

# APPENDIX A

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)

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FERPA is intended to ensure that students are afforded the right to inspect and review their education records, seek to have the records amended, and to exercise some control over the disclosures of information from the records. Lexington Theological Seminary shall comply with FERPA.

The Seminary has no obligation to create or maintain records.

### DEFINITIONS

***Educational Records:*** Any record maintained by the Seminary which is directly related to a student, *except:*

- A personal record kept by an employee if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- An employment record of an individual, whose employment is not contingent on the fact that he/she is a student, provided the record is used only in relation to the individual's employment.
- Alumni/ae records which contain information about a student after he/she is no longer in attendance at the Seminary and which do not relate to the person as a student.

***Legitimate Educational Interest:*** Interest which is founded completely on the need for access to information related to the student's educational interests; for example, enrollment information needed by the Business Office for billing purposes or by the Post Office for mail delivery. Information shared would be limited to the particular need. It would not include information about a specific student which would be used to further the interests of the institution as a whole; for example, sharing identifiable, non-directory information about a student in a Seminary publication (without the student's permission).

***School Official:*** A person employed by the Seminary in an administrative, supervisory, academic or research capacity, or support staff position; a person employed by or under contract to the Seminary to perform a special task, such as the attorney or auditor; National Student Loan Clearinghouse; organizations/churches serving in field education; and Seminary committees.

***Student:*** Any person while in attendance or considered active at the Seminary. Active status is for those who have not been out of classes for more than one academic year. Applicants who are not accepted or do not enroll are not covered by this policy.

### ANNUAL NOTIFICATION

Students are notified of FERPA policies annually by virtue of the *Handbook* being online.

## **PROCEDURE TO INSPECT EDUCATION RECORDS**

Students may inspect and review their education records subsequent to completing a written request which is submitted to the Registrar.

The Registrar will make the arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access will be provided in less than 45 days from the receipt of the request.

When a record contains information about more than one student, the student may inspect and review only the records which relate to him/her.

The Seminary reserves the right to refuse to permit a student to inspect the following records:

- Letters and statements of recommendation for which the student waived review privileges or which were placed in the file prior to January 1, 1975.
- Records connected with an application to attend the Seminary which was not approved for admission. For example, if a student was denied admission and later re-applied and was accepted  the documents related to the denied application will not be available for review.
- Records which are excluded from the FERPA definition of *educational records*.

## **DISCLOSURE OF EDUCATION RECORDS**

The Seminary will not disclose information from a student's education records without the written consent of the student, *except*:

- to school officials who have a legitimate educational interest in the records.
- to certain officials of the Department of Veteran Affairs, the U.S. Department of Education, the Comptroller General, and state and local educational authorities in connection with certain state or federally supported education programs.
- in connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
- to organizations conducting certain studies for or on behalf of the Seminary.
- to accrediting organizations to carry out their functions.
- to comply with a judicial order or a lawfully issued subpoena. Students are notified prior to release.
- to appropriate parties in a health or safety emergency.
- to officials of other schools to which the student intends or is seeking to enroll.

Originals or copies of transcripts from other schools or references/recommendations which are maintained in the Seminary student file will not be released to the student or any other party. Copies of other material *may* be released at the Registrar's discretion. A charge for copies may be imposed.

## **RECORD OF REQUESTS FOR DISCLOSURE**

The Seminary will keep copies of all requests for information release in the student's file.

## **CORRECTION OF EDUCATION RECORDS**

Students have the right to ask to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Records which may be corrected can not be substantial decisions such as grades or disciplinary actions. The following procedures are to be used for the correction of records:

1. A student must submit a written request to the Registrar to amend a record. The request should identify the part of the record to be changed and specify why it is inaccurate, misleading, or in violation of privacy or other rights. In order to change the name on the record, the student must provide a legal document authorizing the change, e.g., marriage license, divorce decree.
2. The Seminary may or may not comply with the request. If the Seminary decides not to comply, the Registrar will notify the student of the decision and the right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. If the student desires a hearing, the request for such must be made to the Registrar in writing. The Registrar will arrange for a hearing, and notify, in writing, of the date, place, and time of the hearing. The hearing will be arranged for a time convenient for the student and others involved.
4. The hearing will be conducted by the Dean. The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's records. One or more individuals may assist the student, including an attorney. The Dean may call on other parties to present information regarding the requested change in the records.
5. The Dean will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the Dean decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the student will be notified in writing that a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision can be placed in the record.
7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion is disclosed, the additional statement will also be disclosed.
8. If the Dean determines that the information is inaccurate, misleading, or in violation of the student's right or privacy, the record will be amended and the student notified in writing that it has been amended.

