

**WINEBRENNER THEOLOGICAL SEMINARY
TITLE IX POLICY REGARDING SEX DISCRIMINATION, SEXUAL HARASSMENT,
AND OTHER FORMS OF SEXUAL MISCONDUCT**

I. Scope of Policy

The Winebrenner Theological Seminary is committed to providing a safe learning and working environment free from discrimination and harassment on the basis of sex. Sex discrimination, sexual harassment, and other forms of sexual misconduct are collectively referred to as “Prohibited Conduct” and are defined in more detail below.

This Policy applies to all forms of Prohibited Conduct that occur in relation to the Seminary’s education program or activities which includes locations, events, or circumstances over which the school exercises substantial control over both a respondent and the context in which the conduct occurs. The Seminary maintains jurisdiction over Prohibited Conduct that occurs on campus, that occurs off-campus in the context of any Seminary programs or activities, or that occurs off-campus and has a continuing effect on campus or on any member of the Seminary community. The Policy applies to all students, staff members, faculty members, Board of Trustees members, guests, visitors, consultants, vendors, and other members of the Seminary Community. All Prohibited Conduct is handled according to this Policy regardless of the identities of the Complainant or Respondent.

When informed of Prohibited Conduct as defined by this Policy, the Seminary will take prompt action in accordance with this Policy to eliminate the harassment or discrimination, prevent its recurrence, and address its effects.

II. Title IX Coordinator

While this Policy concerns discrimination on the basis of sex, gender, gender identity, and sexual orientation, a complete Notice of Non-Discrimination regarding all protected traits can be found on the Seminary’s website. The following person has been designated to handle inquiries regarding the Seminary’s Title IX Policy:

Tom Weaver
Director of Finance and Title IX Coordinator
Winebrenner Theological Seminary
950 N. Main Street
Findlay, Ohio 45840
Telephone: (419) 434-4224
Email: tweaver@winebrenner.edu

III. Prohibited Conduct Under This Policy

This Policy prohibits sex/gender discrimination; sex/gender harassment; sexual harassment; non-consensual sexual intercourse; non-consensual sexual contact; sexual exploitation; dating violence and domestic violence (together referred to as “intimate partner violence”); stalking; and retaliation. Together, these are referred to as Prohibited Conduct.

A. Sex/Gender Discrimination

Sex/Gender Discrimination is when an individual is, on the basis of sex/gender:

- Treated differently in determining whether such person satisfies any requirement or condition for the provision of any aid, benefit, or service;
- Provided different aid, benefits, or services;
- Provided aid, benefits, or services in a different manner;
- Denied any aid, benefit, or service;
- Subjected to separate or different rules of behavior, sanctions, or other treatment;
- Treated differently concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
- Discriminated against by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex/gender in providing any aid, benefit, or service to students or employees;
- Otherwise limited in the enjoyment of any right, privilege, advantage, or opportunity with regards to aid, benefits, or services; or
- Treated differently with regard to terms, conditions, or benefits of employment, or in the recruitment, consideration, or selection therefor.

Discrimination on the basis of sex/gender in employment is permissible in situations where sex/gender is a bona fide occupational qualification reasonably necessary to the normal operation of the Seminary.

Examples of conduct that may form the basis of a Sex/Gender Discrimination complaint include, but are not limited to:

- Offering higher academic grades to students of a particular sex/gender;
- Silencing students of a particular sex/gender in classroom discussion;
- Referring to members of a particular sex by a derogatory name related to their sex.

Note that the federal regulations regarding Title IX include certain exceptions, such as single-sex housing, athletic participation, and chorus participation, that do not constitute Sex/Gender Discrimination. These limited permissible exceptions, found in Title 34 of the Code of Federal Regulations, Part 106, will be considered when determining whether Prohibited Conduct occurred under this Policy.

B. Sex/Gender Harassment

Sex/Gender Harassment is non-sexual harassment on the basis of one's sex/gender when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or grade in a program, course, or activity;
- Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting an individual; or
- Such conduct is sufficiently pervasive, offensive, or abusive to have the purpose or reasonable effect of interfering with an individual's work or educational performance, or creating an intimidating, hostile, or offensive work environment, under both an objective and subjective standard. A single incident may create a hostile environment if the incident is sufficiently severe.

The determination as to whether a hostile environment exists is based on the totality of the circumstances, including but not limited to:

- The nature and severity of the conduct;
- The type, frequency, and duration of the conduct;
- The identity of and relationship between the Respondent and the Complainant;
- The number of individuals involved;
- The age and maturity levels of the Respondent and Complainant; and
- The location of the conduct and the context in which it occurred.

