the allegations in a Formal Complaint, except as follows:
 - a. 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. 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 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.
 - c. Upon a dismissal required or permitted under this section, Wartburg Theological Seminary will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.
- 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.

- iv. Notice of Charges
 - i. 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:
 - a. This policy (as a link or attachment).
 - b. 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.
 - c. 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.
 - d. Notification to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
 - e. Notification to the parties that they may inspect and review evidence, as set forth in this policy.
 - f. Any provision in Wartburg Theological Seminary code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
 - g. Describes the standard of evidence that will be used.
 - h. Lists all possible sanction the institution may imposed.
 - v. Amended Notice of Charges. If, in the course of an investigation, Wartburg Theological Seminary decides 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.
 - vi. 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.
- e. 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.
- f. 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.
- g. 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.

- h. 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.
- i. Use the following standard of evidence to determine responsibility for allegations in a Formal Complaint of sexual harassment: the preponderance of the evidence standard/clear and convincing evidence standard. The standard of evidence shall be the same for Formal Complaints against students as for Formal Complaints against faculty and staff.
- j. 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.

vii. 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.

viii. Investigation of Formal Complaints

When investigating a Formal Complaint Wartburg Theological Seminary shall, within 30 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, 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.

VIII. Live Hearings Under the Grievance Process

1. Requirement of a Live Hearing for Fact-Finding and Determining Responsibility.
 - i. Following the investigation, within 30 days of sending the final investigative report to the parties, unless unusual or complex circumstances exist Wartburg Theological Seminary shall conduct a live hearing for the purposes of determining responsibility for allegations of sexual harassment in the Formal Complaint.
 - ii. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s).
 - 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 Wartburg Theological Seminary's choice regardless of whether or not the Party is present at the hearing.
 - 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.
2. Questioning at the Live Hearing
 - i. At the live hearing, the decisionmaker(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.
 - ii. Only relevant cross examination and other questions may be asked of a party or witness.
 - iii. 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.
 - iv. Before the Complainant, Respondent, or witness answers a cross examination or other question, the decision-maker(s) must first determine whether the question is relevant. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.
 - v. 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.
 - 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. 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

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. 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 Officer;

Within 20 days of receiving the appeal and the response, the Appeal Officer 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.

X. Remedies and Sanctions

Remedies must be designed to restore or preserve equal access to Wartburg Theological Seminary's education program or activity. List the possible disciplinary sanctions and remedies that institution may implement following any determination of responsibility. The Title IX Coordinator is responsible for effective implementation of any remedies.

XI. Retaliation Prohibited

No one 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 the Student and Community Life Handbook.

XII. Retaliation

Retaliation of any kind against anyone filing a complaint or third-party report, or otherwise participates in the investigative and/or disciplinary process (e.g., as a witness), of sexual harassment, discrimination, or abuse is prohibited. The seminary will take a strong responsive action if retaliation occurs. Retaliation is to be reported to the Title IX coordinator:

Initiating a complaint of harassment will not affect a complainant's employment, compensation, or work assignment or, in the case of a student, grades, class selection, or any other matter pertaining to student status. Initiating a false claim may result in disciplinary action.

False accusations of harassment, discrimination, or abuse can seriously harm innocent people.

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.

XIII. 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.

XIV. 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.

Decisionmakers 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.

XV. Recordkeeping.

Wartburg Theological Seminary shall maintain for a period of seven years records of— (A) 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; (B) Any appeal and the result therefrom; (C)

Any informal resolution and the result therefrom; and (D) All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.

Wartburg Theological Seminary shall create, and maintain for a period of seven years, 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.

XVI. Effective Date; Revisions

This policy is effective as of August 1, 2020 and was approved by the Wartburg Theological Seminary's Board of Trustees on August 14, 2020.

2.11.1.1 Information Regarding Registered Sex Offenders

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

2.11.1.2 Local 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 state of Iowa, and national 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. 2 Student and Child Abuse Policy Statement

I. STATEMENT OF POLICY

This policy is to prevent and prohibit:

- Sexual abuse of students and minors by faculty, staff, and volunteers affiliated with Wartburg Theological Seminary

Sexual abuse is unacceptable and will not be tolerated at Wartburg Theological Seminary. Wartburg Theological Seminary urges an individual to make a formal report to the Director of Community Life and Candidacy if that individual is the victim of sexual abuse, has knowledge of another person in Wartburg Theological Seminary's community being the victim of sexual abuse, or believes in good faith that they have witnessed a possible warning sign of sexual abuse by or against someone in Wartburg Theological Seminary's community. A report of sexual abuse will be investigated promptly. Confidentiality will be maintained to the greatest extent possible.

Violators will be subject to disciplinary action that may include termination, expulsion, suspension, removal from campus, cancellation of contract, other appropriate institutional sanctions, or any other means necessary to address the behavior. Referral to other policies of Wartburg Theological Seminary may occur. Prosecution by civil or criminal authorities may also occur.

II. SCOPE OF POLICY

All members of Wartburg Theological Seminary's community regardless of role, tenure, or compensation, including, but not limited to students, student-employees, faculty, staff, medical personnel, volunteers, and independent contractors are subject to this policy.

When interacting with minors, members of the Wartburg Theological Seminary's community should be aware of the vulnerability of minors and themselves in such interactions and be particularly aware of the importance of maintaining appropriate physical, emotional, and sexual boundaries in such interactions. Members of the Wartburg Theological Seminary's community must not engage in any covert or overt sexual behaviors with minors, including seductive speech, gestures, or physical contact that exploits, abuses, or harasses.

All on-campus activities and institution-sponsored activities off-campus are subject to this policy. In-person interactions, videoconferencing, or interaction via other digital forums are all covered by this policy.

Communication with minors is only allowed for the purpose of conducting Wartburg Theological Seminary business or otherwise furthering the program-related objectives upon which the interaction with the minor is based. Personal or social communications are prohibited. The following steps should be followed to reduce the risk of otherwise inappropriate communication:

- Communication that is outside the role of the professional or volunteer relationship (teacher, coach, host, etc.) is prohibited.
- Faculty, staff, and volunteers who use any form of electronic communications, including social media (Facebook, Twitter, etc.) and text messaging to communicate with minors may only do so for activities involving Wartburg Theological Seminary business and programming.
- Before any online communications are sent, the program must first inform the minor's parent or guardian which adults are permitted to communicate through the use of such electronic tools.
- Never photograph, film, or otherwise record a minor without the prior parental or guardian consent. Blanket consent may be obtained for group photos or group activities where a minor is present in a non-private setting.

This policy does not address sexual harassment or sexual misconduct that is not considered sexual abuse under this policy. That conduct is addressed in a separate policy located in the Student and Community. This can be confusing. Please do not let this stop you from reporting. Any report of suspected sexual abuse can be made to the Title IX Coordinator (or designee) who can assist in assessing the application of Wartburg Theological Seminary's policies.

III. CONDUCT PROHIBITED BY THIS POLICY

A. Prohibited Sexual Abuse

Wartburg Theological Seminary prohibits sexual harassment and sexual assault under other policies located in this handbook. In addition to conduct prohibited under those policies, this policy specifically prohibits sexual abuse of minors and students, which includes serial sexual misconduct and child molestation:

- **Serial Sexual Misconduct.** Serial Sexual Misconduct is any actual or alleged illegal or otherwise wrongful sexual conduct: (a) with more than one victim and (b) committed by or alleged to have been committed by any perpetrator who is covered by this policy.
- **Child Molestation.** Child molestation means actual or alleged illegal or other sexual abuse with a minor by a person who is covered by this policy.

Sexual abuse with respect to a Protected Person includes the intent to arouse or satisfy the sexual desires of either the Protected Person or the perpetrator. This policy also prohibits sexual abuse defined by state law as: [Iowa Legislative Code Chapter 709 - Sexual Abuse](#)

B. Retaliation

Wartburg Theological Seminary prohibits retaliation against any individual who in good faith reports an incident of sexual abuse or the possible witnessing of the warning signs of sexual abuse.