## **DISCLOSURE SUBSEQUENT TO LEAVING THE SEMINARY**

Education records of students who have left the Seminary, for whatever reason, will be treated in the same manner as current students. Information gathered subsequent to a student's departure which is not related to the student's time at the Seminary, is not considered part of the education record.

If a student requested confidentiality while at the Seminary, that request will remain in effect after departure.

Information on students who are deceased will be treated as all other information unless the executor/executrix has authorized release. Information may be released, at the discretion of the Seminary, after the individual has been deceased for 25 years.

# APPENDIX B

## GRIEVANCE PROCEDURES

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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. This policy outlines those processes. Title IX of the Education Amendments of 1972 covers assorted areas of harassment and discrimination, including those based on gender, race, and handicap. The registrar will coordinate Title IX activities. Grievances can be filed by students and employees.

### DEFINITIONS

A **grievance** is any dispute or difference concerning the interpretation or enforcement of any provision of the Seminary policies or procedures unless other provisions are made elsewhere, e.g. *Faculty Handbook*. (Note: Academic appeals are handled as noted in the *Student Handbook*.) Grievances may also deal with matters of conduct, including sexual harassment and racial discrimination as defined elsewhere. Throughout this policy, the word *complaint* may be used in lieu of the word *grievance*.

The **Appeals/Grievance Committee** (henceforth referred to as “the Committee”) is that group of persons appointed by the Dean to investigate and decide all grievance matters. The Committee shall be comprised of seven members. The members shall include three student representatives, two faculty members and two staff members. To the extent possible, the makeup of the Committee should be representative of both genders and different age groups and races. Members of the Committee shall be selected to serve as members of investigation teams and hearing panels as described within this policy and to handle academic appeals as described in the *Student Handbook*. The names of those serving on the Committee will be published at the beginning of each year and will remain posted throughout the year.

### INFORMAL PROCEDURE

1. Persons with grievances may seek to resolve their complaints informally. Informal resolution may include clearly and promptly notifying the other party that there is a dispute or that there is behavior which is unwelcome. *However, this is not a required first step for pursuing either an informal or a formal complaint.*
2. If, for any reason, a person does not wish to confront the other party directly, or if such a confrontation does not successfully resolve the dispute or end the unwanted behavior, the individual may choose to notify a member of the Seminary Committee. The member of the Committee may talk to the other party on the complainant’s behalf or arrange for professional mediation between the two individuals, with a third person acceptable to both who is outside the Seminary community. If the parties agree to have the matter mediated by a professional third party, they will agree to be bound by the decision of the mediator.

3. In some instances a person with a complaint may simply wish to discuss a matter with the Dean or a member of the Committee, and such discussion should be encouraged. *However, all persons complaining should be aware that the Seminary may decide that it is necessary to address the matter beyond an informal discussion especially if the matter involves an activity which is illegal, such as sexual harassment or racial discrimination.*
4. Both the complainant and the alleged offender are to be treated with respect. All grievances will be taken seriously. The Seminary encourages prompt reporting and resolution of any and all issues.

### **FORMAL PROCEDURE**

1. The person wishing to file a complaint should report the problem in writing to any member of the Appeals/Grievance Committee and the Office of the Dean.

An accurate report of the situation assists in resolving a formal complaint of any type of grievance, but especially those involving the behavior of another party. Persons being subject to such behavior are encouraged to keep a written record of such incidents detailing the facts, dates, and place of such occurrences. All reports of objectionable behavior shall be in writing and shall be signed by the complainant and/or person receiving the complaint.

2. *The Seminary will not retaliate against any person filing a grievance or tolerate retaliation by any member of the Seminary community.* Retaliation should be reported immediately to any member of the administration. Any person found to have retaliated against another for filing a grievance shall be subject to appropriate disciplinary procedures.
3. When a formal complaint is received, the Committee shall send both the complainant and alleged offender a written acknowledgment of the complaint along with a copy of this and other appropriate policies. Situations which warrant the filing of a formal complaint create a heavy burden for all those involved. This letter shall provide a list of individuals who are willing to serve as pastoral support persons for complainants and alleged offenders.