C. Sexual Harassment

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e. quid pro quo); or
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
- Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

The determination as to whether a hostile environment exists is based on the totality of the circumstances, including but not limited to:

- The nature and severity of the conduct;
- The type, frequency, and duration of the conduct;
- The identity of and relationship between the Respondent and the Complainant;
- The number of individuals involved;
- The age and maturity levels of the Respondent and Complainant; and
- The location of the conduct and the context in which it occurred.

Examples of conduct that may form the basis of a Sexual Harassment complaint include, but are not limited to:

- Making sexual propositions or pressuring for sexual favors;
- Touching of a sexual nature;
- Writing graffiti of a sexual nature;
- Displaying or distributing sexually explicit drawings, pictures, videos, or other materials;
- Performing sexual gestures or touching oneself sexually in front of others;
- Spreading sexual rumors or rating other students or employees as to sexual activity or performance;
- Circulating or showing e-mails or websites of a sexual nature;
- Direct or implied threats that submission to sexual advances is a condition of employment, promotion, good grades, recommendations, etc.;
- Sexually explicit jokes or statements, questions, or remarks about sexual activity or experience;
- Physical assault of a sexual nature.

D. Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is either of the following:

- The penetration, no matter how slight, of the genitals, anus, or mouth of another person without that person's consent; or
- A sexual action taken to another person's breasts, genitals, anus, or mouth without that person's consent. Examples include but are not limited to: manual sex; oral sex; the touching of genitals to another's mouth; mammary intercourse; and tribadism.

For the definition of "consent" and related definitions, see Section IV (Related Definitions), below.

E. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is the intentional touching of the intimate parts of another, causing another to touch one's intimate parts, or the disrobing or exposure of another individual's intimate parts, without the other person's consent. Sexual Contact may be over the clothes or skin-to-skin.

Intimate parts include the breasts, genitals, buttocks, groin, mouth, or any other part of the body touched in a sexual manner.

For the definition of "consent" and related definitions, see Section IV (Related Definitions), below.

F. Stalking

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

For purposes of the definition of Stalking under this Policy:

- A "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- A "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.
- "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

G. Intimate Partner Violence

Intimate Partner Violence is domestic violence and/or dating violence. Violence includes physical violence, sexual violence, and the threat of physical and/or sexual violence.

Domestic violence is violence that is committed against: a current or former spouse or intimate partner; a person with whom the Respondent shares a child in common; or a family member, roommate, or household member.

Dating violence is violence committed against a person with whom the Respondent is or has been in a social relationship of a romantic or intimate nature. The existence of such a relationship will be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

H. Sexual Exploitation

Sexual Exploitation is taking advantage of another's sexuality in a non-consensual manner. Examples of Sexual Exploitation include, but are not limited to:

- The non-consensual viewing of nudity of another;
- The non-consensual streaming of images of sexual activity;
- The non-consensual sharing or posting of nude images of another;
- The non-consensual recording of individuals in locations in which they have a reasonable expectation of privacy (such as restrooms or locker rooms) even if the images do not capture nudity;
- Intentionally exposing one's genitals to another person in non-consensual circumstances;
- Knowingly exposing another to a sexually transmitted disease under circumstances that could reasonably lead to transmission of the disease; and

- Inducing incapacitation of another via drugs and/or alcohol for purposes of making that person vulnerable to non-consensual sexual conduct or non-consensual sexual contact.

I. Retaliation

Retaliation against any individual for exercising Title IX rights is expressly prohibited.

The Seminary and no person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The Seminary must keep confidential the identity of the complainants, respondents, and witnesses, except as may be permitted by FERPA, or as required by law, or as necessary to carry out a Title IX proceeding.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

IV. Related Definitions

A. Consent

Consent is a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. It must be given by a person who has the ability and capacity to exercise free will and make a rational, reasonable judgment. Consent may be expressed either by words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. It is the responsibility of the person who initiates the sexual activity to ensure that consent is obtained from the other person or persons involved in the sexual activity before the activity occurs. If consent of one participant is unclear at any time, it is the responsibility of the other participant(s) to ensure that consent is present before beginning or continuing the activity.

