

# Lexington Theological Seminary

## 2019 Annual Security Report

In Compliance with Clery Act 34 CFR 668.46(b) and  
the Michael Minger Act (KRS 164.948 - .9495) as amended by KY Senate bill 130

### Introduction

Lexington Theological Seminary is required by federal and state law to provide certain information to the public about campus safety and security policies and on-campus crime.

As of January 1, 2014, the Seminary campus is located at 230 Lexington Green Circle, Suite 300, Lexington, KY 40503 – 3337 and all activities in direct support of the Seminary’s educational purposes are conducted at/through that location. Lexington Theological Seminary controls no student housing facilities.

Lexington Theological Seminary’s Clery Geography is defined as follows:

*On Campus*, consists of its offices on the third and fifth floors of the building, stairways and elevators servicing those floors, the building lobby and the parking lot adjacent to 230 Lexington Green Circle.

*Public Property*: All roads, parking lots and properties contiguous to the Seminary are privately owned by Lexington Green Partners, LLC. There is no public property within or adjacent to campus, therefore, no crime statistics for public property within or adjacent to campus are provided.

*Non-campus*: The Seminary has no non-campus locations.

### Campus Law Enforcement

No member of the campus community has arrest authority, police powers or law enforcement authority. All incidents of a criminal or emergency nature are referred to the appropriate civil or law enforcement authority.

**Relationship with Law Enforcement** The Seminary enjoys an excellent working relationship with the Lexington-Fayette County Division of Police, Office of the Fayette County Sheriff and the Kentucky State Police as well as state, federal and local agencies dedicated to the safety and security of the community. Because of the size and location of the campus geography as well as the limited number of campus community members, no agreements such as memoranda of understanding (MOU) between the Seminary and agencies for the investigation of alleged criminal offenses are in effect.

**Monitoring of Student Criminal Activity Off-campus** Lexington Theological Seminary does not officially recognize any off-campus organizations or off-campus housing facilities and does

not participate in the monitoring or recording through local police agencies of the criminal activity of students when they are off-campus. On-campus violations of the law are referred to law enforcement agencies, the Campus Security Authority and to the Vice President for Academic Affairs and Dean.

**Campus Security Authority** The Chief Financial Officer is the designated Campus Security Authority (CSA). The CSA is responsible for campus safety and security procedures and reporting including emergency notifications, timely warning reports and annual statistical disclosure of criminal offenses. Students and employees should report emergencies and/or criminal offenses to the CSA as soon as possible after the incident occurs. Contact information is:

*Karen Wagers, Chief Financial Officer*  
*Lexington Theological Seminary*  
*230 Lexington Green Circle, Suite 300*  
*Lexington, Kentucky 40503*  
*(859) 280-1236*  
[kwagers@lextheo.edu](mailto:kwagers@lextheo.edu)

In the absence of the CSA, (Chief Financial Officer,) students and employees should report emergencies and/or criminal offenses to the Vice President for Academic Affairs & Dean, who is also lead Title IX coordinator. Contact information is:

*Loida I. Martell, Vice President for Academic Affairs and Dean*  
*Professor of Constructive Theology*  
*230 Lexington Green Circle, Suite 300*  
*Lexington, Kentucky 40503*  
*(859) 280-1256*  
[lmartell@lextheo.edu](mailto:lmartell@lextheo.edu)

## **Safety of and Access to Campus Facilities**

Lexington Theological Seminary has no campus residences. The Campus Security Authority (CSA) functions as liaison with Lexington Green building management and assists in all safety and security procedures performed in Seminary controlled areas. Access to Seminary facilities for maintenance and repairs by Lexington Green personnel is coordinated and scheduled by the CSA.

Computer and telecommunications equipment is maintained in a secured area on Seminary premises and access is controlled by Seminary staff.

**Fire Safety:** Lexington Green building management conducts an annual fire safety inspection of the building including Seminary campus areas. The inspection report and findings is sent by Lexington Green building management to the CSA for review and comment.

**Building Access:** Lexington Green Office Building #1 (230 Lexington Green Circle) is open from 7:00 a.m. – 7:00 p.m. Monday through Friday and 8:00 a.m. – 3:00 p.m. on Saturday. Access may be obtained after hours and on holidays via security access cards provided by the Campus Security Authority for Lexington Theological Seminary employees. Entry must be via the front, main entrances facing the parking lots. Tenants should not allow other persons to follow them into the building. Additionally, doors are not to be propped open during times that the building is “closed”.

**Access to Campus Facilities:** Offices and classrooms located on the 3<sup>rd</sup> and 5<sup>th</sup> floors of Building #1 are open to campus community members via keypad access during normal business hours. Faculty and employees are provided with keys to individual offices and are encouraged to lock doors when offices are not occupied. Visitors may gain access to campus offices and facilities during normal business hours by registering at the Library front desk on the 3<sup>rd</sup> floor. After hours, campus facilities are locked and can be accessed by key cards and touch pad codes provided to community members by the Campus Security Authority on an as-needed basis.

The Mall at Lexington Green provides a roving security guard Monday through Sunday as follows:

Sunday	Noon - 8pm
Monday-Wednesday	2pm - 10 pm
Thursday	2pm - 11 pm
Friday - Saturday	2pm - Midnight

During summer months, the security guard drives a golf cart to monitor all of the properties. During winter months a marked vehicle is used. The security guard can be reached during the above hours; the guard cell phone number is (859) 699-4830. In case of emergency, campus community members are instructed to dial 911 first and then to call security.

## **Emergency Reporting, Response and Evacuation Procedures**

Programs designed to inform students and employees about campus security procedures and practices include the following:

- All campus security procedures and practices are available to all members of the campus community at the Lexington Theological Seminary website: <https://www.lextheo.edu/appendix-m-emergency-procedures/>.
- In the fall of each year, after completion and posting of the Annual Security Report, all members of the on-campus community are instructed to review the Seminary website for security procedures and practices as well as to review the Annual Security Report for that year.
- To ensure that students visiting the campus are aware of all security procedures and that all Seminary safety and security policies and procedures are followed, a Campus Security Checklist (see Attachment 1) is mailed to students as part of their preparation packages for every on-campus intensive. On-campus intensives are conducted twice each year.
- Campus safety and security procedures are provided to new employees upon hiring and circulated to staff members on an annual basis.

- At least once each year, as part of the Emergency Response Notification testing, employees are provided with specific emergency procedures and participate in drills for emergency response such as fire, earthquake, tornado and active shooter incidents.

Students and Employees review the “Positive Options for Bystander Intervention” <https://www.lextheo.edu/appendix-m-emergency-procedures/>, section III.D, annually as part of their required Handbook and Annual Security Report review, to encourage members to look out for themselves and others.

The Campus Security Authority is responsible for notification and supervision of the campus community in the case of a significant emergency or dangerous situation occurring on the campus and involving an immediate threat to the health or safety of students and/ or employees. Depending upon the nature of any non-criminal emergency, specific guidelines issued by the Seminary in cooperation with Lexington Green Partners, LLC are to be followed. These instructions are available to all members of the campus community and to the public in the Student Handbook at: <https://www.lextheo.edu/wp-content/uploads/2015/07/Appendix-M-Campus-Safety-Security-Policies-June-2015-attachment-4.pdf>

**POLICY: Reporting a Crime or Emergency** <https://www.lextheo.edu/appendix-m-emergency-procedures/>section I.B

A crime is “reported” when it is brought to the attention of the Campus Security Authority (or the Vice President for Academic Affairs & Dean if the CSA is unavailable) and/or local law enforcement. The crime might be reported by a victim, witness or third party or even by the offender. Individuals having knowledge of a sex-based offense (including dating violence, domestic violence and stalking) are strongly urged to timely report that crime to the police and to contact the Campus Security Authority to discuss options for safe and positive intervention on behalf of the victim.

Short procedures for reporting a crime or emergency as well as emergency procedures for the campus (see *Attachment 1- Campus Security Checklist*) shall be mailed to students as part of their preparation packages for every on-campus intensive. These procedures shall be provided to new employees upon hiring and circulated to staff members on an annual basis

- All members of the campus community are instructed to dial 911 in cases of imminent danger, e.g. crime in progress, fire, accident, health emergency, etc. as soon as possible.
- After the emergency has been addressed, the initiating person should report the incident to the Campus Security Authority (CSA). All on-campus events of a criminal or emergency nature must be reported to the designated CSA who may prepare a Crime Incident Report (see Attachment 2 – Crime Incident Report Form) and/or issue a Timely Warning or Emergency Notification as appropriate. Events occurring after business hours should be reported on the next business day.

- For non-emergency situations, any person who is a victim or witness or who has knowledge of any criminal activity or dangerous situation on campus should report it immediately to the Campus Security Authority (CSA).

Persons reporting a crime will be asked to provide information including a description of the incident, the date and time the incident occurred, to whom it was reported (other than the CSA,) and whether it was perceived to be motivated by hate or bias. If the Campus Security Authority believes that the information received was provided in good faith, the CSA will complete a Crime Incident Report. “In good Faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information. The incident report will be retained for appropriate follow-up and annual reporting.

NOTE: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires educational institutions to report as hate crimes any occurrence of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury reported to local law enforcement agencies or a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias. The revised regulations add crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property to the list of crimes that must be reported in hate crime statistics. The FBI’s Uniform Crime Reporting Hate Crime Collection Guidelines will continue to be the source for definitions. All statistics will continue to be reported by Clery geographic area and category of bias.

***Advising Crime Victims*** 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. 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 and pastoral support person.

By virtue of the inclusion of Title IX and criminal reporting procedures in all Seminary employee and student handbooks, any employee serving in the role of pastoral support is expected to inform those they counsel of Seminary procedures for crime reporting.

**POLICY: Responding to Emergencies or Dangerous Situations:  
Timely Warnings & Emergency Notifications to the Campus Community**  
<https://www.lextheo.edu/appendix-m-emergency-procedures/section I.C>

Because Lexington Theological Seminary’s primary focus is distance education, there are limited numbers of students and faculty regularly “on campus.” Disseminating emergency information to persons outside the Seminary’s Clery geography will be considered on a case-by-case basis. The

CSA will consult with the proper authorities to determine who, if anyone, off-campus and/or among the larger community should be notified.

**Emergency Notification** is initiated in response to any significant emergency or dangerous situation that is currently occurring on or imminently threatening the campus such as civil disturbance, criminal activity, acts of God, gas leaks, tornadoes, contagious viruses, fire etc.

