

Attachment 6  
Notification of Rights/Options  
*Lexington Theological Seminary*

*To be provided by the Campus Security Authority to any student or employee who reports he/she is a victim of a sexual offense including domestic violence and stalking.*

**Medical Care/Emergency Room Examination** Any victim of a sex-based offense is urged to seek medical evaluation as soon as possible, ideally within 72 hours of the incident. The victim may go directly to the emergency room of any local hospital for medical attention. For life-threatening conditions, call 911, or – if calling from a campus phone – 9, then 911.

NOTE: Sexual assaults for which individuals seek medical treatment must be reported to the appropriate police unit by health care officials. However, victims are not required to criminally prosecute the case or file a police report, unless the sexual assault survivor is a minor.

**Medical-Legal Evidence Collection** The victim of a sex-based offense (particularly rape, forcible oral copulation, or sodomy) is encouraged to request collection of medical-legal evidence. Collection of evidence entails interaction with police and a police report. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. If the sex-based offense occurred within 72 hours, a confidential exam can still be administered at local hospitals. However, the sooner sex-based offenses are reported, the more likely evidence will remain. *To help preserve evidence, the victim is encouraged to try to avoid: bathing or douching; washing hands or face; urinating; drinking any liquids; if oral contact has occurred, the victim is encouraged to refrain from smoking, eating, or brushing their teeth; if clothes are changed, soiled clothes should be placed in a paper bag (plastic can destroy crucial evidence.*

**To Whom an Offense May be Reported** The complainant has the right to choose not to file a complaint with the Seminary. However, when the Seminary is made aware of an allegation of sexual assault, stalking, dating violence, or domestic violence, it must investigate and take action to protect the complainant or other members of the campus community. The victim of a sex-based offense (including sexual assault, dating violence, domestic violence or stalking) should promptly report the incident to the Campus Security Authority (CSA), Karen Wagers, or to the Vice President of Academic Affairs, who will contact the CSA.

The Seminary encourages victims to also file a police report in all cases involving potential criminal conduct; however, victims may choose to first report the incident to the Campus Security Authority who will assist with reporting sexual misconduct/assault and in obtaining medical support and information regarding available legal resources as well as counseling and support services.

NOTE: If a reporting person requests anonymity, this request must be honored to the extent permitted by law. Accordingly, no information should be included in any campus crime report, emergency notification or timely warning that would personally identify the victim without his/her consent. For complete detail on all campus policies and procedures involving criminal and/or sexual offenses, grievance procedures and/or harassment policies and procedures, see the Student Handbook, Appendices B, C and M.

**Rights of the Parties Involved in the Case of an Institutional Disciplinary Procedure** Both the accuser and the accused are entitled to: access information that will be used at the hearing; present relevant witnesses and other evidence; have others present during the hearing and related meetings or proceedings; protection under applicable privacy laws (e.g. FERPA); be informed in writing of the Seminary's grievance process; be informed (simultaneously) in writing of any change in the results of the process that occurs prior to the time the results become final as well as the final outcome of the grievance process; to choose an advocate/advisor who may advise the party and may speak and question witnesses on the party's behalf.

NOTE: Confidential medical/counseling records and information regarding the victim's sexual history will not be provided to the accused and is not admissible at any disciplinary proceeding.

The standard of evidence used to determine responsibility is a "preponderance" of evidence. This determination is based on the greater weight of the evidence and does not require a standard beyond a reasonable doubt.

For the complete policy governing institutional disciplinary procedures see Appendix B, Grievance Procedure, of the *Student Handbook*.

**Counseling, Health Services, Mental Health Services, Victim Advocacy, Legal Assistance and other Victim Services** Any person suffering a crime on campus will be referred to appropriate counseling resources by either the Campus Security Authority or the Vice President for Academic Affairs and Dean, as appropriate.

**Pastoral Support and Referrals:** The Seminary will offer pastoral support to any member of the campus community who is a victim of a sex offense. The Dean will arrange for said support for students. The CSA will make these arrangements for employees. Pastoral support persons shall be members of the clergy and others who receive confidences in their capacity as spiritual advisors, counselors or other positions. Referral information for crisis intervention, general counseling or medical attention will also be provided as determined by the Dean/CSA and pastoral support person

**Remedial Action for Sex-based Offenses** In the event the Seminary Administration finds by a preponderance of the evidence that sex-based offenses did occur (regardless of whether the victim chooses to report the crime to the Campus Security Authority or local law enforcement), the Seminary will take immediate steps to end the misconduct, eliminate any hostile environment that has been created, prevent further sex-based misconduct and prevent retaliation. Additional remedial action including victim counseling, tutoring, changing intensive class assignments so that the victim and alleged perpetrator do not share the same on-site classes, no-contact orders and/or permitting a student to re-take a course may be applied. The accused may be required to participate in educational or counseling intervention.

**Judicial No-Contact, Restraining and Protective Orders** Emergency protective orders (EPO) and domestic violence orders (DVO) provide protection from harm by a family member or someone in a domestic relationship. To discuss your filing options in Fayette County, Kentucky, contact: Fayette County Circuit Clerk; 120 N. Limestone, Room 103, Lexington, KY 40507-1152, Phone: (859) 246-2141.

Any employee who holds a lawful no contact or restraining order may directly petition the President of the Seminary for special work accommodation during the term of the order, including but not limited to consideration of restricting interaction/contact with a Seminary student or employee named in the order, etc. Any student who holds a lawful no contact or restraining order may directly petition the Vice President for Academic Affairs for special academic accommodation during the term of the

order, including but not limited to consideration of academic needs and issues, restricting interaction/contact with a Seminary student or employee named in the order, etc. The Seminary will make every reasonable effort to cooperate with the party/parties involved in order to honor the terms of the no contact or restraining order. The Seminary will require that the student/employee provide a copy of the court order for its records. Incidents of violation of no-contact, restraining and protective orders are handled by the Seminary in the same way as other criminal incidents (see Student Handbook, Appendix M, sections I.B and III.A.)