Additional considerations include:

- Lack of protest or resistance is not consent. Nor may silence or inaction, in and of itself, be interpreted as consent.
- Previously consensual sexual activity does not imply consent to future sexual activity.
- Consent must be obtained for every sexual activity. Consent to one form of sexual activity does not constitute consent to all forms of sexual activity.
- To give consent, one must be of legal age. Under Ohio law, individuals under the age of 13 cannot give consent. Individuals at least 13 years of age but under the age of 16 cannot give consent to individuals that are 18 or older.
- Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the participants stop the activity until consent is reestablished.
- Consent cannot be obtained by the use of physical force, threats of physical force, physically intimidating behavior, or coercion.
- Consent cannot be given by an individual that is incapacitated.

B. Coercion

Coercion is unreasonable pressure for sexual activity that significantly compromises the voluntary nature of an individual's participation. Examples of coercion include but are not limited to threatening to harm oneself if the other person does not engage in sexual activity, or threatening to blackmail an individual if they do not engage in sexual activity.

C. Incapacitation

Incapacitation is a state in which an individual's decision-making ability is impaired to the point that the individual is unable to understand the nature or consequences of their actions. Incapacitation may result from:

- Sleep or unconsciousness
- Temporary or permanent mental or physical disability
- The influence of alcohol, drugs, medication, or a combination of any of these substances.

Incapacitation is more than mere intoxication. An individual is incapacitated if they cannot understand the "who, what, where, when, and how" of the sexual activity.

In circumstances involving an incapacitated Complainant who otherwise appears to have consented, the Respondent will not be held responsible for not obtaining consent unless the Respondent knew or reasonably should have known that the Complainant was incapacitated. The relevant standard is whether a sober, reasonable person in the same position should have known that the Complainant was incapacitated. For purposes of an incapacitation analysis, it is irrelevant whether the Respondent was incapacitated.

V. How To Address Prohibited Conduct: Options and Resources

If you or someone you know has experienced Prohibited Conduct, the first concerns to be addressed should be to make sure the individual is safe and has access to medical care if needed. UF Campus Safety (419-434-4799) can provide a safety transport and assist in obtaining emergency medical assistance. Emergency assistance can also be accessed by dialing 911.

Once the individual is safe, there are three primary considerations that should be addressed:

1. The individual should consider whether they want to access resources, either on campus or off campus, to get assistance. Emergency medical assistance can be reached by dialing 911 or contacting UF Campus Safety at (419) 434-4799.
2. Evidence should be preserved so that it is available if needed for purposes of a Seminary investigation and/or a criminal investigation.
3. The individual should consider whether to make a report to the Seminary, to law enforcement, both, or neither. Note that employees of the Seminary, unless they have been designated as “Confidential Resources” according to this Policy, are required to report all Prohibited Conduct to the Title IX Coordinator as soon as possible after learning of the incident.

A. Resources To Assist

Individuals who experience Prohibited Conduct may wish to access resources to assist with their personal needs following an incident. There are two primary types of resources: confidential resources and other resources which are not confidential.

1. Confidential Resources

Confidential Resources are not obligated to report Prohibited Conduct to the Seminary. They are also not required to report potential criminal behavior to law enforcement except in certain very limited situations required by the Ohio Revised Code. Confidential Resources include:

On-Campus Confidential Resources

- University of Findlay Counseling Services, 307 Frazer Street, (419) 434-4526 – Provides professional, confidential counseling, advocacy, guidance, and assistance in understanding options, rights, and outcomes with regard to both the Seminary and criminal processes.
- Cosiano Health Center, 120 West Foulke, (419) 434-4550 – Provides medical assistance, including sexual assault response assistance, to students.
- UF Campus Ministry Counseling, 1049 N. Main Street, (419) 434-5624 – Provides confidential consultation with clergy.

Off-Campus Confidential Resources

- Blanchard Valley Hospital, 1900 S. Main Street, (419) 423-4500 – Offers on-site Sexual Assault Nurse Examiner services through the Emergency Department.
- Open Arms Domestic Violence & Rape Crisis Services 24 Hour Hotline, (419) 422-4766, www.openarmsfindlay.com -- Can assist with emergency shelter, rape crisis, victim advocacy, and obtaining a Civil Protection Order
- National Sexual Assault Hotline, 1 (800) 656-HOPE (4673), www.rainn.org
- National Domestic Violence Hotline, 1 (800) 799-SAFE (7233), www.ndvh.org
- National Teen Dating Abuse Helpline, 1 (866) 331-9474, www.loveisrespect.org
- Ohio Sexual Violence Helpline, 1 (844) OHIOHELP (1-844-644-6435), www.oaesv.org
- Buckeye Region Anti Violence Organization (BRAVO), (866) 862-7286, www.bravo-ohio.org – Focuses on assisting the LGBTQI community
- ASHA-Ray of Hope 24-Hour Helpline, (614) 565-2918, asharayofhope.org – Focuses on assisting individuals from South Asia
- Ohio Hispanic Coalition Domestic Violence 24 Hour Hotline, (614) 746-3534 (Spanish and English), ohiohispaniccoalition.org/programs/safety/
- Legal Aid of Western Ohio, 1800 North Blanchard Street, (888) 534-1432 – Provides legal assistance to low-income residents
- Medical personnel, psychologists, counselors, social workers, therapists, attorneys, rape crisis counselors, and clergy members. Clinical Counseling faculty act first as a faculty member with a duty to report when Title IX issues involving the Seminary are brought to their attention.

Note that there are limits to a Confidential Resource's ability to maintain confidentiality. Confidential Resources are required to report child abuse or neglect to Children's Services or local law enforcement. Medical professionals may also have certain legally mandated reporting responsibilities in certain serious cases, although depending on state law, the reporting requirement may only require that the professional share the date, general time, and general location of the incident. Mental health professionals are required to disclose information where there is an imminent threat of harm to self or others. Finally, pursuant to the Clery Act, anonymous statistical information for certain offenses that have been reported as occurring at campus locations must be shared with UF Campus Safety. The information does not include the names or any other identifying information about the persons involved in such incidents.

In some cases, an individual may not need services through a Confidential Resource immediately following the Prohibited Conduct. However, as time passes, it may be helpful to seek such assistance. Counselors found on-campus at the Counseling Center, advocates at Open Arms, and other service providers listed in this Policy can provide assistance and/or treatment in dealing with physical and emotional concerns as they may arise.

2. Other Resources

Other resources may also provide helpful support in many ways, including assisting individuals with obtaining accommodations or interim protective measures, explaining their options, and connecting them with other appropriate resources. Friends and loved ones may also be important

sources of emotional support.

Seminary resources that are not Confidential Resources are expected to handle information in a manner that respects the privacy of those involved in the situation, sharing information only as necessary. However, all employees of the Seminary who are not listed as confidential resources, above, are required to report allegations of Prohibited Conduct to the Title IX Coordinator.

Note that under Ohio law, all individuals (except for those Confidential Resources listed above) have the obligation to report felonies to law enforcement. More information on involvement with law enforcement can be found below.

The primary non-confidential resource for all concerns regarding Prohibited Conduct is the Title IX Coordinator, who can be reached via email at tweaver@winebrenner.edu or by calling (419) 434-4224. In addition to providing information about this Policy, the Title IX Coordinator can provide information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid issues, and other services available for individuals as appropriate, regardless of where the Prohibited Conduct occurred. The Title IX Coordinator can also provide assistance in making changes to academic, working, transportation, and living situations; instituting a no-contact order; and instituting other protective measures as may be appropriate. Although the Title IX Coordinator is obligated to report felonies to law enforcement, it is not required that an individual disclose the nature of the Prohibited Conduct to the Title IX Coordinator in order to discuss resources that may be available.

In addition to the Title IX Coordinator, other non-confidential resources include:

- Student Success and Records Coordinator, 2nd Floor Winebrenner (419) 434-4241
- Any Winebrenner Theological Seminary employee (aside from those designated as confidential resources, above)
- Campus Security/Police Office, 1st Floor Lovett Hall, (419) 434-4799
- Findlay Police, 319 Dorney Plaza, Room 116, 911 or (419) 424-7150
- Hancock County Sheriff, 200 West Crawford Street, (419) 424-7097
- Hancock County Prosecutor's Office, (419) 424-7089
- Hancock County Domestic Relations Court, 300 S. Main Street, (419) 424-7818
- Hancock County Clerk of Court's Office, (419) 424-7037 – Can provide forms for filing a Civil Protective Order
- Hancock County Law Library, (419) 424-7077 – Can provide names of local attorneys and their specific practice areas

B. Preserving Evidence

If an incident of Prohibited Conduct occurs, it is important to preserve evidence so that if the individual later chooses to file a Title IX complaint, to pursue criminal charges, or both, the evidence is able to be used for purposes of the investigation.

1. Sexual Assault Nurse Examinations

Individuals who have experienced sexual assault may choose to seek a medical evaluation by a sexual assault nurse examiner to collect and preserve evidence. Sexual assault nurse examiners (SANEs) are specially trained professionals who will provide needed care, document the details of the assault, and collect evidence. The nurse can provide treatment for sexually transmitted infections and pregnancy prevention if needed. The individual can have a friend, family member, or crisis counselor present during physical examination.