Pastoral support persons shall be members of the clergy and others who receive confidences in their capacity as spiritual advisors, counselors or other position. These persons shall be available to provide pastoral support to the complainant, respondent and members of the Committee throughout the pendency of the proceedings, but shall not take part in the proceedings themselves.

4. Any grievance brought to the attention of the Committee will be promptly investigated. The Committee shall appoint two of its members to begin conducting an investigation of the complaint as soon as it is practicable with the goal being within three workdays. All persons contacted by the investigation team shall be reminded of the seriousness of such allegations and the need for confidentiality to protect the privacy of the individuals involved. They shall also be reminded that their statements will be reviewed by the parties and Committee.
5. During the investigation phase, both the complainant and the respondent will be allowed to submit written statements on their own behalf and to submit written statements from any witnesses. The investigation team shall keep an ongoing written record of all activities and findings. These statements shall be provided to both parties prior to the hearing.

6. Receipt of a formal complaint shall be cause for a file review to determine whether prior complaints have been made against the respondent. The investigation team shall determine whether the complainant knows or suspects that the respondent has been involved in similar situations. The team shall interview all persons it deems necessary in conducting a thorough investigation of the matter.
7. Once it has completed the investigation, the team will prepare a report which shall include the names and statements of all persons who provided statements during the investigation. The team will then notify the Committee of the completion of the investigation. The full Committee will meet to discuss the results of the investigation and to determine whether to conduct a hearing on the complaint within 30 days of the completion of the investigation. The Committee, the complainant, and the respondent will be provided with copies of the investigation team's report.
8. Should it be determined that a hearing is not necessary, deliberations of the Committee and subsequent actions will be conducted according to the procedures outlined beginning with item 10 as follows. If it is determined a hearing should be conducted, both the complainant and the respondent shall be entitled to appear at the hearing, and each shall have the right to representation by an advocate who may speak and question witnesses in the party's behalf.
9. At the hearing (if conducted), no one other than the Committee, the complainant, the respondent, the advocates, the witnesses, the Seminary attorney, and professional recorder shall be present. Witnesses other than the parties shall only be present during the course of their testimony. Each person testifying at the hearing shall be reminded of the confidentiality of the proceedings.

Each party shall be entitled to make an opening statement. The complainant will then present documentary evidence and witnesses, subject to questioning by the respondent. The respondent may then present documentary evidence and witnesses, subject to questioning by the complainant. The complainant may then introduce additional evidence, but only to rebut evidence introduced on behalf of the respondent. During the course of the hearing, the Committee may ask additional questions of any witness including the parties. Each party may make closing arguments.

10. The Committee will conduct its deliberations in private and will decide the case based on evidence presented at the hearing (if conducted) and in the investigation team's report. The Committee will communicate its findings and intended action in writing to the complainant, respondent, and President within five workdays subsequent to the hearing (or the meeting referenced in item 7. The President is responsible for ensuring implementation of any actions recommended. However, should the President find that there was insufficient evidence to support the Committee's decision or that the proceedings were not conducted according to this policy, the President may remand the matter to the Committee for reconsideration.

Depending on the nature of the dispute/complaint, the respondent will be subject to the disciplinary procedures listed in this policy. Both parties will be notified of the outcome of the deliberations. However, due to confidentiality laws, should the respondent be subject to disciplinary action, only the respondent and those responsible for implementation will be notified of the action.

11. If either party is dissatisfied with the decision of the Committee, that individual has the right to appeal the decision in writing to the President of the Seminary. If, upon review of the hearing record and the investigative team's report, the President finds that there was insufficient evidence to support the Committee's decision or that the proceedings were not conducted according to this policy, the President may remand the matter to the Committee for consideration. If the President determines that there was sufficient evidence and the proceedings were conducted according to the policy, then the President shall implement the recommendation of the Committee immediately. The President shall have ten workdays to render a decision.
12. If a recommendation to the President is remanded to the Committee, either at the time of the original recommendation or subsequent to appeal, the Committee shall have 10 workdays to review the matter in light of the President's comments and provide a recommendation. If the President again finds that there was insufficient evidence to support the Committee's decisions or that the proceedings were not conducted according to this policy, the President shall have final authority to make a decision and take appropriate action.