Wartburg Theological Seminary prohibits retaliation against a person who engages in activities protected under this policy. Reporting, or assisting in reporting, suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy are protected activities under this policy.

C. Improper Conduct During an Investigation

Any member of Wartburg Theological Seminary's community who provides knowingly false information or who refuses to cooperate in an investigation related to this policy will be subject to disciplinary action, up to and including expulsion, suspension, termination, removal from campus, cancellation of contract, or any other means necessary to address the behavior.

IV. CONFIDENTIALITY OF INFORMATION

Wartburg Theological Seminary will make every effort reasonably possible to preserve the privacy of an individual who makes a report under this policy and to protect the confidentiality of the information reported. The degree to which confidentiality can be protected, however, depends upon the Wartburg Theological Seminary's legal duty to respond to the information reported and the professional role of the person being consulted. The person being consulted should make these limits clear before disclosing any facts.

As required by law, all disclosures to any Wartburg Theological Seminary employee of an on-campus act of sexual abuse are tabulated for statistical purposes without personally-identifiable information. Further information regarding disclosure is set forth below.

V. WHAT TO DO FOLLOWING AN ACT OF SEXUAL ABUSE

A member of Wartburg Theological Seminary's community who is the victim of sexual abuse, has knowledge of another person being the victim of sexual abuse, or believes in good faith that they have witnessed a possible warning sign of sexual abuse as defined by this policy is urged to make a formal report to the police and/or the Director of Community Life and Candidacy.

All victims of sexual abuse are urged to seek appropriate help, which may include a medical evaluation and obtaining information, support, and counseling, either on or off campus. The resources in this policy may be used to assist in accessing the full range of services available.

A. Medical Treatment

A person who is the victim of sexual abuse is urged to seek appropriate medical evaluation as promptly as possible.

For life-threatening conditions, call 911.

Unity Point Health – Finley Hospital
350 N. Grandview Ave
Dubuque, Iowa 52001
563-582-1881

Mercy One Dubuque
250 Mercy Dr
Dubuque, Iowa 52001
563-589-8000

B. Medical-Legal Evidence Collection

A person who is the victim of sexual abuse is encouraged to request collection of medical-legal evidence. Collection of evidence entails interaction with police and filing of a police report. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action.

Unity Point Health – Finley Hospital
350 N. Grandview Ave
Dubuque, Iowa 52001
563-582-1881

Mercy One Dubuque
250 Mercy Dr
Dubuque, Iowa 52001
563-589-8000

C. Obtaining Information, Support, and Counseling

Whether or not one makes a formal report, a person who is the victim of sexual abuse is encouraged to obtain information, counseling, and support. Counselors at a variety of agencies, both on and off campus, can help a person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, or filing a report with authorities.

Information, support, and advice are available for anyone who wishes to discuss issues related to sexual abuse, whether or not an act of sexual abuse has actually occurred, and whether or not the person seeking information has been assaulted, accused of an act of sexual abuse, or is a third-party.

The degree to which confidentiality can be protected depends upon whether Wartburg Theological Seminary has a legal duty to respond and investigate formal and informal allegations and the professional role of the person consulted. The scope of confidentiality should be addressed by that professional person before specific facts are disclosed.

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/>

VI. REPORTING SEXUAL ABUSE

Confidential Reporting

Wartburg Theological Seminary has a board-approved policy and procedures in place for the confidential reporting by faculty, staff, and students of ethics-related issues such as sexual abuse, which includes:

A. Incident Reporting Form

In accordance with Title IX regulations and best practices for community safety and well-being, Wartburg Theological Seminary uses a confidential online incident reporting system that can be used to make reports in instances of concerning behavior, unethical situations, harassment, or other incidents that may be in violation of Title IX, including sexual misconduct. The Title IX Coordinator may consult with the deputy Title IX Coordinator as necessary to determine appropriate next steps.