If a significant emergency or dangerous situation is suspected, the Campus Security Authority will confirm that a significant threat exists by whatever means is appropriate for the situation. In the absence of the CSA, the Vice President for Academic Affairs and Dean will be responsible for carrying out emergency procedures. Further, it is required that all members of the Administration be familiar with all safety and security procedures and assist as appropriate.

In the case of criminal activity, Lexington police (and Lexington Green office building management, if appropriate) will be consulted. In the case of a health emergency the Lexington Department of Health will be consulted. In the case of natural disasters, information will be obtained from the most reliable source immediately available, including but not limited to municipal sources, utilities personnel, police and fire personnel, local radio and television stations and the Lexington Green office building management.

Upon confirmation of the situation/emergency, the following actions will be initiated by the Campus Security Authority: The security authority will notify all administrative officers on campus; will determine which physical areas of the campus and/or campus community members are affected by the situation and will develop specific instructions (according to existing health and safety policies) to advise of the nature of the emergency situation and its immediacy and to ensure the immediate safety of the persons involved, e.g. an order to evacuate, orders to seek shelter and where, orders recommended by the health department according to the threat, request for fire, safety and/or health assistance, etc.

All members of the campus community will be notified without delay as to the nature of the emergency or threat and the actions to be taken. Broadcast e-mail messages, local television and radio announcements, door-to-door notification and/or telephone page announcements might be employed, depending on the nature of the situation, persons to be notified and urgency for response. When the emergency situation is cleared, a notification will be sent advising of same.

Lexington Theological Seminary will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of the civil authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

**Timely Warning** is issued on a case-by-case basis after consideration of the nature of the situation and the threat of continuing danger to the community. Situations which might warrant a timely warning include Clery offenses committed within the Seminary's Clery geography as well as other actions which potentially pose a threat to campus community members. In this case, the crime has already occurred but, in the opinion of the CSA, represents an ongoing threat to students and employees. The intent of a timely warning is to enable members of the campus

community to protect themselves. The warning will include information about the incident or crime which triggered the warning, the time, date and location of the occurrence and steps which should be taken to ensure individual safety.

The CSA will provide this information by broadcast e-mail alert and/or telephone page announcement to the campus community as soon as it is available and deemed appropriate for broadcast. Additionally, any combination of dissemination methods may be used to provide additional information and follow-up. If a victim 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.

**Annual Test of the Emergency Notification Procedures:** An Annual test of the emergency notification procedures will be conducted, unannounced or announced, during each calendar year.

The Campus Security Authority will initiate each test and state the nature of the (test) emergency as well as performance goals. Notifications will be made as described above, according to the declared emergency. Results and recommended improvements will be reported by the CSA for Administration approval. Details of the test including time, date, actions taken, and response/findings will be recorded. Changes or improvements to the procedures ascertained as a result of the test will be placed into effect as soon as possible. Results of the Seminary's 2018 Emergency Notification Testing are provided in Attachment 3 of this Annual Security Report.

**Evacuations** The Campus Security Authority is responsible for initiating this process. In the absence of the designated CSA, the Vice President for Academic Affairs and Dean will serve as acting CSA. Because Lexington Theological Seminary facilities are located in the office building at 230 Lexington Green Circle, the emergency evacuation procedures contained in the Emergency Building Information Handbook issued by Lexington Green Partners, LLC will be followed. This handbook has been incorporated into staff, faculty and student handbooks as Appendix M, Attachment 4 <https://www.lextheo.edu/wp-content/uploads/2015/07/Appendix-M-Campus-Safety-Security-Policies-June-2015-attachment-4.pdf> .

**Lexington-Fayette Urban County Government Sources of Emergency Information** LFUCG Public Service Radio, Radio Lexington, is the federally-licensed radio service of the Lexington-Fayette Urban County Government. Operating on 1620 KHz on the AM radio band, the station provides public service, tourism, traffic information, and event information/announcements of interest to the citizens of Fayette County and to persons traveling through the area on I-75 and I-64. During weather and other emergencies, the station will broadcast alerts and warnings. Maintained and programmed by DEM, Radio Lexington transmits its low-power signal 24 hours a day/seven days a week. The station's call sign is WQKE-967. Radio Lexington is also available [as Internet streaming radio](#). Non-profit and government organizations may request that announcements be placed on Radio Lexington by contacting [radiolexky@lexingtonky.gov](mailto:radiolexky@lexingtonky.gov).

Be Ready Lexington App: Lexington Emergency Management has a mobile phone and tablet app that can help the Campus Security Authority to prepare and plan for how to respond to a

disaster or emergency. Through this app, the Seminary Administration and/or Campus Security Authority can:

- Share LTS' status with selected contacts.
- Receive critical emergency alerts.
- Get the latest emergency preparedness news and weather alerts for the Fayette County area.
- Create a personalized emergency preparedness plan.
- Locate Fayette County's emergency shelters.
- View up-to-date evacuation route maps.

The Campus Security Authority will refer to these sources for immediate alerts and additional information.

### **Standards of Conduct for the Campus Community And Due Process for Responding to Complaints**

Students who engage in criminal and/or inappropriate conduct of any nature including sexual harassment, discrimination or sexual misconduct in any form will face action up to and including criminal prosecution and expulsion from the Seminary. Students may be dismissed at any time at the will of the faculty. The Vice President for Academic Affairs and Dean (who is also the Title IX Coordinator) receives and reviews all complaints and concerns about a student's conduct. No anonymous charges will be given consideration. If the student's behavior is determined to be harmful to others, violates the law, creates an impediment to the teaching mission of the Seminary or violates Seminary policy and/or procedures, the Dean will discuss the behavior with the student. If the conduct is considered to be of a serious nature, the Office of the Dean has the option to: suspend the student immediately for a period of time deemed appropriate for the misconduct; impose non-academic probation for a specified time period not to exceed one year. If after the suspension/probationary period, it is found that the student has not corrected the behavior that resulted in the disciplinary action, the Dean may permanently suspend the student from his or her academic program.

The Seminary will take reasonable steps to prevent the recurrence of any Sexual Misconduct, to prevent retaliation and to minimize the impact on the complainant (and others, if appropriate). 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 respondent may be required to participate in educational or counseling intervention.

Any member of the Seminary community who is found to have engaged in Sexual Misconduct will be subject to appropriate discipline, up to and including expulsion, termination of employment or termination of their relationship with the Seminary. Specifically, penalties for students found guilty of sexual harassment, discrimination, misconduct or retaliation under this policy may include expulsion or suspension. Staff and faculty found guilty of sexual harassment, discrimination, or misconduct may be dismissed, suspended without pay, or removed from their positions. At a minimum, the offender will be reprimanded and a written record shall be placed in the individual's academic/personnel file. Additional action may include referral to counseling,



clinical supervision by a licensed psychotherapist to reflect on one's ministry, additional curricular or extra-curricular requirements, withholding of promotion, reassignment, or reduction in duties. The Seminary also may take any other corrective action that it deems appropriate under the circumstances.

A more detailed discussion of Seminary policy regarding student conduct is available in the online Student Handbook at <http://www.lextheo.edu/3-0-community-life/> which is available at any time to members of the public as well as the campus community. This section of the handbook also includes the Seminary's policies regarding the possession, use and sale of alcoholic beverages, drugs and firearms, discrimination and harassment and other policies important to the campus community, as well as availability of counseling, support and referral services.

Employees and/or faculty members whose performance or behaviors do not meet expected standards, including but not limited to offenses such as criminal activity, sexual harassment, discrimination or sexual misconduct in any form may be subject to any of the following disciplinary actions: oral reprimand, written reprimand, suspension, counseling or dismissal. Depending on the severity or frequency of the performance deficiencies, Lexington Theological Seminary may skip any of the identified actions and may, where appropriate, move immediately to dismissal. A more detailed explanation of Employee Disciplinary Policy and Procedure is provided in Attachment 4 of this report.

Although it is hoped that misunderstandings, disputes, disagreements, and other matters can be handled informally between the parties involved, there may be times when the institution must become involved in the resolution, either informally or formally. It is the Seminary's policy to provide a prompt, fair and impartial investigation and resolution in all cases involving disciplinary complaints, sexual harassment/discrimination, dating violence, domestic violence, and sexual assault or stalking.

### How are Students' Complaints and Appeals Handled?

The Title IX Team oversees the resolution of reported complaints through the Seminary's resolution processes. The appropriate process followed will be determined by the role of the person alleged to have violated Seminary policy and the nature of the violation claimed.

- Complaints against Students will be resolved under the direction of the Vice President for Academic Affairs and Dean who is also the Title IX Coordinator: 859-280-1256
- Complaints against Staff will be resolved under the direction of the Chief Financial Officer and Director of Human Resources who is also the Deputy Title IX Coordinator: 859-280-1236.
- Complaints against Faculty will be resolved under the direction of the Vice President for Academic Affairs and Dean: 859-280-1256.

•Complaints against non-student/faculty/staff or visitors to campus will be resolved under the direction of the Vice President for Academic Affairs and Dean: 859-280-1256; or the Chief Financial Officer and Director of Human Resources 859-280-1236.

1. **Appeal of Final Course Grades:** Student grade appeals are handled through the office of the Vice President of Academic Affairs and Dean. See student Handbook section 5.8.1.2 for the specific procedure.
2. **Appeal of Disciplinary Actions:** A student may appeal disciplinary sanctions for misconduct based on a procedural error that significantly impacted the outcome of the case, new evidence unavailable during the investigation, or sanctions imposed that are significantly disproportionate to the severity of the violation. The student should submit a written appeal to:
  - a. For violations of student conduct policy (smoking, drugs, firearms, integrity, etc.): the Seminary President, who will review the Dean's investigation and ruling.
  - b. For Plagiarism: The Dean, who will appoint a Plagiarism Review Board to consider the case, if warranted.
  - c. For Sexual Misconduct/Harassment: The Seminary President who will review the Dean's findings and ruling.
  - d. For VAWA violations: These criminal violations cannot be appealed
3. **Appeal of Denial of Admission or Readmission:** A student may appeal the Decision of the Faculty Council based on inequities between cases, discrimination or the introduction of new mitigating facts, by written appeal to the President who will review the case and has the option to appoint an investigative committee for further fact finding.
4. **Discrimination Complaint:** The processes for filing a complaint and for appeal by a respondent, under each of the situations below, are included in the respective policy and procedure. Complaints are initiated by submission of a written request for an interview by the student to the Vice President for Academic Affairs and Dean, the Chief Financial Officer and Director of Human Resources (if the complaint involves the Dean), or to a member of the Student Complaint Advisory Committee. The subsequent interview will determine how the Seminary will proceed with its response depending upon the suspected policy violation:
  - a. Under Title VII of Civil Rights Act (Race, ethnic origin, etc.)
  - b. Under Title IX of Education Amendments (gender, gender identity, etc.)
  - c. Under Americans With Disabilities Act
5. **Complaint of Sexual Misconduct/Harassment:** Complaints of sexual misconduct/harassment are made by submission of a written request for an interview by the

student to the Vice President for Academic Affairs and Dean, the Chief Financial Officer and Director of Human Resources (if the complaint involves the Dean), or to a member of the Student Complaint Advisory Committee. The subsequent interview will determine how the Seminary will proceed with its response depending on the nature of the complaint and the respondent(s) named:.