### **DISCIPLINARY ACTION**

Penalties may include, but will not be limited to those listed in the policy. Penalties for students may include expulsion or suspension from the Seminary. Staff and faculty may be dismissed, suspended without pay, or removed from their positions. Other actions may include a reprimand. Additional actions 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. All penalties include a written record which shall be placed in the individual's permanent file.

### **FALSE ACCUSATIONS**

If an investigation results in the finding that the complainant falsely and maliciously accused another person, the complainant will be subject to appropriate disciplinary sanctions, as described earlier, including the possibility of suspension or dismissal. However, the fact that no action is taken against a respondent does not automatically mean that the complaint was false or malicious.

### **WRITTEN RECORD OF COMPLAINTS**

Where appropriate and practical, the Seminary will maintain a complete and confidential written record of each complaint and how the complaint was investigated and resolved. To the extent practical, complete records of the proceedings will be kept in a secure file on campus and with the Seminary's attorney. This file will be cross-referenced in each party's academic/personnel record. For more information regarding confidentiality and the release of information, refer to Appendix A.

## APPENDIX C

### POLICY STATEMENT ON SEXUAL HARASSMENT/DISCRIMINATION

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#### THEOLOGICAL STATEMENT

All that we do must be rooted in our theological claims. Our understanding of sexuality is in significant ways shaped by the cultures in which we live, by the families from which we come, the experiences which we have had, and the religious communities of which we are a part. But while sensitivity to these differences is important, it is also necessary and possible for us as Christians to make normative theological statements about sexuality and its abuse. These statements must always be demonstrably rooted in the gospel and are always subject to the dialogue of the community. However, at the Seminary we believe the following statements to be normative for Christian community and a foundational basis for this policy on sexual harassment/discrimination.

5. We affirm that sexuality is a gift from God. We are created as embodied relational sexual beings. Sexuality, maleness and femaleness, is part of our personal identity and part of our relationships with one another in the world God has fashioned.
6. Relationships between and among embodied sexual persons are to be marked at all times by mutual respect, honor and support. *Love your neighbor as yourself.* Love does no wrong to the neighbor, therefore, love is the fulfilling of the law. We are to treat one another as we would be treated, protecting one another's dignity as a child of God for whom Christ died. In Jesus Christ we have both a model of our relations with one another and a witness that God has loved us relationally even to the point of assuming human flesh and suffering for us on the cross. In the triune nature of God we have an assurance that reciprocity, mutuality, and communion are constitutive of reality itself.
7. As Christians we know ourselves to be people of two worlds. While we live in the new age of God's reign begun in Jesus Christ, we are still gripped by the old reign of sin. Sexuality, while not sinful per se, can be and frequently is distorted and used in ways that violate persons and disrupt communities. Failure to trust the good news of God's love means that we seek to justify ourselves by seeking control or power over others, by demeaning others, by using others for personal gratification without concern for the quality of relationships, and by treating others as means rather than ends. Whenever our relationships with one another as sexual beings are marked by coercion, intimidation, or violation of the other's dignity and integrity, it is sin and it demands repentance.
8. Since we are fundamentally relational beings, the way we live out our sexuality is not simply a private matter. Seeing sexuality in terms of individualistic fulfillment may be a dominant cultural conception but it is not consistent with the gospel. As Christians, we recognize that we are members of the human family, and, more intimately of the body of Christ in which when one part suffers, all suffer, and when one part is

honored, we are all honored. The church is thus to be a counter-cultural community, both in what it says and how it lives. Because of the persistence of sin, the church, like all communities, needs boundaries to protect its members from exploitation, abuse, discrimination, and harassment. The church is called by the gospel it proclaims to challenge uses of sexuality that demean and abuse. The church is called by the gospel it proclaims to be a place of support and healing for those who have been demeaned and abused. The church is also called by the gospel it proclaims to be a community which recognizes that repentance and amendment of life are possible. The Seminary is an integral part of the church.

### **DEFINITIONS**

13. For the purposes of this policy, sexual harassment is defined as unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when: (a) submission to or rejection of this conduct is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, other aspects of employment or academic advancement; or (b) such conduct is sufficiently severe, persistent, or pervasive as to substantially interfere with an individual's employment or studies or creates an intimidating, hostile or offensive environment.
14. Examples of sexual harassment include, but are not limited to, unwanted sexual advances, demands or requests for sexual favors in exchange for favorable treatment; repeated sexual jokes or propositions, verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, touching, pinching, assault, coerced sexual acts or insulting, obscene or demeaning comments or gestures; display in the workplace or common areas of sexually suggestive objects or pictures.
15. Sexual discrimination is the practice of using a person's gender as the basis for hiring, termination, promotion, compensation, acceptance, expulsion, evaluation or other employment or academic activities.
16. Persons to whom this policy applies include the administration, faculty, staff, on-site mentors, trustees and students of Lexington Theological Seminary, as well as to contractors and others who may be on campus. LTS will not tolerate sexual harassment/discrimination on its campus or in any off-campus setting related to the Seminary including, but not limited to, business trips, meetings, and school-related social events.

### **PROCEDURES**

1. The Seminary shall not promote, accept, or tolerate sexual harassment or discrimination.
2. Persons who believe they are being harassed or experiencing discrimination may seek to resolve their complaints informally. Informal resolution may include clearly and promptly notifying the alleged offender that the behavior is unwelcome. However, this is not a required first step for pursuing either an informal or a formal complaint.
3. Matters involving suspected sexual harassment/discrimination shall be handled according to the grievance procedures found in Appendix B.
4. Copies of this policy and Appendix B shall be provided to all non-Seminary persons living on campus.

## **DISCIPLINARY ACTIONS**

Penalties may include, but not limited to those listed in the policy. Penalties for students found guilty of sexual harassment/discrimination may include expulsion or suspension from the Seminary. Staff and faculty found guilty of sexual harassment/discrimination 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.

## **APPENDIX D**

### **POLICY STATEMENT ON RACIAL DISCRIMINATION/HARASSMENT**

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#### **THEOLOGICAL STATEMENT**

Because God creates and loves all human beings and has acted in Jesus Christ to reconcile people to God and to each other, we, the people of God, are called to embody reconciliation in the community that is Lexington Theological Seminary. We rejoice in the gifts which particular ethnic histories and cultures bring to our total life, and we recognize as sin every attitude and action that is based on the assumption that one racial or ethnic group is innately superior to others.

God's universal love for humankind comes to expression in both Testaments. Chiding Jonah for his lament over a plant, Yahweh reiterates the divine priority: human life is the most valuable of all created life (Jon 4:10-11, cf. Gen 1:11-27). Even Israel's enemies, the Assyrians, are loved and cared for by God. The canonical book of Ruth protests against racial prejudice by making David, Israel's greatest king, the product of the interracial marriage between Ruth (a Moabite) and Boaz (an Israelite). These late OT witnesses to God's universal love for all humankind protest against the racial exclusivism of other aspects of Israel's tradition, such as Nahum, the Deuteronomic tradition, and the work of the Chronicler. Thus, the First Testament witness is twofold: God's people are not immune to the temptation of racial prejudice and they must be open to the challenge of prophetic voices that speak out against bigotry in God's name.

The doctrine of the universal love of God in the New Testament comes to expression in the Pauline and Deutero-Pauline corpus and in the Gospel portraits of Jesus. According to Paul, the gospel of Jesus Christ destroys the barriers between races (Gal 3:28; 1 Cor 12:13; Rom 10:12; 3:29-30; cr. Col 3:11; Eph 2:14-22). Jesus is portrayed by the evangelists as reaching out to include racial groups despised by the religious establishment (Mark 5:1-20/Luke 8:26-39/Matt 8:28-34; Luke 4:16-30; Luke 17:11-19; John 4:4-42). The resurrected Lord is portrayed as sending disciples out to proclaim the good news to all races and peoples (Matt 28:18-20; Acts 1:8), and the Holy Spirit is given to Samaritans (Acts 8:14-17) and Gentiles (Acts 10:34-48). The church at Antioch is deliberately portrayed by the author of Acts as multi-racial in membership and leadership (13:1). Even as the NT denies the validity of racial divisions, it calls the church to oneness as the body of Christ (Eph 4:4-6; Rom 12:5; 1 Cor 8:6, 10:17). In Christ, diversity is understood as a gift to be celebrated rather than as a problem to be solved. We need those who are different from ourselves in order to experience wholeness in Christ.

But throughout its history, the Church of Jesus Christ has continued to fall prey to the temptation of racism, as evidenced by the Christian justification of the atrocities of the Crusades, of the enslavement of Africans, and of the systemic racism of segregation and apartheid. The slaughter of the indigenous peoples of the Americas, the internment of Japanese Americans, the exploitation of non-white immigrants and the continual anti-Jewish pogroms which culminated in the Nazi Holocaust, all were at least tolerated, and often encouraged by churches.