Next steps may include a variety of remediation techniques designed to promote accountability and foster opportunities for growth out of care for the Wartburg community, the individuals involved, and the Church we serve. Remediation opportunities may include referrals to counseling services, conversations with candidacy committees, mediated conversations, or investigations that could lead to other remediation tactics.

Reporters are strongly encouraged to include their name with their report; this is a healthy community practice that will increase resources for follow-up and remediation. Anonymous reports will also be accepted.

Access the [Incident Reporting Form \(IRF\) here](#).

B. Internal Reporting

Any employee regardless of role, tenure, or compensation, and any volunteer or contractor who has knowledge of a minor or student being the victim of sexual abuse, or believes in good faith that they have witnessed a possible warning sign of sexual abuse is required to make a formal report, as soon as possible, to:

The designated Title IX Coordinator, Director of Community Life and Candidacy Kellie Lisi, or and/or institutional official/administrator.

Local law enforcement authorities:

If in an emergency or life-threatening situation, call 911

Dubuque Police Department

770 Iowa St.
Dubuque, Iowa 52001
563-589-4415

To the extent consistent with state and federal regulations, medical personnel will also report any suspected or reported sexual abuse of minors and students.

C. External Mandatory Reporting

Consistent with state law, any employee, regardless of role, tenure, or compensation, or any volunteer or contractor who has knowledge of alleged or actual sexual abuse involving a minor or believes in good faith that they have witnessed a possible warning sign of sexual abuse, is required to make a formal report, as soon as possible, to local law enforcement, child protective services, or similar government agency, as well as to Wartburg Seminary's Title IX Coordinator, Director of Community Life and Candidacy Kellie Lisi, President Kristin Largen, and/or Campus Security Authority, Director of Financial Aid Barb Roling. Additionally, the employee must comply with any applicable state laws requiring reporting of allegations or conduct constituting sexual abuse. The minor's parent or guardians will be notified. Any report of serial sexual abuse will be reported to campus administrators.

D. Failure to Report

A failure of an employee or volunteer to report sexual abuse as required by this policy may result in discipline up to and including termination.

VII. POLICY ENFORCEMENT

A. Disciplinary Action for Sexual Abuse

All reported alleged incidents of sexual abuse will be reviewed and investigated, if necessary, by Title IX Coordinator, Director of Community Life and Candidacy Kellie Lisi and in conjunction with Wartburg Theological Seminary's contracted partner, Grand River Solutions, Inc., Saratoga, CA.

Depending on the nature of the allegations and the parties involved, reports of sexual abuse will be investigated under this policy, or the procedures set forth in Wartburg Theological Seminary's Policy on Handling Complaints of Prohibited Discrimination or the Policy on Sexual Harassment Prohibited by Title IX.

Wartburg Theological Seminary may resolve complaints at the investigation stage if the facts warrant resolution. However, if the evidence supports the allegation, the applicable Wartburg Theological Seminary judicial procedures as described in the applicable handbook for students, faculty, and staff will be initiated. For policy violations, possible sanctions may include, but are not limited to, expulsion, suspension, removal from campus, cancellation of contract, and/or termination. Other members of Wartburg Theological Seminary's community who are not subject to an explicit judicial procedure, upon a finding of a violation, shall be subject to adverse actions such as removal from campus, cancellation of contract, or any other means necessary to address the behavior.

B. Title IX Compliance

Where applicable, any actions under this policy shall be consistent with Wartburg Theological Seminary's obligations under the Policy on Sexual Harassment Prohibited by Title IX.

VIII. INSTITUTIONAL DISCLOSURES OF INFORMATION

A. Request from the Public

All requests from the media, the campus community at large, or the general public for information concerning an alleged incident of sexual abuse should be directed to Director of Community Life and Candidacy Kellie Lisi, who is also Wartburg Seminary's Title IX Coordinator. It is critical to protect the privacy of those involved, particularly minors. Failure to comply with this requirement may be subject to possible sanctions including, but not limited to, expulsion, suspension, removal from campus, cancellation of contract, and/or termination.