- a. Student vs Student
  - b. Student vs Faculty
  - c. Student vs Seminary Employee
6. **Complaint of Violence Against Women Act (VAWA)** Clery violation (domestic abuse, dating abuse, stalking, etc.). Student should report the complaint to the Campus Security Authority (CSA), who is the Chief Financial Officer and Director of Human Resources, or to the Vice President of Academic Affairs and Dean, if the CSA is named in the complaint.
  7. **Complaints of interference with a student's education process** Incidents of micro aggressions by another student or perceived inequities in an academic process (see Student Handbook, Appendix B for definitions) are investigated by the Student Complaint Advisory Committee. The process is initiated when a student contacts a committee member or the Vice President for Academic Affairs and Dean, briefly describing the concern in writing.

**POLICY: Regarding Possession, Use and Sale of Alcohol and Illegal Drugs as Well as Possession and use of Tobacco and Firearms on Campus.** The possession, sale, or use of alcoholic beverages is prohibited on campus and all Seminary-sponsored academic, cultural, or social events unless specifically authorized by the President of Lexington Theological Seminary. No smoking or use of tobacco in any form, including e-cigarettes, is allowed inside Seminary facilities or at public gatherings of the Seminary community.

All Seminary members are prohibited from unlawful possession, use, dispensation, distribution, or manufacture of illicit drugs on Seminary facilities, on Seminary business, or at Seminary-sponsored activities.

Lexington Theological Seminary prohibits the possession of any firearm or deadly weapon on Seminary property or at Seminary-sponsored events, even if an individual has been issued a license by the State or is otherwise legally permitted to carry a weapon.

<https://www.lextheo.edu/3-0-community-life/#3.5>

Introduction: Since the use of alcohol and illegal drugs is a major factor in crime, disease, death and family dysfunction, we recognize the need for good information concerning risk and possible abuse of all drugs. We support educational programs encouraging responsible use of all legal

drugs and abstinence from illicit drugs. Education is encouraged in appropriate classes, available literature, modeling by one another, and any other manner that is consistent and appropriate in our community practices.

We affirm our community is part of the larger society and support the laws of our city, county, state and federal governments. Accordingly, this policy has been developed to be in compliance with the Drug-Free Schools and Communities Act Amendment of 1989. Students, faculty and staff are herein notified of the standards of conduct while on Seminary property, on Seminary business, or at Seminary-sponsored activities. Further, government at all levels places the responsibility of all citizens to know the laws of the land, and, therefore, we assume members of this community to be good citizens.

### **Definitions**

***Intoxication*** means a disturbance of mental or physical capacities resulting from the introduction of substances into the body (KRS 501.010(2)); being under the influence of alcohol or other drugs, or both, which significantly impairs a person's ability to function (KRS 222.005(6)).

***Public*** means affecting or likely to affect a substantial group of persons. (KRS 525.010(2)).

***Public Place*** means a place to which the public or a substantial group of persons has access, and includes, but is not limited to, highways, transportation facilities, schools, places of amusements, parks, places of business, playgrounds, and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. An act is deemed to occur in a public place if it produces its offensive or proscribed consequences in a public place. (KRS 525.010(3)).

***Under the Influence*** means having ingested an intoxicating substance in sufficient quantity to affect physical, mental, or emotional capabilities.

### **Illicit Drugs & Alcohol**

All Seminary members are prohibited from the unlawful possession, use, dispensation, distribution, or manufacture of illicit drugs on Seminary property, on Seminary business, or at Seminary-sponsored activities.

All Seminary employees, as a condition of employment, and all students must notify the appropriate Seminary official of any criminal drug statute conviction for a violation occurring on Seminary property, during Seminary business, or at any Seminary-sponsored activity, no later than five days after such conviction. Although not required, it would be helpful to notify the appropriate Seminary official of charges made.

Students and employees are required to abide by the laws of the state in which they reside concerning alcoholic beverages and tobacco use, and when in Kentucky by Kentucky state laws.

Public intoxication and being publicly under the influence on campus are prohibited and unlawful by the Ordinances of our County. Seminary policy prohibits being intoxicated or under the influence in public areas of campus.

No smoking or use of tobacco in any form is allowed on campus or public gatherings of the community. Smoking containers for cigarette butts are furnished at the building entrances for smokers to discard cigarettes or other tobacco products.

For training, professional resources, and appropriate referral, students and faculty members are encouraged to contact the Dean; and staff members are encouraged to contact the Chief Financial Officer.

### **Sanctions**

- The first violation of being in possession of or using illicit drugs on Seminary property, on Seminary business, or at a Seminary-sponsored activity results in students being placed on probation and employees being placed under supervision of their respective administrative heads for five months. Demonstration that they are “clean of illicit drugs” at the end of that period of time by urine analysis or other appropriate test is required. A positive test results in expulsion or dismissal.
- Further violation of being in possession of or using illicit drugs results in expulsion or dismissal.
- Conviction of dispensation, distribution, or manufacture of illicit drugs on Seminary property, on Seminary business, or at a Seminary-sponsored activity results in expulsion or dismissal.
- The first reported instance of public intoxication or being publicly under the influence on campus results in students being counseled by the Dean, faculty being counseled by the President, and staff being counseled by the appropriate administrative officer. If guilty, the counseling includes a written reprimand and warning.
- The second instance of public intoxication or being publicly under the influence on campus results in students being placed on probation and faculty and staff being placed under supervision for five months and entering professional alcohol/drug treatment. A letter of satisfactory progress during treatment is required to be released from probation/supervision. If satisfactory progress has not been made after five months of treatment, the faculty will determine whether to continue the probationary period, suspend, or dismiss a student; the administrative officers will determine what further action is needed for employees. Refusing treatment results in expulsion or dismissal. Costs for treatment are the patient’s responsibility.
- Violation of the smoking policy results in a written reprimand for the first violation, a written warning of expulsion or dismissal for the second violation, and expulsion or dismissal for the third.

- No students or employees will be sanctioned if they seek help with a drug and/or alcohol related problem, work with the supervision of the appropriate administrative official, and do not violate this policy.
- All incidents will be documented and placed in the permanent file

**Firearms** Lexington Theological Seminary prohibits the possession of any firearm or deadly weapon on Seminary property or at Seminary-sponsored events, even if an individual has been issued a license by the State or is otherwise legally permitted to carry a weapon.

<https://www.lextheo.edu/appendix-e-illicit-drugs-alcohol-tobacco-and-firearms-policy/>

**Policy Distribution & Review:** By virtue of its inclusion in the *Handbook*, <https://www.lextheo.edu/appendix-e-illicit-drugs-alcohol-tobacco-and-firearms-policy/> this policy statement and any revisions shall be considered to be distributed annually to students, faculty, and staff. The Dean and Chief Financial Officer shall review and interpret the policies and procedures relevant to this policy statement on an annual basis. These two administrators shall be jointly responsible for maintaining records of the annual review of this policy statement.

For more information concerning Kentucky alcohol laws see:

<https://abc.ky.gov/Pages/index.aspx>

**Federal Penalties for drug trafficking should be reviewed at the DEA website:**

<https://www.dea.gov/index.shtml> . **Kentucky drug control issues and help links can be accessed at the Office of Kentucky Drug Control Policy website:** <http://odcp.ky.gov/Pages/default.aspx>

The Seminary offers no formalized, student/employee-wide drug or alcohol-abuse education programs because of the difficulties inherent in offering such programs within a distance education environment wherein both students and faculty work and reside at diverse, remote locations. It is the Seminary's policy to address the needs of the campus community on an individual, case-by-case basis. For training, professional resources, and appropriate referral, students and faculty members are encouraged to contact the Dean and staff members are encouraged to contact the Chief Financial Officer.

Various resources and reference materials which may be helpful to members of the campus community are provided in the Student Handbook, Appendix M, section IV and can be accessed at: <https://www.lextheo.edu/appendix-m-emergency-procedures/>

## **Reporting Arrests and Referrals for Disciplinary Action**

<https://www.lextheo.edu/appendix-m-emergency-procedures/section II.E>

In addition to defined crimes the Clery Act requires reporting of arrests and referrals for disciplinary actions for the following violations:

**Weapons:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives,

incendiary devices or other deadly weapons. This classification also encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting: the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

The Seminary's policies, including sanctions, concerning illicit drugs, alcohol, tobacco and firearms are provided at <https://www.lextheo.edu/appendix-e-illicit-drugs-alcohol-tobacco-and-firearms-policy/>

### **Procedure to Follow if a Violent Crime or Sexual Offense Occurs**

<https://www.lextheo.edu/appendix-m-emergency-procedures/> sections III & IV

The victim of any violent crime or sex-based offense should promptly report the incident to the Campus Security Authority who will prepare a Crime Incident Report and provide the victim with a copy of the Notification of Rights/Options and a Directory of Victim Assistance Services (see Attachments 5 & 6) which will provide the victim with a brief written explanation of his/her rights to notify law enforcement and to be assisted by campus authorities in doing so, options to file a disciplinary complaint, the Seminary's duty to investigate criminal offenses, explanation of no contact orders and contact information for campus and local assistance services.

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. If a victim 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 additional resource information, see <https://www.lextheo.edu/appendix-m-emergency-procedures> Section *IV.D, E*.

If the offense was committed by a member of the campus community, the victim may also choose to make a formal or informal complaint to the Vice President for Academic Affairs and Dean or to the Student Complaint Advisory Committee. In such cases, an investigation and hearing will follow, see Appendix B: Student Complaint Advisory Committee Policy & Procedures, <https://www.lextheo.edu/appendix-b> and Appendix C, Title IX Policy and Grievance Procedure <https://www.lextheo.edu/wp-content/uploads/2015/12/Appendix-C-for-website-2015.pdf> for steps to follow and disciplinary actions which may be taken.

**Victim's Academic Situation** Lexington Theological Seminary will provide alternatives for a victim's academic situation (such as changing class assignments so that a victim need not attend class in the same classroom with the accused) after an alleged sex offense, if requested by the victim and if alternatives are reasonably available.

**National Sexual Assault Hotline** Additional information on sexual assault and free confidential counseling may be obtained by contacting the toll free, 24-hour National Sexual Assault Hotline, operated by RAINN (Rape, Abuse & Incest National Network) at 1-800-656-HOPE or the RAINN website: [www.rainn.org](http://www.rainn.org).

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

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** A person who has been the victim of sex-based offenses (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).

Questions about evidence collection can be directed to the local Rape Crisis Center (see <https://www.lextheo.edu/appendix-m-emergency-procedures> Section IV.)

**Sexual Violence – Protection Orders** A protection order is a legal order issued by a court, which requires one person to stop harming, harassing, threatening, abusing, and/or stalking another person. A court looks at the facts and circumstances of the case to determine what actions the alleged individual may not engage in. Emergency protective orders (EPO) and domestic violence orders (DVO) provide protection from harm by a family member or someone



in a domestic relationship. In Kentucky, a Domestic Violence Order (DVO) is filed at the Circuit or District Courthouse in the county where the victim lives. If the victim has fled the county of residence to escape the abuser, the victim may go to the Courthouse in the county to which the victim has fled.

The court information for Fayette County, Kentucky is:

Fayette County Circuit Clerk  
120 N. Limestone St.  
Room 103  
Lexington, KY 40507-1152  
Phone: (859) 246-2141

- To view a copy of the Domestic Violence Petition/Motion for Kentucky, see: <http://courts.ky.gov/resources/legalforms/LegalForms/2751.pdf>
- For further information on filing a petition in Kentucky and the types of protection available, see Office of the Kentucky Attorney General's webpage at: <http://ag.ky.gov/criminal/victims/Pages/domestic.aspx>
- For information on enforcement of Out-of-State protection orders by Kentucky law enforcement, see the Department for Human Services webpage at: <http://chfs.ky.gov/NR/rdonlyres/7BE6EA33-2EF7-41A8-8711-D8A88192A9C5/0/OutofStateDomesticViolenceOrders.htm>

Lexington Theological Seminary has no Security or Police Department. No member of the campus community has law enforcement authority. Incidents of violation of no-contact, restraining and protective orders are handled in the same way as other criminal incidents.

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 and Dean 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.

## **Definitions**

Coercion is the practice of forcing another party to act in an involuntary manner by use of intimidation or threats or some other form of pressure or force. Coercion may include the use of emotional manipulation to persuade someone to do something the person may not want to do. Being coerced into having sex or performing sexual acts is not consenting sex.

Consent\* is *informed*. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent is *voluntary*. It must be given without coercion, force, threats, or intimidation. Consent is *revocable*. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately. Consent cannot be given when a person is *incapacitated*. A person cannot consent if they are unconscious or coming in and out of consciousness. A person cannot consent if they are under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if their understanding of the act is affected by a physical or mental impairment. For purposes of this Policy, the minimal age of consent is eighteen (18).

*\*It should be noted that Kentucky law provides: “(KRS 510.020): (a) Forcible compulsion; (b) incapacity to consent; or (c) If the offense charged is sexual abuse, any circumstance in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. A person is deemed incapable of consent when he or she is: (a) Less than sixteen (16) years old; (b) An individual with intellectual disability or an individual that suffers from a mental illness; (c) mentally incapacitated; (d) physically helpless; or (e) under the care or custody of the state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or local agency. Note: The provisions of subsection (3)(e) of this section shall not apply to persons who are lawfully married to each other and no court order is in effect prohibiting contact between parties.”*

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion that overcomes resistance or produces consent.

Incapacitation is the state where someone cannot make rational, reasonable decisions due to a lack of capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, and how” of the sexual interaction). Sexual activity with someone who is mentally or physically incapacitated (i.e., by alcohol or other drug use, unconsciousness or blackout) constitutes a violation of this Policy. A person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the consumption (voluntary or otherwise) of incapacitating drugs cannot give consent.

**Advising Crime Victims** 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. 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 and pastoral support person.

By virtue of the inclusion of Title IX and criminal reporting procedures in all Seminary employee and student handbooks, any employee serving in the role of pastoral support is expected to inform those they counsel of Seminary procedures for crime reporting.

**Confidentiality** Lexington Theological Seminary will preserve student/employee confidentiality to the extent possible and allowed by law. The Seminary will exercise sensitivity with respect to the privacy concerns of the reporting person; however, these concerns must be balanced against the Seminary's legal obligations as well as its need to protect the campus community and to insure that appropriate disciplinary processes are implemented. Notification to a parent or guardian of a victim of an incident of sexual misconduct or sexual assault will be made, if necessary, in accord with the requirements of applicable privacy and reporting laws, including but not limited to the Family Educational Rights Privacy Act (FERPA).

The crime statistics included in the Seminary's annual state and federal compliance reports do not include any information that would identify the victim or the person accused of committing a crime. Crime Incident Reports are retained by the Campus Security Authority in secure storage. All Grievance Committee documentation relating to offenses reported to the Committee is retained by the Committee Chair in secure storage.

**Positive Options for Bystander Intervention** The following advice and counsel concerning bystander intervention is provided for any member of the campus community who might notice a behavior of concern and interpret the behavior as a problem.

Bystander Intervention is a helping behavior whereby a bystander intervenes directly or indirectly in emergency or non-emergency situations. Examples of situations where active bystander intervention has proven effective include sexual assault, domestic violence, dating violence, stalking, discrimination, bullying and hazing, eating disorders, alcohol and drug abuse, and issues of academic integrity.

Positive bystander intervention strategies begin when individuals notice the behavior of concern, interpret the behavior as a problem. Always be aware of your personal safety while being an active bystander. Intervene only when it is safe to do so. The goal of bystander intervention is to save lives and prevent possible acts of violence.

The basic active bystander intervention strategy for emergency and non-emergency situations is to report the incident to the Campus Security Authority (CSA). Emergency notifications can also be made by calling 9-1-1 from a cell phone or 9, followed by 911 from a Seminary phone.

Additional strategies include:

- Encourage victims to self-report; never dismiss claims of sexual violence or domestic violence; never place blame on the victim of an act of violence.

- Intervene and ask if a person needs help (e.g., “Do you need a ride?” or “Do you want me to call someone to help?”).
- Do not leave another person alone in a situation in which you feel uncomfortable; develop a buddy system.
- Use distraction techniques such as humor, reframing, redirection, or personalization to reduce tension between individuals and to stall for time in which to intervene.
- Recruit help; group interventions can make individuals aware of patterns of behaviors of concern.

If you are confident that it is safe for you to do so, address the potential perpetrator directly – Ask her/him to stop what she/he is doing, that it is not acceptable or condoned by you, your peers or the Seminary.

- Create a distraction to divert the attention of the potential perpetrator (for example: start a conversation about something else, suggest that they are needed to assist with something, etc.)
- Enlist the help of a friend or other bystander(s). Draw their attention to the situation and quickly strategize with them to step in. Ask them to join you in approaching the potential victim or perpetrator or to contact authorities such as the police, Campus Security Authority or Seminary officer/faculty member while you address the parties involved.

Additional information about the role of positive bystander intervention can be found at the National Sexual Violence Resource center website, specifically:

[http://www.nsvrc.org/sites/default/files/Publications\\_NSVRC\\_Booklets\\_Engaging-Bystanders-in-Sexual-Violence-Prevention.pdf](http://www.nsvrc.org/sites/default/files/Publications_NSVRC_Booklets_Engaging-Bystanders-in-Sexual-Violence-Prevention.pdf)

**Educational Programs to Promote Awareness** The Seminary is committed to educate students and the campus community on how to identify early warning signs of violence and understand the appropriate responses. In this regard, a combination of on-line and print resources is used to inform new students and employees about crime and violence prevention and educate the campus community about sexual violence prevention, self-protection and safety.

Materials are provided to the campus community in several situations: included in preparation material for periodic student intensives, as annual mailings, as periodic notifications in response to active safety and security issues.

The Campus Security Authority in collaboration with the Vice President for Academic Affairs is responsible for the design, update and selection of training and educational materials relating to crime, campus security and violence prevention.

### References and Related Materials

*National Hotlines:*

- ◆ National Suicide Prevention Hotline: 1-800-273-TALK (8255); [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

- ◆ Substance Abuse & Mental Health Services Association: 1-800-662-HELP (4357) [www.samhsa.gov](http://www.samhsa.gov)
- ◆ Mental Health Services Locator: <https://www.samhsa.gov/find-help>
- ◆ Rape, Abuse & Incest National Network (RAINN): 1-800-656-HOPE (4673) [www.rainn.ORG](http://www.rainn.ORG)
- ◆ National Domestic Violence Hotline: 1-800-799-7233 [www.ndvh.org](http://www.ndvh.org)
- ◆ Department of Justice Office of Violence Against Women: [www.usdoj.gov/ovw/](http://www.usdoj.gov/ovw/)
- ◆ Narcotics Anonymous (find a registered Narcotics Anonymous group in your area): [www.na.org](http://www.na.org)
- ◆ Alcoholics Anonymous (find a registered Alcoholics Anonymous group in your area): [www.aa.org](http://www.aa.org)

### ***B. Kentucky Hotlines:***

- ◆ (Lexington) Bluegrass Rape Crisis Center: 859-253-2511 or 800-656 HOPE (4673)
- ◆ Lexington Mental Health Crisis Line 1-800-928-8000
- ◆ Drug and Alcohol Abuse Treatment Referral: 1-800-662- HELP (4356)

### ***C. Resources for Drug & Alcohol Addiction – Kentucky:***

- ◆ Blue Grass Intergroup: 859-225-1212; <http://bluegrassintergroup.org/>

### *Resources for Victims of Sexual Violence:*

- ◆ **Access to Justice Foundation:** Coordinates statewide pro bono opportunities for volunteer lawyers, provides poverty law training, directs resource development activities, and provides free telephone legal assistance to seniors throughout Kentucky. Seniors should call (800.200.3633).

400 Old Vine Street  
 Suite 203  
 Lexington, KY 40507  
 Phone: (859) 255-9913  
 Phone: (800) 200-3633 for seniors only  
 Web: <http://www.ajfky.org/>  
 Email: [ajf@mis.net](mailto:ajf@mis.net)

- ◆ **Kentucky Cabinet for Health and Family Services:** Provides information, links and referrals to various statewide resources.

Office of the Secretary  
275 East Main Street  
Frankfort, KY 40621  
Hotline: CHFS Ombudsman Toll-Free 1-800-372-2973  
Phone: Abuse Hotline: 1-800-752-6200  
Phone: Women, Infant and Children (WIC) Program: 1-800-462-6122  
Web: <http://chfs.ky.gov/>

◆ **The Family Violence Prevention Branch of the Kentucky Cabinet for Health and Family Services:**

Web: <http://chfs.ky.gov/dcbs/dpp/violenceprevention.htm>

◆ **Kentucky Domestic Violence Association**

111 Darby Shire Circle  
Frankfort, KY 40601  
Phone: Phone: 502-209-KDVA (5382)  
Web: <http://www.kdva.org>

◆ **Legal Aid Network of Kentucky**

Hotline: First time callers: 866-452-9243  
Phone: Toll Free: 800-782-1924  
Phone: Local: 270-782-1924  
Web: <http://kyjustice.org/home>

◆ **The Stalking Resource Center:** Stalking Prevention & Protection Information

Web: <http://www.victimsofcrime.org/our-programs/stalking-resource-center>

*Resources for Victims of Sexual Violence – National*

◆ **Directory of Crime Victims Services:** Enables crime victims to readily locate national and international assistance services and will help victim service providers make appropriate referrals. The directory allows users to search for victim services by location, type of victimization and type of service needed.

Web: <https://ovc.ncjrs.gov/findvictimservices/>

◆ **National Organization for Victim Assistance:** The National Organization for Victim Assistance (NOVA) provides victim and witness assistance for criminal justice and mental health professionals, advocates, researchers, victims and survivors, and related professionals.

Hotline: 1-800-TRY-NOVA (1-800-879-6682)

Phone: (703) 535-NOVA (6682)

Web: <http://www.trynova.org>

**U.S. Citizenship & Immigration Services [Servicios de Inmigración]:**

<https://www.uscis.gov/archive/archive-laws/archive-legal-documents/finding-free-legal-advice>

and <https://www.uscis.gov/legal-resources>

**Financial Assistance for Crime Victims [Asistencia Financiera para Víctimas de Crimen]:**

Victim Connect Resource Center <https://victimconnect.org/victim-service-information/financial-assistance-crime-victim-compensation/> ; National Association of Crime Victim Compensation

Boards <http://www.nacvcb.org/index.asp?sid=5>

**Policy: Whistleblower and Anti-Retaliation** <https://www.lextheo.edu/appendix-g-whistleblower-and-anti-retaliation-policy/>

In its continuing effort to build upon its strong corporate governance standards, the Executive Committee of Lexington Theological Seminary (“LTS”) has established procedures for its employees/students to convey complaints or to identify concerns (a “Complaint”) regarding claims of violations of legal and/or regulatory requirements. Such Complaints may include, but are not limited to, claims regarding financial reporting and disclosure requirements, preparation of financial statements, accounting practices, internal accounting controls, financial audit matters, matters concerning fraud against LTS, or inappropriate use of LTS resources (“Disclosure Matters”).

LTS also respects its employees’/students’ legal right to report actual or suspected unlawful activity directly to management or government agencies and understands it is management’s responsibility to ensure that LTS employees/students feel comfortable reporting actual or suspected unlawful activity to management or government agencies. To the extent that LTS employees/students wish to make an internal complaint with respect to Disclosure Matters, such employees/students may follow the policies and procedures outlined below to submit a complaint.

**Submitting A Complaint:** A complaint regarding questionable treatment or alleged violations with respect to the Disclosure Matters may be submitted in the following manner to the extent that an employee/student does not feel comfortable reporting the matter through LTS current organizational structure or chain of command.

1. A Complaint may be submitted in writing, confidentially and anonymously, through internal or regular mail or may be delivered in person to the Chair of the Executive Committee (the “Chair”). (The name and address of the Chair is located on LTS’s website).
2. If an employee/student desires to discuss the matter in person with the Chair, he or she should submit a written request and include a telephone number at which he or she may be contacted.

3. To the extent possible, any Complaint should be factual and should contain as much specific information as possible setting forth all of the information about which the employee/student has knowledge.

### **Handling Complaints:**

1. Upon receipt of a Complaint, the Chair, or his or her designee, will investigate the Complaint. In conducting the investigation, the Chair, or his or her designee, may retain outside legal or accounting expertise. To the extent possible, all Complaints will be handled in a confidential manner.
2. The Chair will report to the Executive Committee all Complaints submitted to him or her since the Chair's last report, including his or her determination regarding the Complaint and the results, if any, of any investigations.
3. If the Executive Committee determines that a reasonable basis exists for initiating a further investigation into the Complaint, the Executive Committee will appoint a member of the Executive Committee to lead such an investigation. In conducting such an investigation, the Executive Committee may retain legal or accounting expertise. The Chair will oversee all investigations.
4. The Executive Committee together with input from LTS management, if requested, will determine any appropriate action. It is the responsibility of the Executive Committee to report to LTS any noncompliance with LTS policies, legal and/or regulatory requirements, and to assure that LTS management takes the appropriate action as directed by the Executive Committee.

**No Retaliation:** LTS and employees/students, officers, contractors, and agents of LTS may not retaliate or discriminate against any employee/student who: (i) provides information to LTS or to governmental authorities regarding any conduct that the employee/student reasonably believes constitutes unlawful activity; or (ii) participates in or otherwise assists with an administrative proceeding, judicial proceeding, or investigation by LTS, the Executive Committee, or government agencies (collectively, "Proceedings"). Specifically, LTS will not discharge, demote, suspend, threaten, harass, or in any other manner discriminate against any employee/student in the terms and conditions of his or her employment because the employee/student: (i) reported what the employee/student reasonably believes constitutes unlawful activity; or (ii) participated in any Proceedings. LTS also respects its employees'/students' legal right to refuse in good faith to engage in unlawful activities and will not take any type of disciplinary action against employees/students who refuse to engage in unlawful activities. Any employee/student of LTS who retaliates against another employee/student in violation of this policy, or encourages another to so retaliate, will be subject to appropriate discipline, up to and including discharge.

### **Educational Programs to Promote Awareness & Prevention**

Through its *Student Complaint Advisory* (grievance) Policy (Student Handbook: Appendix B) *Title IX* Policy and Procedures (Student Handbook: Appendix C) and *Campus Safety and Security* (Student Handbook: Appendix M) policies and procedures the Seminary provides notice



that criminal behavior, sexual harassment, discrimination or misconduct in any form will not be tolerated. The procedures specified in these policies will be utilized to punish/correct incidents of misconduct and to allow all students, faculty, and staff to prevent, report, and eliminate these behaviors from this campus. New employees and students are required to review these policies upon employment/admission and all members of the campus community are instructed to review the policies annually.

Through its *Campus Safety and Security Policies*, Appendix M of the Student Handbook, the Seminary presents its policies and procedures to ensure a safe, friendly campus environment with a mindset of trust, respect and dedication to excellence. All new employees and students are required to review the policy. A safe environment depends on the ongoing cooperation and involvement of individuals in safeguarding themselves and others; as such, annually, a copy of the current Annual Security Report is sent to all campus community members including students, faculty and staff. At that time, all members of the campus community are also directed to review Seminary safety and security policies and procedures online at: <https://www.lextheo.edu/appendix-m-emergency-procedures/>

Through its *Illicit Drugs, Alcohol, Tobacco and Firearms Policy*, Appendix E of the Seminary Handbook, the Seminary presents its policies and procedures to encourage those choices and habits that lead to good physical, mental and spiritual health. The Seminary does not support those behaviors that place health at risk and that have been proven to compromise the health and safety of campus community members. Education is encouraged in appropriate classes, available literature, modeling by one another, and any other manner that is consistent and appropriate in our community practices. By virtue of its inclusion in the Handbook, this policy and any revisions shall be considered to be distributed annually online at <https://www.lextheo.edu/appendix-e-illicit-drugs-alcohol-tobacco-and-firearms-policy/> to students, faculty and staff. The Vice President of Academic Affairs and Dean and the Chief Financial Officer shall review and interpret the policies and procedures relevant to this policy statement on an annual basis. These two administrators shall be jointly responsible for maintaining records of the annual review of this policy statement.

The Seminary is committed to educate students and the campus community on how to identify early warning signs of violence and understand the appropriate responses. In this regard, a combination of on-line and print resources is used to inform new students and employees about crime and violence prevention and educate the campus community about sexual violence prevention, self-protection and safety.

Materials are provided to the campus community in several situations including preparation for periodic student intensives, as annual mailings, as periodic notifications in response to active safety and security issues.

- *Everyday Consent*: This briefing sheet was developed by the National Sexual Violence Resource Center [www.NSVRC.ORG/SAAM](http://www.NSVRC.ORG/SAAM). It is designed to educate the reader about choosing to respect personal and emotional boundaries and covers issues including touching, privacy, asking permission, sex and consent and how to handle “No.”

- *What is Sexual Violence?* This briefing sheet was developed by the National Sexual Violence Resource Center [www.NSVRC.ORG/SAAM](http://www.NSVRC.ORG/SAAM). It defines sexual violence in general and explains the role of consent in relation to sexual violence. It describes the diverse forms of sexual violence and provides up-to-date facts and statistics about sexual violence perpetrated on both women and men.
- *Campus Security Checklist:* This Seminary handout outlines both safety and reporting instructions for anyone working on campus or visiting.
- *Notification of Rights/Options:* This Seminary handout provides victims of a sexual offense with a summary of their rights and options.

The *Campus Security Checklist* (Attachment 1) is mailed to all students scheduled for classes on campus, along with their class preparation materials.

Additional educational materials and links to trusted informational websites are made available electronically through links provided in the Student Handbook, the Annual Security Report and the campus library for campus community members. The Campus Security Authority is responsible for the design, update and selection of educational materials relating to crime, campus security and violence prevention.

### **The Following Definitions Apply:**

***Sexual Assault:*** means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. The term includes all forcible sex offenses (any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent; this includes attempts and non-forcible offenses (any unlawful, non-forcible sexual intercourse.) Specific offenses are defined below:

***Forcible Rape:*** The carnal knowledge of a person, forcibly and/ or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

***Forcible Sodomy:*** Oral or anal sexual intercourse with another person; forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

***Sexual Assault With An Object:*** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person; forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. (An object or instrument is anything used by the offender other than the offender's genitalia.)

***Forcible Fondling:*** The touching of the private parts of another person for the purpose of sexual gratification, forcibly and against the person's will; or not forcibly or against the person's will

where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

***Statutory Rape:*** Non-forcible sexual intercourse with a person who is under the statutory age of consent. (In Kentucky the age of consent is sixteen (16) years old.)

***Incest:*** Non-forcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

***Domestic Violence:*** Domestic violence as defined in KRS 403.720 (1), (2), (4) means physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple. Kentucky law defines “family member” as a current or former spouse, a parent, a grandparent, a child, or stepchild. Also, where the victim is a child, any person living in the same household as the child is considered a family member. “Member of an unmarried couple” refers to people who have a child or children together.

***Dating Violence:*** For the purposes of this policy “Dating Violence” includes felony or misdemeanor crimes of violence committed by a dating partner. The term “dating partner” refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

***Stalking:*** Stalking In The First Degree (KRS508.140) is defined as intentionally stalking another person and making an explicit or implicit threat with the intent to place that person in reasonable fear of sexual contact, serious physical injury, or death; and a protective order has been issued, or a criminal complaint is currently pending, or the defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims; or the act or acts were committed while the defendant had a deadly weapon on or about his person. Stalking In The Second Degree: (KRS508.150) is defined as intentionally stalking another person and making an explicit or implicit threat with the intent to place that person in reasonable fear of sexual contact, serious physical injury, or death.

*NOTE: The above is a non-exhaustive list and is not intended to provide legal advice. Persons should consult with law enforcement and prosecutors for advice.*

**Registered Sex Offenders** Information on registered sex offenders living and working in the areas near Lexington Theological Seminary’s campus may be obtained through the following state law enforcement website: <http://kspsor.state.ky.us/> Lexington Theological Seminary is not responsible for the accuracy of data which appears on the state website. Students are encouraged to visit their home state’s law enforcement website to locate information on sex offenders residing in their area.

## **The investigation and adjudication of complaints involving Title IX violations as well as sexual misconduct complaints which do not involve a Title IX violation**

are handled according to the policies and procedures outlined in Appendices B, <https://www.lextheo.edu/wp-content/uploads/2018/09/Appendix-B-revised-September-2018.pdf> and C, <https://www.lextheo.edu/wp-content/uploads/2015/12/Appendix-C-for-website-2015.pdf> of the Student Handbook.

### **POLICY: Annual Disclosure of Crime Statistics**

<https://www.lextheo.edu/appendix-m-emergency-procedures/section II>

**Description of Statistics Reported:** Lexington Theological Seminary will disclose all statistics from reports of alleged criminal incidents. The Campus Security Authority collects and reports crime statistics in compliance with the federal Clery Act and the Commonwealth of Kentucky's Michael Minger Act annually.

Crimes included for reporting, as specified in the U.S.D.O.E. Handbook for Campus Safety and Security Reporting, are classified based on the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR). For sex offenses only, the definitions provided in the FBI's National Incident-Based Reporting System (NIBRS) edition of the UCR are used. The Clery Act requires reporting of three categories of statistics: Criminal Offenses (criminal homicide, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and arson); Hate Crimes (any criminal offense committed against a person or property which is motivated by the offender's bias toward a group or persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin as well as larceny-theft, simple assault intimidation and destruction/damage/vandalism of property); Arrests and Referrals for Disciplinary Action (for weapons violations, drug abuse violations, liquor law violations).

**Procedure for Annual Reporting of Crime Statistics:** At the end of each calendar year the Campus Security Authority will direct preparation of the Seminary's Annual Security Report, including statistics for crimes required to be reported by the Clery Act. The report will be made available for distribution/review no later than October 1<sup>st</sup> of the year following the reporting period. Notification of availability of the report along with a web address for access to a current copy will be sent via e-mail to the campus community.

**Request for Annual Police Crime Analysis Report:** Early in the report year, a written request shall be directed to the Lexington-Fayette Urban County Division of Police, requesting data for the preceding calendar year as follows: Calls for Service, Reported Crime, and Arrests for the Lexington Theological Seminary Campus and for the areas constituting a perimeter around the campus. The request may be submitted by fax. Upon phone notification by the police liaison, the completed report is provided for pickup at the police station in Lexington. There is a nominal charge for this service, which must be paid at the time the report is picked up for the Seminary. This report provides back-up information to the crime log, along with additional information about the areas surrounding campus, which is required for the compliance reports. The report is reviewed and incidents which must be reported are noted. A digital copy of the report is retained on file for four years. (Further instructions for special situations are available in Chapter 4 of the

*Handbook for Campus safety and Security Reporting*, provided by the U.S. Department of Education, Office of Postsecondary Education).

**Clery Report:** On or about mid-July the Seminary will receive a letter from the Director of the Policy and Budget Department of the United States Department of Education, Office of Postsecondary Education. This letter will notify of any upcoming changes to the Clery reporting requirements and will include web addresses to be used to access the Clery Act Handbook for Crime Reporting and the report filing website. Also included with the letter will be the Registration Certificate providing passwords and registration and help desk information. The letter and the registration form, in PDF format, are filed in the Assessments user location on the Seminary network. The on-line Handbook for Crime Reporting will contain instructions and definitions which must be followed for completing the Clery Act information.

**Annual Security Report:** Annual crime statistics for the Seminary (which include reported crimes within campus geography in which individuals not associated with the Seminary are involved ) is provided in Lexington Theological Seminary's Annual Security Report. The report must include crime statistics as well as notification of policies and procedures according to the latest USDE requirements. These requirements are listed in the Clery Act Handbook, available on-line. This report must be posted on the Seminary website and must be available to the general public, including prospective students and employees. Availability must be announced by a broadcast e-mail message sent by the Campus Security Authority to all students, faculty and employees and must include the exact electronic address at which the report is posted. This report must be completed and posted prior to October 1st of each year.

**Michael Minger Report:** Kentucky Senate Bill 130, signed into law during in the 2018 Regular Session, amended the Michael Minger Act (KRS 164.948 - .9495) to align the crime reporting requirements with those of the federal Clery Act beginning academic year (2019-2020). To comply with the statutory change, the Annual Report as required by KRS 164.9485 and Section 7 of the Regulation shall no longer be submitted in the Minger Reporting System (Form MMA1), which was designed to meet the requirements of the prior version of the law. Moving forward and beginning with the current reporting year, annual crime occurrence statistics shall be reported to the Kentucky Council on Postsecondary Education as described in KRS 164.9485(3) in the format of the LTS Annual Security Report, and will include the statutorily required elements. The annual Michael Minger Report crime statistics submitted now mirror those provided in the annual Clery Act report

**Geographic Definitions:** For the following location descriptions "controlled by" means that the Seminary rents, leases or has some other type of written agreement for a building or property, or a portion of a building or property. Even if there is no payment involved in the transaction, under Clery Act guidelines a written agreement for use of space gives the Seminary control of that space for the time period specified in the agreement (See: U. S. Department of Education, Office of Post-Secondary Education, *The Handbook for Campus Safety and Security Reporting*, Washington, D.C.).

**On-Campus:** Any building or property owned or controlled by the Seminary that is within the same reasonably contiguous geographic area and used by the Seminary in direct support of, or in

a manner related to the Seminary's educational purposes is considered on-campus; and any building or property that is within or reasonably contiguous to the property referenced prior but controlled by another person, is frequently used by students and supports institutional purposes, is considered on-campus.

**Public Property (adjacent to and accessible from):** Public Property includes building common areas such as lobbies, elevators and stairways in addition to thoroughfares, streets, sidewalks and parking facilities that are within campus or immediately adjacent to and accessible from campus.

**Non-Campus Buildings or Property:** Non-campus buildings to be included in emergency procedures and crime statistics reporting are buildings or property not owned or controlled by the Seminary that are used in direct support of, or in relation to the Seminary's educational purposes, are frequently used by students, and are not within the same reasonably contiguous geographic area of the Seminary.

**Clery Geography:** As of August 1, 2014, Lexington Theological Seminary's Clery Geography consists of Suites 300 (third floor) and 510 (fifth floor) of the office building at 230 Lexington Green Circle, Lexington, Kentucky, 40503 as well as the building's stairways, lobby, elevators, sidewalks and parking lot. The Seminary is located within a mall/office park which is privately owned. There is no public property adjacent to the campus.

**Crime Log:** No crimes were reported for 2018. See Crime Log, Attachment 8.

**Arrests and Referrals for Disciplinary Action:** The Clery Act requires reporting of arrests and referrals for disciplinary actions for the following violations:

**Weapons:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification also encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting: the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

The Seminary's policies, including sanctions, concerning illicit drugs, alcohol, tobacco and firearms are provided at <https://www.lextheo.edu/appendix-e-illicit-drugs-alcohol-tobacco-and-firearms-policy/>

## **Annual Crime Statistics**

A summary of Clery Act/Michael Minger Act statistics for Lexington Theological Seminary for the period 2016-2018 is provided as Attachment 7 sections a-d of this report. These statistics include all relevant statistics provided by the Lexington Division of Police which has law enforcement jurisdiction for Lexington Theological Seminary. All letters of request for crime statistics filed with the Lexington Division of Police, Lexington Kentucky and letters of response from the police as well as reports of criminal activity requested are available for review in paper form at the Seminary, 230 Lexington Green Circle, Suite 300, office #334.

# Attachment 1

## CAMPUS SECURITY CHECKLIST

*Lexington Theological Seminary*

*Updated 2019*

- **In case of imminent danger from crime, fire or other emergency, dial “911” immediately and describe the situation to the responder; follow any instructions provided by the civil authorities.** (If dialing from a phone within the Seminary phone system, you must first dial “9”, then “911”. If dialing from your cell phone, be prepared to give your physical location if asked. The Seminary campus is located at 230 Lexington Green Circle, Lexington, Kentucky 40503)
  - In case of fire, activate the fire pull alarm located on the wall at each stairwell exit door. Activation of the fire alarm will automatically alert the fire department.
  - For specific evacuation or safe area instructions in case of bomb scare, earthquake, loss of power, elevator entrapment or severe weather, please refer to Lexington Green Emergency Building Information, Attachmen1 of the Campus Safety and Security Policies and Procedures in the Student Handbook.
  
- **In the case of any crime or offense of a non-emergency nature which is observed or of which a person has knowledge, the situation must be reported immediately to the Campus Security Authority (CSA), Karen Wagers, Chief Financial Officer, Room 316, extension 1236.** In the event the CSA is out of the office, the incident should be reported to the Vice President of Academic Affairs and Dean, Dr. Loida I. Martell, extension 1256.

### EMERGENCY PROCEDURES FOR STUDENTS AND VISITORS

*Whenever possible, all persons present in classroom facilities, offices, common areas and/or the library will be instructed by the Campus Security Authority to take the recommended action according to the nature of the situation, however, in the absence of instruction, please follow the procedures below according to the emergency situation encountered.*

**CRIME: If you witness a violent crime, dial 911 immediately.** If you notice activity that is suspicious, report it to Karen Wagers, the Chief Financial Officer and Campus Security Authority (CSA) immediately. If you are unable to contact the CSA, notify another Seminary officer or faculty member. The Campus Security Authority will notify the police and also alert building management, if warranted.

#### **To decrease the possibility of automobile crimes:**

- Do not leave your vehicle unattended with the engine running.
- Lock your vehicle.
- Do not leave phones, laptops, tablets, CDs, tapes, GPS devices, loose change, etc. visible through vehicle windows; lock such items in glove compartment or in trunk before entering the parking lot.
- Take purses and wallets with you. Do not leave purses in the car or the trunk.

**MEDICAL EMERGENCY: Immediately call 911 in the event of a medical emergency.** Provide the street address, the floor and suite number (*Lexington Theological Seminary’s street address is: 230 Lexington Green Circle, Suite 300*),



your name, the number you are calling from and the nature of the emergency. Stay on the telephone if at all possible or have someone relay messages to you from the 911 operator. Have someone contact building management.

- Avoid moving the patient. Evaluate the patient, getting as much information as possible from the patient or if the patient is unresponsive, from anyone that saw the actions leading up to or preceding the emergency. Provide all information to the 911 operator and wait for directions.
- Have someone meet emergency personnel at building entrance with elevator locked off to bring to location of patient.

**ELEVATOR ENTRAPMENT:** ThyssenKrupp Elevator Company is called automatically from the elevator telephones. They will respond immediately.

**FIRE:** In case of fire

- **Activate fire pull alarm located on the wall at each stairwell exit door.** If safely possible, notify the CSA or a Seminary officer or faculty member.
  - o Activation of the fire alarm will automatically notify the fire department and will alert occupants on the floor where the alarm was pulled in addition to one floor above and one floor below with a fire alarm signal (a slow whoop ten seconds) and a taped message to evacuate only those three floors.
- **Exit the building through the nearest stairway.** Never use the elevators in any fire emergency.
  - o If occupants fully exit the building, gather away from the building with other building occupants so that once everyone has evacuated, a head count can be taken.

**LOSS OF POWER:** The buildings emergency generators allows the building to have power supplied to emergency exit lighting, the fire sprinkler system and the main entry door lock system.

- If it is necessary to exit the building, follow the lighted exit signs to the nearest stairway. **DO NOT USE ELEVATORS.**
- Once outside, stay clear of downed power lines, trees or limbs.

**EARTHQUAKE:**

- Move immediately to a safe place. Get under a desk or table or stand in an interior doorway or in the corner of a room. Stay away from windows and heavy objects (such as a refrigerator or tall furniture) that may topple or slide across a floor.
- Seek safety where you are at the time of the incident. Then, if evacuation is necessary, leave calmly. Power for elevators may fail. Stairways may be broken or jammed with people.
- Do not use the telephone except to call for help or to report serious emergencies
- Seek medical help for those in need and check for fires and put out if you can.
- The electricity may go out, elevator, fire and burglar alarms may start ringing and/or the sprinkler system may activate. Expect to hear noise from breaking glass, cracks in walls and falling objects.
- If outdoors, get into an open area away from the building and power lines.

**TORNADO/SEVERE WEATHER:**

- Close all windows, blinds/drapes on outside windows.
- Close all doors.
- Move to the designated safe area on your floor (the fire stairwell toward center of building).
- Do not attempt to go to the first floor lobby
- Remain in place for headcount and all clear.
- If you are outdoors go to a low lying area and remain there until the storm passes

## Attachment 2

### Lexington Theological Seminary Incident Report Form

(updated January 2019)

This form is to be completed by the Campus Security Authority who is required to report information received about events representing a possible threat to the campus community and/or specified crimes/offenses (described below) pursuant to the federal *Clery Act*. The information collected from these forms will be used as a permanent record of events and, if Clery-related to prepare a compilation of statistical crime information that will be included in the campus' Annual Security Report. It is the policy of Lexington Theological Seminary to ensure that victims and witnesses to crime are aware of their right to report criminal acts to the police, and to report Seminary policy violations to the appropriate office (e.g., student conduct violations to the Office of the Dean). If a reporting person requests anonymity, this request must be honored to the extent permitted by law, provided that confidentiality does not interfere with assuring the safety of the campus community. Accordingly, no information should be included on this form that would personally identify the victim without his/her consent.

**Person Receiving Report:** Phone: Date: Clery Reportable:  
Yes  No

**Report Made by:**  Victim  Third Party, Relationship to victim:

**Date and Time the Incident Occurred:** Date: Time of Day:

**Location of Incident:**  On-Campus (including common areas and parking lots)  Off-campus  Unknown  
 Other

*Describe specific location, e.g. address, floor, suite, room, etc. or email, Facebook post, etc.*

**Description of the incident or crime:**

**Classification of the Incident** (for crime definitions, see Attachment 2 in Campus Safety & Security Policies and Procedures)

- Criminal Homicide (specify)**
- Robbery**
- Assault**
- Burglary**
- Motor Vehicle Theft**
- Arson**
- Menacing**  **Menacing, non-criminal(not Clery reportable)**
- Wanton Endangerment**
- Terroristic Threatening**
- Sexual Violence:** *Examples of sexual violence include sexual assault (Sexual harassment, rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape) domestic violence, dating violence and stalking). If reporting sexual violence, please answer questions below:*

Were the *victim and the assailant* acquainted?  Yes  No

Was the *victim* under the influence of alcohol  No, alcohol  Yes, alcohol  
drugs?  No, drugs  Yes, drugs

Was the *assailant* under the influence of alcohol?  No, alcohol  Yes, alcohol  
drugs?  No, drugs  Yes, drugs

**Hate Crimes:** *Hate crime information is required to be reported for each of the following crimes (criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson) and for any other crime involving bodily injury.*

Was this incident motivated by hate or bias?  Yes  No

If yes, category of prejudice:  Race  Ethnicity/National Origin  Gender  Religion  Disability  Sexual Orientation

Provide a brief explanation of the determination:

**Alcohol, Drug and Weapons Law Violations**

*Check all that apply:*  Alcohol  Drugs  Weapons. Describe weapon:

**Number of individuals arrested or referred for campus disciplinary action:**

**Names of individuals, if available, and relationship to Lexington Theological Seminary (e.g. student, faculty member, etc.):**

**Follow-up or Additional Information:**

\_\_\_\_\_ **Unfounded:** Unfounded crimes should include all criminal offenses, hate crimes, arrests or disciplinary action referrals for weapons, drug or liquor law violations, and domestic violence, dating violence, or stalking incidents that have been investigated by law enforcement authorities and found to be false or baseless. Only sworn or commissioned law enforcement personnel may unfind a crime. (Count unfounded crimes are indicated for the year in which they were originally reported.)

\_\_\_\_\_ **Other:**

## Attachment 3

### Annual Test of Emergency Response Notification

Date: 9/20/2018  Announced Test  Unannounced Test

Start Time: 12:00 noon End Time: 1:40 PM

Report of Emergency Situation (describe)

Severe Weather  Violent Intruder  Fire  Other (describe) Active

Shooter - desktop exercise

**Determination that notification will be issued (describe nature of emergency and risk determination, including how facts concerning the incident were ascertained and assessed for accuracy)**

Based on the number of active shooter incidents occurring within recent months, it was decided that a desktop exercise with police present was advisable.

**Message Prepared and Disseminated:** (including statement of situation, actions receiver of message should take, where additional information may be obtained) See attached memoranda.

The situation of an active shooter present on the Seminary's Clery Geography was addressed. (see: attached exercise agenda). The exercise and discussions were accompanied by a training video purchased from Campus Security Headquarters magazine. Sergeant John Bardin from the Emergency Response Unit of the Lexington, Kentucky Division of Police attended the exercise, presented information and answered several questions specific to the Lexington Theological Seminary Campus including access and egress, meeting location after evacuation, use of stairs, lockdown options, etc.

Method(s) of Notification selected:

- Seminary Web Page
- Electronic Mail
- Door to Door notification
- Contact Local Media
- Other (describe)

Findings:

- Police emphasized the importance of using the REMIND app or alternate texting procedures to contact community members in case of emergency. Karen Wagers (CSA) will ensure that the list of campus community members is complete on both her phone and Loida Martell's phone (L. Martell is alternate CSA)

- Police advised not to disperse in case of an evacuation but rather to assemble at a safe location in order that law enforcement will have access to victims and witnesses. The nearby Embassy Hilton was suggested.
- Staff suggested that the access code for Suite 300 be changed periodically, police agreed.

Recommendations for Improvements/Modification to Procedures/Systems:

- In order to better facilitate an emergency evacuation, the Seminary will prepare instructional flash cards for use by campus officials in emergency situations. These cards will be prepared, distributed to campus community leaders and posted in key locations on the third and fifth floors and will be used as prompts for correct emergency response
- Floor plans and specific locations were reviewed to determine best exit routes and vulnerable locations. It was determined that locks should be added to the following doors; Rm #323 (library Workroom); Rm #320 (Interior classroom), Rm # 502 (Warming Kitchen). It was also suggested that Library Personnel should have a key to the door connecting Rm #321 (Reading Room) to Rm #319 (Large Classroom) in case escape from the emergency (Rm #321) door to the stairs is not an option for escape.
- The third floor office plan layout will be updated to reflect latest staff changes in order to ensure accurate headcounts for first responders.
- The Embassy Suites hotel across the street from 230 Lexington Green is the new designated gathering place in case of evacuation. Evacuation procedures will be updated to reflect this change. Karen Wagers (CSA) will mention this to the hotel management.

## Attachment 4

# Employee Disciplinary Policy & Procedure

Employees whose performance or behaviors do not meet expected standards may be subject to any of the following disciplinary actions, provided that, depending on the severity or frequency of the performance deficiencies, LTS may skip any of the identified actions and may, where appropriate, move immediately to dismissal of the employee.

**Oral Reprimand:** The manager will notify the employee, orally, that performance and/or behavior needs improvement. The notification will include a discussion of the necessary remedial actions. The manager shall document the date and time of the oral reprimand in his/her files. If satisfactory remedial action is not taken after one oral reprimand, a written reprimand typically shall be given.

**Written Reprimand:** The manager will notify the employee, in writing, that performance/behavior needs improvement. The reprimand shall include details regarding the deficiencies and required remedial action(s). The reprimand may include stipulations for continued employment. Written reprimands may or may not be preceded by oral reprimands. If the written reprimand is preceded by oral reprimands, the written one shall include references to the oral. A copy of the written reprimand is placed in the employee's personnel file, and is signed by the employee to indicate receipt.

The reprimanded employee may respond in writing to any written reprimand, but is not required to do so. The written response, if any, shall be placed in the personnel file of the employee.

**Suspension:** The employee may be suspended, without pay, for up to 30 work days. The employee shall be notified of the suspension in writing. The notification shall include details regarding the deficiencies and required remedial action(s). Suspension may be imposed only with the agreement of the individual's immediate supervisor, the CFO, and the President. Suspension may or may not be preceded by other disciplinary actions.

**Counseling:** The employee may be required to participate in some sort of counseling program. The employee shall be notified of the requirement in writing. The notification shall include details regarding the reason for the counseling. Counseling may be imposed only with the agreement of the individual's immediate supervisor, the CFO, and the President. Counseling may or may not be preceded by other disciplinary actions. Efforts will be made to recommend counseling which is available free of charge or covered by the Seminary's health benefits. However, the employee shall be responsible for all non-covered costs associated with the counseling.

**Dismissal:** The employee may be dismissed from employment at Lexington Theological Seminary. Details are provided in the next section.

**Termination of Employment:** Employees may leave the employment of the Seminary under the following circumstances. The *Faculty Handbook* contains additional provisions related to faculty only.

**Voluntary Resignation:** The employee chooses to leave employment. Employees are expected to provide a minimum of two weeks written notice. Notice of resignation is made to the immediate supervisor with copies to the CFO and President.

**Layoff:** The employee's employment may be terminated due to a decrease or change in staffing requirements and/or financial exigencies. Employees laid off may be recalled at the discretion of the Seminary. Severance for staff, faculty and administrative officers shall be calculated by the President and CFO, with approval from the Executive Committee of the Board of Directors.

**Dismissal (Performance Related):** The employee's employment may be terminated for unacceptable job performance or behavior. Although not required, dismissal for performance related issues often will be preceded by progressive forms of disciplinary action.

**Dismissal (For Cause):** The employee may be dismissed for serious or flagrant violations of policy or for demonstrating behavior inconsistent with the mission and policies of the Seminary. Kentucky is an "at will" state, which means that the Seminary has the right to terminate the employment of anyone, for any reason, at any time.

**Additional Provisions Related to Faculty Only:** In the event of dismissal for cause, termination of employment may be immediate (though the person may continue, at the seminary's discretion, to be paid during any period of appeal). A person dismissed for cause may appeal the decision to the Dean. The Dean will appoint an Appeal Committee composed of the Dean and two regular faculty members, one chosen by the person making the appeal and one chosen by the Dean. The Committee will review the decision and make a recommendation to the President. The President will consider the recommendation, and, along with her or his independent recommendation regarding the appeal, will take the matter to the Executive Committee of the Board of Trustees for a final decision.

## Attachment 5

<https://www.lextheo.edu/wp-content/uploads/2015/07/Appendix-M-Campus-Safety-Security-Policies-June-2015-attachment-6.pdf>

### 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 in 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.)

## Attachment 6

### Directory of Victim Assistance Services

<https://www.lextheo.edu/wp-content/uploads/2018/08/Appendix-M-Campus-Safety-Security-Policies-ATTACHMENT-Directory-of-Victim-Assistance-Services.pdf>

*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.*

**Kentucky Cabinet for Health and Family Services:** Provides information, links and referrals to various statewide resources. Office of the Secretary, 275 East Main Street, Frankfort, KY 40621  
Hotline: CHFS Ombudsman Toll-Free 1-800-372-2973 Phone: Abuse Hotline: 1-800-752-6200  
Phone: Women, Infant and Children (WIC) Program: 1-800-462-6122  
Web: <http://chfs.ky.gov/>

The Family Violence Prevention Branch of the Kentucky Cabinet for Health and Family Services:  
<http://chfs.ky.gov/dcbs/dpp/violenceprevention.htm>

**Kentucky Domestic Violence Association:** 111 Darby Shire Circle, Frankfort, KY 40601  
Phone: 502-209-KDVA (5382)  
Web: <http://www.kdva.org>

**Legal Aid Network of Kentucky:** Phone: Local: 270-782-1924; Phone: Toll Free: 800-782-1924  
Hotline: First time callers: 866-452-9243  
Web: <http://kyjustice.org/home>

#### **Kentucky Hotlines:**

(Lexington) Bluegrass Rape Crisis Center: 859-253-2511 or 800-656 HOPE (4673)  
Lexington Mental Health Crisis Line 1-800-928-8000  
Drug and Alcohol Abuse Treatment Referral: 1-800-662- HELP (4356)

#### **National Hotlines:**

National Suicide Prevention Hotline: 1-800-273-TALK (8255); [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)  
Substance Abuse & Mental Health Services Association: 1-800-662-HELP (4357) [www.samhsa.gov](http://www.samhsa.gov)  
Mental Health Services Locator: <https://www.samhsa.gov/find-help>  
Rape, Abuse & Incest National Network (RAINN): 1-800-656-HOPE (4673) [www.rainn.ORG](http://www.rainn.ORG)  
National Domestic Violence Hotline: 1-800-799-7233 [www.ndvh.org](http://www.ndvh.org)  
Department of Justice Office of Violence Against Women: [www.usdoj.gov/ovw/](http://www.usdoj.gov/ovw/)  
Narcotics Anonymous (find a registered Narcotics Anonymous group in your area): [www.na.org](http://www.na.org)  
Alcoholics Anonymous (find a registered Alcoholics Anonymous group in your area):  
[www.aa.org](http://www.aa.org)

**The Stalking Resource Center:** Stalking Prevention & Protection Information

<http://www.victimsofcrime.org/our-programs/stalking-resource-center>

**Directory of Crime Victim Services** Enables crime victims to readily locate national and international assistance services and will help victim service providers make appropriate referrals. The directory allows users to search for victim services by location, type of victimization and type of service needed. Web: <http://ovc.ncjrs.gov/findvictimservices/default.html>

**National Organization for Victim Assistance** The National Organization for Victim Assistance (NOVA) provides victim and witness assistance for criminal justice and mental health professionals, advocates, researchers, victims and survivors, and related professionals.

Hotline: 1-800-TRY-NOVA (1-800-879-6682)

Phone: (703) 535-NOVA (6682)

Web: <http://www.trynova.org>

**U.S. Citizenship & Immigration Services [Servicios de Inmigración]:**

<https://www.uscis.gov/archive/archive-laws/archive-legal-documents/finding-free-legal-advice>

and <https://www.uscis.gov/legal-resources>

**Financial Assistance for Crime Victims [Asistencia Financiera para Víctimas de Crimen]:**

Victim Connect Resource Center <https://victimconnect.org/victim-service-information/financial-assistance-crime-victim-compensation/> ; National Association of Crime Victim Compensation

Boards <http://www.nacvcb.org/index.asp?sid=5>

**On –Campus Assistance:** Students wishing to discuss personal concerns are invited to use any of the following services:

- Faculty: Each member of the faculty is available to students. The primary matters discussed with the faculty are academic and vocational; however, discussions with faculty are not limited to these issues.
- The Office of the Vice President for Academic Affairs: The Office works with students, advocates for students in appropriate circumstances, and works to assist individual students in solving problems that might inhibit academic progress.

Members of the campus community wishing to discuss personal concerns are invited to consult with the Campus Security Authority for referrals or recommendations.

## Attachment 7a - Criminal Offenses

Offense	Year	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Manslaughter by Negligence	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Rape	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Fondling	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Incest	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Statutory Rape	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Robbery	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Aggravated Assault	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Burglary	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Motor Vehicle Theft	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Arson	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA

## Attachment 7b – WAVA Offenses

Offense	Year	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Domestic Violence	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Dating Violence	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Stalking	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA

## Attachment 7c – Arrests & Disciplinary Referrals

Offense	Year	On Campus	On-Campus Student Housing	Non-Campus	Public Property
Arrests: Weapons Law Violations	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Disciplinary Referrals: Weapons Law Violations	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Arrests: Drug Abuse Violations	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Disciplinary Referrals: Drug Abuse Violations	2016	0	NA	Na	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Arrests: Liquor Law Violations	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA
Disciplinary Referrals: Liquor Law Violations	2016	0	NA	NA	NA
	2017	0	NA	NA	NA
	2018	0	NA	NA	NA

## Attachment 7d – Hate Crimes & Unfounded Crime Reports

- There were no reported Hate Crimes for the years 2016, 2017 or 2018.
- There were no unfounded crimes in 2016, 2017 or 2018.

## Attachment 8 – Crime Log

### Lexington Theological Seminary Daily Crime Log - 2018

<b>Nature (Clery Offense)</b>	<b>Case Number</b>	<b>Date/Time Reported</b>	<b>Date/Time Occurred</b>	<b>General Location</b>	<b>Disposition</b>
	2018 -				

NO CRIMES REPORTED FOR 2018