

SEXUAL ASSAULT, STALKING, AND DATING AND DOMESTIC VIOLENCE POLICIES AND PROCEDURES FOR FACULTY, STAFF, AND GUESTS

Our Commitment

Westmont College is committed to providing a learning, living and working environment consistent with its mission and heritage. In all of our actions, we seek to interact with others in keeping with the dignity and respect they are due as children of God. Therefore, Westmont is committed to maintaining an environment in which members of its community and its guests may pursue their interests free from sexual assault, from stalking, and from dating and domestic violence.

Westmont is committed to effectively investigating all complaints made under this policy and taking remedial and/or disciplinary action where appropriate in as expeditious a manner as possible. Westmont is deeply concerned about any incidents of sexual assault and strongly encourages the prompt reporting of all allegations covered under this policy to the college and to law enforcement officials. The college will not tolerate retaliation against any individual for making a complaint under this policy and will take strong, corrective action where retaliation is found to have occurred. For purposes of this policy, retaliation means any threat, act intended to cause fear, or exertion of pressure against any person for making a complaint under this policy or for involvement in the procedures under this policy.

Individuals Covered Under This Policy

This policy and the procedures that follow cover all members of the Westmont community and apply to incidents of sexual assault, stalking, and dating or domestic violence. The Student Handbook describes the process used when the respondent is a student. In all other cases, the same process will be used as is in place for allegations covered by the [Policy on Unlawful Discrimination, Unlawful Harassment, and Sexual Assault](#).

Deciding to Make a Complaint

The college encourages victims of sexual assault to make a complaint to the college and law enforcement officials as soon as possible. Reports to the college can be made with any individuals listed in the section below titled, "The College's Duty to Investigate." Prompt action under this policy allows for individuals to receive the immediate medical care that may be necessary. Prompt action also allows the college and/or law enforcement to provide individuals with reasonable and necessary protection from any further harm. Preservation of evidence is also critical in the investigation of sexual assault. Individuals making complaints under this policy should take measures to preserve forensic information related to their complaint (e.g., documented communication, photographs of injuries; medical examination results, correspondence such as letters, emails, telephone or text messages, gifts, etc.).

Deciding to make a complaint under this policy to the college and/or filing a complaint with law enforcement officials can be difficult. Victims do have options, and do not have to make this decision alone. They can contact counselors at the Santa Barbara Rape Crisis Center (805-963-6832) or through the Employee Assistance Program (Blue Shield Medical Benefits, 877-263-9952; or Aetna, 800-342-8111). Counselors with either of these resources will help victims think through their options and the information victims share with them will not be disclosed to others without their consent. Contact information for these resources are provided later in this policy.

Making a Complaint

Complaints to the college are made when a victim of sexual assault, stalking, dating or domestic violence shares information about the incident with any of the following college officials: the Director or Associate Director of Human Resources, one's immediate supervisor, a department chair, a leader of an off-campus program, a Resident Director, the college's Title IX Officer, any Dean or Vice President, or the President. *(A list of the people currently occupying these positions can be found in the catalog or received from the Office of the President or the Office of Human Resources.)*

The College's Duty to Investigate

While the college does have a responsibility to effectively address all reports of sexual assault, request of the victim to withhold their identity or to not initiate an investigation will be considered in light of the college's responsibility to provide a safe and non-discriminatory environment for all members of its community.

Confidentiality and Privacy

Confidentiality for both the complainant and the accused shall be encouraged and maintained as appropriate and to the extent allowed under the circumstances by law. Information received in connection with a sexual assault, stalking, dating or domestic violence complaint is private and will be shared with those who need to know the information in order to investigate allegations, impose appropriate disciplinary sanctions and/or take necessary corrective actions to protect individuals and the community from further harm.

Under the Clery Act, the college must disclose statistics of incidents covered under this policy in its Annual Security Reports (ASRs). When the college receives information about an allegation presenting a serious or ongoing threat to the safety of the community, a timely warning may be issued. The college will never disclose the identity of the victim without his or her consent nor otherwise violate privacy rights afforded to students under the Clery or Family Educational Rights and Privacy Acts.

Counseling and Support

Whether or not a victim decides to submit a complaint of sexual assault, stalking, dating or domestic violence to the college for investigation and discipline under this policy, the college is committed to providing a safe place to work through the range of emotions and questions that can arise in the event of an incident covered under this policy. The college encourages individuals to take advantage of personal avenues of emotional support as well as one or more of the following resources:

College Resources

- **Campus Pastor's Office**, 805-565-6170, Pastoral support and counseling, Clark B.
- **Public Safety Department**, 805-565-6222, Emergency response. (**Note:** the individual in this position has a duty to report the incident for investigation by the college under this policy and/or, in certain circumstances, to law enforcement officials.)
- **Behavioral Health Benefits.** The Human Resources website includes an [overview](#) of benefits available through Blue Shield Medical (877) 263-9952 and through the Aetna Employee Assistance Program (800-342-8111).

Community Resources

- **Santa Barbara Rape Crisis Center Hotline**, 805-564-3696, 24-Hour Hotline
- **Santa Barbara Rape Crisis Center**, 805-963-6832, 433 E. Canon Perdido Street, sbrapecrisiscenter.org
- **Cottage Hospital Trauma Center**, 805-682-7111, 400 W. Pueblo, Medical assistance and evidence collection

Definitions of Prohibited Behaviors

Sexual Assault is defined as the act of making sexual contact with the intimate body part of another person without that person's consent. Intimate body parts include the sexual organs, the anus, the groin or buttocks of any person, or the breasts of a female.

Consent is defined as unambiguous and willing participation or cooperation in an act or as an attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are

able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior sexual history between the complainant and respondent does not constitute consent. Consent is not freely given if one of the following applies:

1. A reasonable person in the position of the alleged perpetrator at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:
 - a. The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
 - b. The individual is unconscious, asleep, or suffering from shock; or
 - c. The individual is under the age of 18 and therefore legally unable to give consent; or
 - d. The individual has a known mental disorder or developmental or physical disability and therefore legally unable to give consent.
2. The individual has acted or spoken in a manner which expresses he or she refuses to give consent.
3. It is obtained through the use of force or through the fear of or the threat of force.

Domestic Violence means felonies or misdemeanor crimes of violence committed against one's current or former cohabitant, spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship or any other person protected under domestic violence law.

Dating Violence means violence by a person who has been in romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Stalking means a pattern of actions composed of more than one act over a period of time, however short, demonstrating a continuity of conduct, directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. Stalking includes but is not limited to unwanted letters, emails, text and telephone messages; telephone calls; unwanted gifts; following an individual or frequently appearing at locations where the an individual is located.

Sexual Exploitation means taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited in a manner not covered under other prohibited behaviors as defined in this policy. Examples of sexual exploitation include, but are not limited to surreptitiously observing another individual's nudity or intimate activity or allowing another to observe consensual intimate activity without the knowledge and consent of all parties involved; non-consensual sharing or streaming of images, photography, video, or audio recording of intimate activity or nudity, or distribution of such without the knowledge and consent of all parties involved; exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances.