

Excerpted from the STS Policy and Procedure Manual

210 NON-DISCRIMINATION Policy

Reference: Title IX of the federal Education Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
Americans with Disabilities Act of 1990

Adopted: 11 Apr 2016

Last Revised: 11 Apr 2016

Last Reviewed: 25 Aug 2016

Shepherds Theological Seminary is a Christ-centered, biblically-based institution of higher education committed to the belief that all human beings are created in the image of God, and as such deplors any discrimination of individuals based on race, color, national origin, sex, socio-economic status, age, military service, disability or cultural differences. The seminary will maintain a discrimination-free environment; will practice policies and practices that are communicated by all means specified by regulatory bodies; and will endeavor to identify and resolve grievances that may arise. STS will also maintain an appointed Coordinator responsible for ensuring regulations and practices are prepared, approved and published that are consistent with the Seminary's Doctrinal Statements as well as Federal and State regulations. As a religious institution, STS maintains an exemption from certain provisions that are in direct conflict with its published Doctrinal Statements. Gen 1:26-27; Phil 2:3-4

Procedures:

1. The Provost and Dean of the Seminary is responsible for ensuring the necessary policies, programs, practices and personnel are maintained for a discrimination-free environment; for communicating the status and needs to the Board; and for serving as a personal example to the seminary.
2. The Provost and Dean will appoint responsibility for program planning and coordination to specific seminary offices and positions.
 - a. Title IX Coordinator to develop, coordinate and report programs in support of Title IX of the federal Education Amendments of 1972:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activities operated by recipients of Federal Financial assistance.”
 - b. Registrar to develop, coordinate and report programs in support of Responsibility for Section 504 of the Rehabilitation Act of 1973:

“No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the US Department of Education. .

- a. Registrar to develop, coordinate and report programs in support of Americans with Disabilities Act of 1990:

“The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.”

3. The Provost and Dean of the Seminary is responsible for ensuring that a Non-Discrimination Statement is drafted according to all legal requirements. This Non-Discrimination Statement will apply to all board members, faculty, staff, enrolled students, applicants for admission and/or employment, who associate with the seminary either on the main campus in Cary, NC, or at designated teaching sites
 - a. The Full Statement will be widely distributed, including: student application forms; employment application forms; student Grant in Aid application form; STS academic catalog; STS website; student lounge bulletin board.

“In compliance with federal law, including the Provision of Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and American for Disabilities Act of 1990, Shepherds Theological Seminary does not illegally discriminate against persons on the basis of race, religion, sex, color, national or ethnic origin, age, disability, or military service in the administration of educational policies, programs, or activities, its admissions policies, scholarship and loan programs, or other Seminary administered programs, or employment. The school maintains its Christ-centered, biblically-based Christian character, but does not discriminate on the basis of religion, except to the extent that applicable law respects its right to act in furtherance of its religious objective. Questions regarding Shepherd's non-discrimination policy and its compliance with Title IX regulations may be directed to Mr. Ed Maness, Title IX Coordinator: 6051 Tryon Rd., Cary NC; titleix@shepherds.edu; 919-573-1578”

- b. The Modified Statement will be placed on all marketing brochures used for recruiting purposes.

“Shepherds Theological Seminary prohibits unlawful discrimination on the basis of race, color, national origin, gender, age, disability or status as a veteran or disabled veteran. STS maintains its Christ-centered, biblically-based Christian character, but does not discriminate on the basis of religion except to the extent that applicable law respects its right to act in furtherance of its religious objective. Questions regarding Shepherd's non-discrimination policy and its compliance with Title IX regulations may be directed to Mr. Ed Maness, Title IX Coordinator: 6051 Tryon Rd., Cary NC; titleix@shepherds.edu; 919-573-1578

4. STS will establish policies and procedures to promptly and fairly resolve grievances that may arise due to discrimination. These are published policies
 - a. #204 – Employee Grievance Resolution Policy
 - b. #211 - Sexual Misconduct Policy (Title IX)
 - c. #406 – Student Grievance Resolution Policy

211 SEXUAL MISCONDUCT POLICY – TITLE IX

Reference: Title IX of the federal Education Amendments of 1972

7Adopted: 11 April 2016

Last Revised: 11 April 2016

Last Approved: 25 Aug 2016

Shepherds Theological Seminary is a Christ-centered institution of higher education which values the biblical principles of love and mutual respect. The purpose of this policy is to a) ensure the seminary takes appropriate steps to create and maintain an environment that allows for spiritual growth, work and study free of all forms of sexual misconduct (including sexual discrimination and/or sexual harassment) and, b) ensure compliance with regulations set forth in Title IX of the Education Amendments of 1972 regarding the prompt investigation and resolution of grievances thereof. As stated in the Title IX Resource Guide:

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels.

Title IX prohibits sex-based harassment by peers, employees, or third parties that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the recipient's education programs and activities, (i.e. creates a hostile environment).

Procedures

1. General Provisions

a. Scope of Policy:

i. This policy includes the following types of sexual misconduct:

1. Sexual discrimination
2. Sexual harassment, including:
 - a. Sexual exploitation
 - b. Hostile environment
 - c. Sexual violence/assault
 - d. Dating violence
 - e. Stalking

ii. This policy applies to all applicants for admission or employment, enrolled students (full-time or part-time, credit or audit), employees (full-time, part-time, resident faculty, adjunct faculty and staff), volunteers and third parties who associate with the seminary either on the main campus in Cary, NC or at designated teaching sites.

iii. This policy applies to conduct occurring within the context of providing an educational program or activity, either on or off seminary grounds.

b. Confidentiality: The privacy and confidentiality of parties related to any grievance regarding sexual discrimination or sexual harassment shall be maintained to the extent allowed by law. The Title IX Coordinator is responsible for determining issues of confidentiality. Pastoral counselors whose official responsibilities include providing counseling to the school community are not required by Title IX to disclose any information regarding incidents of alleged sexual misconduct.

c. Retaliation: No individual who files a grievance alleging a violation of this policy, or who participates in the investigation or resolution of such a grievance shall be subject to retaliation as a result of such participation. The seminary must ensure that individuals are

not intimidated, threatened, coerced or discriminated against for engaging in filing a grievance. Any acts of retaliation shall be grounds for disciplinary action, up to and including expulsion/dismissal for students and termination for faculty and staff.

d. Definitions:

- i. Sexual Misconduct includes any acts of sexual discrimination or sexual harassment, including sexual violence.
- ii. Sexual Discrimination is the denial of participation in any educational program, activity or employment opportunity based on gender. For details regarding Shepherd's full commitment to non-discrimination, see Policy #210.
- iii. Sexual Harassment is unwelcome conduct of a sexual nature. This includes unwelcome sexual advances, requests for sexual favors, verbal or non-verbal acts of a sexual nature, or objectionable physical conduct of a sexual nature. Sexual harassment also includes conduct which creates a hostile environment, in which such conduct is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's educational program, or which limits an employee's ability to accomplish his/her job duties.
- iv. Sexual Violence is a form of sexual harassment which includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Acts which fall into the category of sexual violence are rape, sexual assault, sexual battery, sexual abuse and sexual coercion.
- v. Dating Violence is sexual violence by a person who has been in a romantic relationship with the Complainant.
- vi. Stalking is a pattern of repeated unwanted sexual attention, harassment, contact or any other course of conduct directed toward a specific person that may cause an individual to either fear for their safety or suffer emotional distress.
- vii. Consent is affirmative, conscious and voluntary agreement to engage in sexual activity. Someone who is incapacitated (i.e. asleep, unconscious, or unable to communicate due to mental or physical condition) cannot consent, and past consent does not imply future consent.
- viii. Preponderance of Evidence is the standard of determining the validity of an alleged incident. Preponderance infers it is more likely than not that the alleged incident did or did not occur.

e. Description of key individuals

- i. Title IX Coordinator: A designated employee of the seminary who is responsible for coordinating efforts to comply with and carry out Title IX responsibilities and to ensure compliance with Title IX administrative requirements. The name and contact information of the Title IX Coordinator must be communicated to all students and employees.
- ii. Responsible Employees: While all employees have the duty of reporting acts of sexual misconduct, employees who have the authority to take action to redress sexual misconduct and who have been given the duty of reporting incidents of sexual misconduct include:
 1. Provost and Dean
 2. VP of Academic Affairs and Chief Academic Officer

3. Director of Mentoring
4. Director of Women's Mentoring
- iii. Complainant: Any member of the seminary community who contemplates filing or actually files a grievance of sexual misconduct.
- iv. Respondent: A person alleged to have committed a violation of the policy herein who is responding to an accusation.

2. Compliance with Title IX Administrative Requirements

a. Title IX Coordinator

- i. STS's Title IX Coordinator is Mr. Ed Maness: 6051 Tryon Rd., Cary NC; titleix@shepherds.edu; 919-573-1578
- ii. Duties of the Title IX Coordinator:
 1. Serve as primary point of contact regarding Title IX requirements and compliance
 2. Process all inquiries and/or reports concerning sexual misconduct in violation of Title IX.
 3. Monitor compliance of all requirements and time-lines specified in the Title IX grievance procedure.
 4. Organize and maintain complaint files and reports (paper and electronic) in a manner which ensures appropriate confidentiality.
 5. Serve as liaison to state and federal government compliance officers.
 6. Prepare and implement educational materials for the seminary community regarding matters of sexual misconduct as prohibited by Title IX.
 7. Conduct periodic training for appropriate staff relating to Title IX grievance procedure.
 8. Coordinate efforts among appropriate individuals to ensure compliance of Title IX requirements. This includes participation in bi-weekly Faculty meetings and receipt of minutes thereof.
 9. Periodically evaluate the effectiveness of seminary efforts in providing an environment free of sex based harassment and recommend improvements as needed.

b. Procedure for Processing Title IX Grievances

- i. *Initial Report*: Any member of the seminary community who believes that he or she has experienced or is experiencing the effects of sexual misconduct as prohibited by this policy is encouraged to report the matter immediately:
 1. The Title IX Coordinator may be contacted directly via mail, phone or email.
 2. A Responsible Employee (defined above) who receives a report of alleged sexual misconduct must report the matter promptly to the Title IX Coordinator.
 3. If the seminary becomes aware of a situation that may be considered a violation of this policy, and no alleged victim comes forward, the seminary may initiate an initial report.
 4. Anonymous reports may be made through the seminary's website.
- ii. *Initial Review*: Upon receipt of an Initial Report, the Title IX Coordinator will:

1. Inform the Provost and Dean that an Initial Report has been received.
2. Contact the Complainant, if known, to understand the nature of the report
 - a. The Complainant has the right to be accompanied by an advisor of their choosing during any meetings with the Title IX Coordinator
 - b. Any meetings will be recorded (audio/video) and appropriately documented.
3. Provide the Complainant a copy of this policy and explain the provisions thereof.
4. Offer to assist the Complainant in any way possible.
5. Inform the Complainant of his/her right to file a criminal complaint with local law enforcement agencies at any time. (However, the Title IX Coordinator is not a lawyer and will not provide legal advice.)
6. Meet with the Respondent (if deemed appropriate) to inform him/her of the nature of the concern.
 - a. The Respondent has the right to be accompanied by an advisor of their choosing during any meetings
 - b. Any meetings will be recorded (audio/video) and documented appropriately.
7. Document findings and make recommendation to Provost and Dean and to Complainant on how to proceed with grievance process.