B. Public Notification of Incidents

As required by law, Wartburg Theological Seminary collects and annually reports statistical information concerning sexual abuse occurring within its jurisdiction. To promote public safety, Wartburg Theological Seminary also alerts the campus community to incidents and trends of immediate concern.

IX. EDUCATION AND PREVENTION EFFORTS

A. Title IX Coordinator

Wartburg Theological Seminary's designated Title IX Coordinator is:
Director of Community Life and Candidacy Kellie Lisi
563-589-0203
klisi@wartburgseminary.edu

Information concerning sexual abuse prohibited by this policy can be reported to the Title IX Coordinator or to President Kristin Largen, 563-589-0200,
klargen@wartburgseminary.edu

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/>

B. Educational Programs

Wartburg Theological Seminary provides resources for education about and prevention of sexual abuse. Members of Wartburg Theological Seminary's community are urged to take advantage of the following on-campus prevention and educational resources:

Title IX and Sexual Violence Prevention
And
Sexual Violence Prevention for Graduate Students

both products of Vector Solutions.

C. Background Checks

Wartburg Theological Seminary performs pre-employment background checks on all new employees as a condition of employment.

Wartburg Theological Seminary performs background checks on adjunct faculty and part-time employees whose work involves contact with students, minors, or other Protected Persons as soon as possible after they have been appointed and prior to any contact with students or Protected Persons.

Background checks are not required on current employees except for those employees changing positions. For current employees changing positions, including those filling interim positions, a background check is only required when the new position increases the impact of the perceptible risk factor (contact with Protected Persons). If an employee experiences a position change within the same or greater perceptible risk factor, a new background check needs to be conducted if it has been five or more years since their last background check.

Wartburg Theological Seminary performs background checks on all students prior to acceptance.

D. Training

Sexual abuse often takes place when there is a power imbalance. A sound sexual abuse prevention training program prioritizes awareness directly tied to prevention of the sexual abuse of minors and adult students, along with strategies for a proactive response once a warning sign emerges. Training will also include required internal reporting and mandated reporting under state law (for sexual abuse of minors.)

Sexual abuse prevention training, including training related to the reporting requirements described in this policy, is required for members of the Wartburg Theological Seminary campus community according to the following schedule:

Title IX Coordinators and campus safety personnel/law enforcement, within 30 days of hire;
New faculty and staff, within six months of hire;

All faculty and staff who come in contact with Protected Persons, biennially;

All faculty and staff who do not come in contact with protected persons, biennially;

Administrative staff or faculty members who are considered state mandated reporters for sexual abuse of minors, must take the Iowa Department of Human Services 2-hour Mandatory Reporter training and the 1-hour recertification training within 3 years of the initial training and every 3 years thereafter in order to remain in compliance with the law.

Members of Wartburg Theological Seminary's Board of Directors, within six months of joining Wartburg Theological Seminary's Board of Directors.

Volunteers who come in contact with Protected Persons, biennially; and

Independent contractor who come in contact with Protected Persons, biennially.

X. OTHER DEFINITIONS

A. Background Checks

This policy defines background checks as including, but not limited to, the following:

- A search for sex-related offenses in an individual's counties of residence for the past seven years;
- A search of the state registry of sex offenders; and
- A database search for criminal activity in the individual's states of residence for the past seven years.
- Key Students

- This policy defines Key Students as those students in practicum involving Protected Persons or the medical field, student teachers, resident assistants, and employed students working with Protected Persons.

B. Camp Counselors and Program Leaders

This policy defines Camp Counselors and Program Leaders as those students, faculty, staff, and volunteers who in the course and scope of their employment or service to Wartburg Theological Seminary conduct activities at or on behalf of Wartburg Theological Seminary and come in contact with Protected Persons.

C. Minors

This policy defines minors as those individuals who have not yet reached the age of majority (not yet 18) and are participating in any programs or activities of Wartburg Theological Seminary.

D. Protected Persons

This policy defines Protected Persons to include minors, students, and vulnerable individuals regardless of age. Vulnerable individuals include those who are mentally incapacitated, whether temporarily or permanently, for any cause, including, but not limited to, intoxication, drugs, or mental incapacity.