Evidence collection may occur up to 96 hours after the assault and occurs only with the consent of the victim. The evaluation includes evidence collection, a physical examination, treatment, and/or counseling. The individual may opt out of any part of this evaluation at their own discretion. These evaluations can be obtained through the Blanchard Valley Hospital Emergency Center, and they are free regardless of whether the individual chooses to pursue criminal charges. More information can be found on their website at:

<http://www.bvhealthsystem.org/services/emergency/sexual-assault-services>.

If possible, to prepare for such an evaluation, the individual should not change clothes, bathe, douche, or brush their teeth until the evidence has been collected. New undergarments and sweat suits are available to victims at on-campus and off-campus service providers.

It is highly recommended that individuals have a follow-up visit with a healthcare provider within two weeks of the assault. At this visit, the individual will receive follow-up testing, receive treatment if needed, and discuss the recovery process. Additional visits, if necessary, may be recommended by the healthcare provider.

2. Other Evidence Collection

Other physical evidence, such as bedsheets or condom wrappers, may also be important to preserve in case the individual wishes to pursue an investigation. The Title IX Coordinator can facilitate the collection of this evidence through UF Campus Safety.

Individuals are encouraged to preserve all potentially relevant text messages, emails, voicemails, photographs, videos, social media posts, private messages, letters, and other forms of communication. Assistance with preserving this information can be obtained through the Title IX Coordinator, UF Campus Safety, or Information Technology Services.

C. Filing a Report

The Seminary encourages all individuals who may have experienced Prohibited Conduct to report the incident(s) to the Seminary; any individual who is alleged to be the victim is hereafter referred to as the 'complainant'. The Seminary must respond promptly to any report in a manner that is not deliberately indifferent, which means in a way that is not clearly unreasonable in light of the known circumstances. In addition, the Seminary encourages individuals who may have experienced potentially criminal behavior to report the incident(s) to local law enforcement. However, an individual may choose whether to make a report to the Seminary, to law enforcement, both (at the

same time or one after the other), or neither.

A “formal complaint” is a document filed by a complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a respondent (the respondent is the individual who has been reported to be the perpetrator of the Prohibited Conduct) and requesting that the Seminary investigate the allegation. In response to a formal complaint, the Seminary must follow a grievance process. With or without a formal complaint, the Seminary must comply with the mandatory response outlined as follows:

The Seminary’s mandatory response must include:

- Offering supportive measures to the complainant (i.e. the person alleged to be the victim) with the purpose being equal access to education.
- The Title IX Coordinator promptly contacting the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- Following a grievance process that complies with the Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures against the respondent.
- Must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, as a way of responding in a non-deliberately indifferent manner.

The Seminary will cooperate with investigations by law enforcement and may, at the request of law enforcement, briefly delay any concurrent investigation by the Seminary. However, the Seminary uses this and other policies to determine what constitutes misconduct, rather than Ohio criminal laws, and therefore does not defer to law enforcement’s findings in lieu of administering this Policy.

1. Title IX Coordinator

All individuals are encouraged to report Prohibited Conduct to the Title IX Coordinator, and all Seminary employees (except confidential resources) are required to report Prohibited Conduct to the Title IX Coordinator. Such reports may be made via email at tweaver@winebrenner.edu or by telephone at (419) 434-4224.

2. Law Enforcement

All individuals are encouraged to report criminal conduct to UF Campus Safety at (419) 434-4799. UF Campus Safety can connect individuals to the appropriate local law enforcement agency to file a police report, and can assist with securing the scene, providing safety transports, and preserving evidence if needed. Reporting to law enforcement does not require an individual to pursue criminal charges.

Anonymous reporting of crimes is available through UF Campus Safety's Silent Victim/Witness Program online at <https://www.findlay.edu/offices/student-affairs/safety-security/silent-victim-witness-program>. Note that providing information anonymously may impede the Seminary's ability to respond to and investigate the reported incident(s).

VI. The Seminary's Grievance Process for Resolving Complaints of Prohibited Conduct

If Prohibited Conduct is reported to the Seminary through a non-confidential resource, the Title IX Coordinator will attempt to contact the reporter to review this Policy and discuss the privacy of the process, amnesty (if appropriate), accommodations, interim measures of protection, options for informal resolution (if appropriate), and the investigation and adjudication process for formal complaints.

For purposes of the Seminary's process, the subject of the Prohibited Conduct is referred to as the Complainant, and the alleged perpetrator of the Prohibited Conduct is referred to as the Respondent. The Complainant may or may not be the reporter of the Prohibited Conduct. Both the Complainant and the Respondent are referred to as the parties for purposes of this process. In certain circumstances, the Seminary may serve as the Complainant in a formal complaint.

Each party has the right to bring an advisor of their choosing to any meetings or discussions relating to the formal resolution process, except that the advisor may not be a witness or otherwise have a conflicting role in the process. The advisor may advise the party directly clarifying questions, and provide support to the party, but may not speak for the party or disrupt the investigation meeting.

Under this process, any of the Title IX Coordinator's duties may be performed by and discretion may be exercised by a designee.

A. Privacy of the Process

The Seminary recognizes that Prohibited Conduct is a sensitive subject for all individuals involved in the underlying incident(s) as well as the process to resolve such incidents. The Seminary is committed to maintaining the privacy of the parties involved to the fullest extent possible, and information regarding Prohibited Conduct is maintained in a secure manner and is only shared with individuals who have a need to know.

Complainants sometimes ask that their name not be disclosed to the Respondent or that no investigation or disciplinary action be pursued to address the Prohibited Conduct. In such situations, honoring the request may limit the Seminary's ability to respond fully to the incident, including investigating and pursuing disciplinary action against the Respondent as appropriate. Complainants worried about such disclosure should remember that the Seminary strongly prohibits retaliation against those reporting Prohibited Conduct and that it will work with the Complainant to take steps to prevent retaliation.

Although the Seminary tries to honor such requests, there are situations in which the Seminary must override such requests for confidentiality in order to meet its obligations under Title IX to

provide a safe and nondiscriminatory environment. To determine whether it is necessary to pursue action despite a Complainant's request for anonymity or no action, the Seminary will consider relevant factors such as the following:

- whether there are circumstances that suggest there is an increased risk of the Respondent committing additional acts of sexual violence or other violence;
- whether there have been other sexual violence complaints about the same Respondent; whether the Respondent has a history of arrests or records from a prior institution indicating a history of violence;
- whether the Respondent threatened further sexual violence or other violence against others;
- whether the sexual violence was committed by multiple Respondents;
- whether there are circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances such as where a report reveals a pattern of perpetration;
- whether sexual violence was perpetrated with a weapon;
- the age of the Complainant subjected to the sexual violence;
- whether the Seminary possesses other means to obtain relevant evidence.

If the Seminary determines that it must disclose a Complainant's identity to Respondent despite a request for confidentiality, it will strive to inform the reporter prior to making this disclosure and consider whether any interim measures of protection are necessary to protect the Complainant. The Seminary will also inform the Respondent that it was the Seminary's decision, and not the Complainant's, to address the report.

Making an initial request for anonymity or no discipline does not preclude a Complainant from choosing to proceed with the process at a later date.

If a report discloses an immediate threat to the campus community, the Seminary may issue a Timely Warning of the conduct in the interest of the safety and well-being of the campus community. This warning will not contain personally identifying information about the Complainant.

B. Amnesty

The Seminary encourages any member of the campus community to report Prohibited Conduct. To encourage such reporting and the honesty of those participating in the process, the Seminary provides disciplinary amnesty for drug and alcohol violations to students who report an incident (as a Complainant or a witness) or otherwise participate in the Seminary's process in good faith. However, amnesty will not be provided to individuals for behavior that causes harm to another person or for the participation in or facilitation of violations of this Policy.

C. Interim Measures of Protection and Other Accommodations

The Title IX Coordinator has the authority to put in place interim measures of protection after a report is received and to facilitate other accommodations that may be needed under the circumstances. These interim measures and/or accommodations are typically instituted in consultation with one or both parties, depending on the situation. Examples of interim measures

and other accommodations may include:

- no-contact orders; restrictions on behavior, movement on campus,
- access to buildings or spaces, and/or participation in campus activities;
- changes to academic, job assignment, extracurricular arrangements;
- academic accommodations (such as changes for assignment due dates or alternative course completion options);
- the provision of information regarding resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance.

Interim suspension may also be instituted when, given the nature of the allegations, remaining on campus may be threatening or potentially injurious to the well-being or property of members of the Seminary community. Interim suspensions are not discipline in nature and are not reflected on a student's transcript. For employees, such suspensions may be with or without pay.

Note that interim measures and other accommodations are available for both parties and may also be available for others involved in the process if appropriate.

The Title IX Coordinator is responsible for determining appropriate interim measures and accommodations and will, when possible and appropriate, consult with appropriate supervisors or administrators. The Title IX Coordinator may alter interim measures and accommodations at any point during the process as they deem appropriate.

D. Informal Resolution

The Seminary may not require the parties (complainant and respondent) to participate in informal resolution and may not offer informal resolution unless a formal complaint is filed. Complaints may generally be resolved through an informal resolution process unless the Title IX Coordinator determines that informal resolution is inappropriate under the circumstances. Both parties must give voluntary, informed, written consent for informal resolution. This process involves informal consultation with both parties, either together or separately, to find an acceptable resolution for both parties without invoking the formal investigative process described below. The informal process may include counseling the Complainant on ways to address the Respondent directly regarding their behavior if the Complainant is comfortable doing so, counseling of the Respondent by the Title IX Coordinator or other appropriate administrator on appropriate behavior under this Policy, a facilitated discussion between the parties, a mediated agreement between the parties, or any other informal process that is appropriate under the circumstances. Both parties are permitted to bring one advisor of their choosing to any discussions as part of the informal resolution process.

At any time prior to agreeing to a resolution, any party has the right to withdraw from informal resolution and resume the grievance process with respect to the formal complaint.

The Seminary must not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

E. Formal Resolution

Complainants may choose to pursue a formal resolution, or as discussed above, the Seminary may choose to move forward with the formal resolution process. The formal resolution process has three phases: initial assessment/charges, investigation/adjudication, and appeal.

1. Initial Assessment

Upon receiving a complaint for formal resolution, the Title IX Coordinator may conduct an initial assessment to evaluate whether the complaint alleges sufficient information to suggest that Prohibited Conduct may have occurred. This determination may be based on information submitted by the Complainant, as well as information gathered by the Title IX Coordinator during a preliminary investigation.

If the Title IX Coordinator determines that there is insufficient information to suggest that Prohibited Conduct may have occurred, they will notify the Complainant. The Complainant may submit additional information if desired. The process cannot move forward unless and until the Title IX Coordinator receives information sufficient to suggest that Prohibited Conduct may have occurred.

If the Title IX Coordinator determines that the complaint alleges sufficient information to suggest that Prohibited Conduct may have occurred, they will provide written notice to both parties of the charges that will be investigated. The charges may include violations of other Seminary policies where such charges are related to the Prohibited Conduct under investigation. In such cases, those policy violations will be addressed pursuant to this Policy and not the student conduct process.

In cases where a Respondent is unable to be identified after the initial assessment, the process will be suspended unless and until there is sufficient information to charge a Respondent.

2. Investigation/Adjudication

The Seminary may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints.

The Seminary conducts a prompt, impartial, adequate, reliable, and thorough investigation of charges regarding Prohibited Conduct. Investigations will be carried out by an investigative team comprised of four trained individuals who do not have a conflict of interest or bias for or against either party. The investigative team will be comprised of two investigators, the Title IX Coordinator and one additional trained team member. The two investigators are assigned by the Title IX Coordinator and are required to keep information obtained in the investigation private except to the extent necessary to conduct the investigation or to protect the health or safety of the parties or others. In cases involving a large number of witnesses or other complex situations, additional trained, impartial investigators may be used to support the investigative team.

During an investigation, the Seminary cannot access, consider, disclose, or otherwise use a party's

records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the Seminary obtains that party's voluntary, written consent to do so.

Investigators are charged with conducting interviews of the parties and relevant witnesses who may have information relevant to the investigation (as determined by the investigators), reviewing relevant Seminary records, gathering other relevant information, and keeping the Title IX Coordinator updated on the progress of the investigation. Both parties will be provided the opportunity to suggest witnesses and present information to the investigators. Neither party is required to participate in the investigation, but failure to participate may deprive the investigators of potentially helpful information.

During the course of the investigation, the investigative team may propose additional charges for the investigation, as they deem appropriate. Both parties must be provided with written notice and an opportunity to respond to such additional charges.

When the investigators believe that they have gathered all relevant information, the investigative team will prepare a written Statement of Evidence that explains the evidence gathered during the course of the investigation and identifies the disputed and undisputed relevant facts of the case. Both parties will be provided the Statement of Evidence simultaneously and will be provided three business days to review the Statement of Evidence. Within those three business days, each party may submit additional evidence, submit the names of additional witnesses including what relevant evidence each may possess (if known), submit a written rebuttal, and/or request a final interview. The investigative team will review all new evidence and conduct relevant follow-up investigation as they determine is appropriate.

At the conclusion of the investigation, the investigative team will revise the Statement of Evidence if appropriate and make a Final Determination as to whether there is sufficient evidence as to whether a policy violation occurred regarding each charge. Such determinations will be made using a preponderance of the evidence standard. This means that investigative team will determine whether it is more likely than not that a violation of Seminary policy occurred. If the investigative team members cannot agree as to the determination for a particular charge, no violation will be found because the preponderance of evidence standard has not been met. The Final Determination will be provided simultaneously in writing to both parties and will contain the revised Statement of Evidence, the determination of responsibility for each charge, the rationale for the result, and appeal rights (see below).

If any of the charges are substantiated, the Final Determination will also include sanctions against the Respondent. All sanctions are determined fairly and impartially and, on a case-by-case basis. In determining the sanctions, the investigative team may consult with the Title IX Coordinator, the Academic Dean, the President, or other Seminary administrators or supervisors, as they deem appropriate in the situation.

Sanctions may include, as appropriate:

- Educational training
- Drug/alcohol assessment
- Mandatory counseling
- Community/campus service
- Revocation of scholarships, honors, or awards
- Schedule changes or restrictions
- Job/duty reassignment
- No contact orders
- No trespass orders
- Suspension (for employees, this may be with or without pay)
- Behavioral restrictions
- Restrictions on access to certain facilities or activities
- For student organizations, revocation of recognition by the Seminary, loss of funding, and/or loss of other privileges
- Written warning
- Disciplinary probation
- Dismissal/termination

The Seminary strives to complete all investigations/adjudications within sixty days after receiving the complaint. However, factors may delay the completion of investigations within this timeframe, including the parties' participation in an informal resolution process, the Seminary's cooperation with a concurrent criminal investigation, the complexity of the investigation, the severity and extent of the alleged conduct, witness availability, the time necessary to receive requested medical records, and the number of witnesses. The Title IX Coordinator can extend the sixty-day period for good cause with written notice to the parties of the delay and the reason for the extension of time.

The investigative team's written decision will go into effect immediately unless the Title IX Coordinator determines, in their discretion, that a temporary stay of sanctions is appropriate pending an appeal due to extraordinary circumstances. The Title IX Coordinator may add, remove, or change the protective measures that apply after a decision is rendered.

3. Hearing

As a postsecondary institution, the Seminary is required to conduct a live hearing with cross-examination. In most instances, the Seminary will find an appropriate, impartial, third-party decision-maker to conduct the live hearing. When a third-party decision-maker is not used, the Title IX Coordinator may serve as the decision-maker. Each of the following applies to the live hearing:

- Live hearing may be conducted with all parties physically present in the same geographic location or, at the Seminary's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other.

- At the request of either party, the Seminary must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party answering questions.
- If a party does not have an advisor present at the live hearing, the Seminary must provide without fee or charge to that party, an advisor of the Seminary's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination of other question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- The Seminary must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard. This standard will apply for formal complaints against students and for formal complaints against employees, including faculty.

4. Appeals

Either party may request an appeal of the investigative team's decision by submitting a written notice of appeal to the Title IX Coordinator within five (5) business days from the date of the written decision. The written notice of appeal must outline the reasons for the appeal, must provide any evidence or arguments in support of such appeal, and must be based on one or more of the following:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias

that affected the outcome of the matter.

If the appeal is not grounded in one of the above factors, the Title IX Coordinator may reject the appeal with written notice to the appealing party. The party may then submit a revised written notice of appeal within the original timeline.

Upon receipt of the appeal letter, the Title IX Coordinator will forward the appeal letter, along with the final decision, to the non-appealing party, who will be provided with three business days within which to respond to the appeal. No further reply will be permitted. The Title IX Coordinator will forward the appeal, the response, the Statement of Evidence, the final decision, and any other relevant information to a trained and impartial appeals officer. The appeals officer will be:

The Seminary President

The Title IX Coordinator may, in their discretion, designate another member of the Seminary President's Council to hear an appeal.

The appeals officer will be permitted to ask questions of the Title IX Coordinator and investigator, but is not permitted to speak with parties, advisors, or other witnesses about the case. Within ten (10) business days of receiving the appeal from the Title IX Coordinator, the appeals officer may:

- Affirm the decision;
- Reverse the determination as to charge(s) and remove or add sanctions as appropriate;
- Affirm the determination as to charge(s) but revise the sanctions; or
- Request that additional steps to be taken.

The appeals officer will issue their written decision simultaneously to both parties and include the rationale for the decision. The decision of the appeals officer will be final.

Policy REVISED and APPROVED by Board of Trustees via email on July 28, 2020