iii. *Next Steps:*

1. Within 15 days of receiving a recommendation from the Title IX Coordinator, the Complainant will communicate to the Title IX Coordinator (in writing) his/her intention to either conclude the grievance process or proceed with a Formal Complaint.
2. The Title IX Coordinator will inform the Provost and Dean as to the Complainant's decision and take appropriate action to continue or end the grievance process.
3. The Title IX Coordinator will maintain documentation including a written log of all discussions with both parties and a record of the resolution.
4. The Title IX Coordinator reserves the right to open a Formal Grievance if deemed necessary.

iv. *Formal Grievance:* If an informal resolution cannot be reached, a Formal Grievance in written form must be filed and signed by the Complainant and delivered to the Title IX Coordinator.

1. Within 20 working days of receiving a Formal Grievance, the Title IX Coordinator will begin an investigation and will:
 - a. Notify the Provost and Dean that a Formal Grievance has been filed, and work with the Provost and Dean to determine and communicate what "interim actions" should be taken, if any.
 - b. Provide the Respondent with a copy of this policy and of the Formal Grievance.
 - c. Interview the Complainant, the Respondent, and any other individuals with knowledge or information relevant to the grievance.

- i. The Complainant and Respondent have the right to be accompanied by an advisor of their choosing during these meetings.
 - ii. These meetings will be recorded (audio and/or video) and documented appropriately.
 - d. Examine relevant documents, correspondence, and other evidence deemed necessary to fully investigate the grievance. Disclosure of facts to the Complainant, the Respondent, and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.
 - e. Set a timeline for completion of the investigation.
- 2. Within 10 days of completion of the investigation, the Title IX Coordinator will present a Final Report to the Provost and Dean. The report shall contain:
 - a. Findings of fact based on a preponderance of the evidence;
 - b. Conclusion as to whether a policy was violated;
 - c. The factual basis for the determination of such policy breach;
 - d. A recommended outcome of the grievance;
 - e. A proposed remedy for the Complainant (if any);
 - f. Final remedies to eliminate or prevent the recurrence of such behavior and proposed sanctions for the Respondent (if any).
- 3. The Provost and Dean shall be responsible for making a determination on the outcome of the grievance and taking corrective action. Within fifteen (15) days of receipt of the Final Report, the Provost and Dean will notify the Complainant and the Respondent in writing with a synopsis of the report findings, and will provide notification to the President.
- v. *Appeal*: If the Complainant or Respondent is not satisfied with the results of the Formal Grievance findings, they may file a written appeal to the President setting forth his/her objections.
 - 1. This written appeal must be received no later than 10 calendar days after communication of the Formal Grievance decision.
 - 2. The appeal must be based on the emergence of new evidence that was previously unavailable or the grounds that some aspect of the policy or procedure was not followed.
 - 3. The President will issue a decision in writing responding to the appeal within 30 business days.
 - 4. Individuals who feel that STS' administration has not dealt properly with a grievance covered under this policy may contact Transnational Association of Christian Colleges by mail at TRACS P.O. Box 328, Forest, VA 24551 or by phone at 434-525-9539 or by email at jharbison@tracs.org; or Association of Theological Schools (ATS) by mail at ATS, 10 Summit Park Drive, Pittsburgh, PA 15275, or by phone at 412-788-6505, or Fax: 412-788-6510.

- vi. *Documentation:* The Title IX Coordinator will securely maintain all written and electronic records regarding any investigation.
- c. Assessment: This policy will be reviewed annually to ensure compliance and effectiveness.
 - i. The Title IX Coordinator will periodically evaluate the seminary climate regarding sexual misconduct through the use of confidential student and employee surveys. This will be done at the main campus and at each individual teaching site.
 - ii. The Title IX Coordinator will periodically review educational and training materials to ensure adequacy and compliance.
 - iii. The Title IX Coordinator will evaluate all documents and forms used in the grievance process and update as needed.
 - iv. All findings and recommendations for improvement will be reported to the Provost and Dean.