But God has not ceased to send prophets against the idolatry of racism, many of whom, such as Martin Luther King, Jr., suffered martyrdom for their witness to God's universal love and the divine demand for racial justice. In recent years, various Christian groups have called the church to acknowledge that racism is contrary to the will for God and have explored the implications of that confession (*Nostra Aetate* [Documents of Vatican II, 667-68]); *Ecumenical Statements on Race Relations: Development of Ecumenical Thought on Race Relations 1937-1964*; *WCC Statements on Actions of Racism, 1948-1979*; *Breaking Down the Walls: WC Statements on Racism*; *Kairos: Three Prophetic Challenges to the Church*; "The Harare Declarations" (BWA, 1993).

In light of the clear evidence of God's equal care and concern for all human life and God's call to racial reconciliation within the body of Christ, we, as a seminary community of faith and learning, pledge ourselves to honest self-examination and mutual accountability as we open ourselves to God's powerful grace and pray for cleansing from our sins, including those of racial prejudice and injustice.

### **CLARIFICATION OF TERMS**

***Racial Prejudice:*** A preconceived negative judgment about the characteristics or behavior of a racial group, or about the character of an individual, based on that person's membership in a racial group. Racial prejudices may be held by anyone.

***Racial Discrimination:*** Any action against a person or group based on racial prejudice. Such actions may include, but are not limited to, failure to admit, hire, or promote on the basis of race; spoken or written insults and racial slurs; and nonverbal gestures that convey or reflect racial prejudice (especially when such behavior has been met with clear rebuke). Racial discrimination may be practiced by anyone. This policy condemns insulting and derogatory acts by all people.

***Systemic Racism:*** Racial prejudice that has behind it institutional or societal power to carry out acts of racial discrimination. This results in the systemic exclusion of a racial group from power, influence, resources, or the development of their potential. Historically, socially empowered racism in the United States has most often been perpetrated by whites against non-white peoples. In Kentucky the descendants of enslaved Africans have been dominated by the economically and politically more powerful white majority.

### **ACKNOWLEDGEMENT OF THE PROBLEM IN THIS CONTEXT**

Like the people of God throughout the ages, the community of Lexington Theological Seminary is constantly in danger of succumbing to the temptations of racial prejudice, racial discrimination, and institutional racism. Because of their smaller numbers and relative lack of societal and institutional power, people of color in general, and in this setting, African Americans in particular experience most acutely the effects of these forms of idolatry. They suffer from behaviors such as superior attitudes on the part of whites, speech betraying racial prejudice, and the reinforcement for stereotypes by racial jokes, and the painful invisibility that results when one or one's group is ignored as though it did not exist.

In the structures of the Seminary, people of color need to be more fully represented in the composition of the Board of Trustees and its auxiliary body, the faculty, and the administrative staff. Faculty members need to find and assign to all students excellent scholarship by persons from various racial groups. Further, all seminarians should be exposed: (a) to a curriculum in which the commitment to racial reconciliation with justice is explicitly taught and affirmed, and (b) to forms of worship and community life in which the concern for racial

reconciliation with justice is made evident. The Seminary needs to find additional ways to address the problems of limited ministry opportunities and inadequate compensation for African American seminarians and graduates of all denominations represented here. Ways need to be found to encourage African American congregations to value and support seminary educated leadership. African American staff members need institutional support for the right to be treated with dignity and respect by students, faculty, other staff, administrators, and outsiders with whom the Seminary does business.

Our rich heritage of recognizing the importance of racial justices needs to be seen as a motivation, not a substitute, for continued progress. All members of the Seminary community need to listen carefully and non-defensively to each others' concerns with respect to racial issues. Whites in the Seminary community need to make a greater effort to acknowledge that racial prejudice, racial discrimination, and institutional racism are real problems, not just in other places, but here as well. People of color learn the details of the dominant culture from birth as a matter of survival. Whites need to make an intentional effort to learn about the experiences, values, and concerns of people of color as a matter of faithfulness to the claims of the inclusive Gospel of Jesus Christ. Racial reconciliation with justice must not simply be the concern of a particular "interest group" but of the whole Lexington Theological Seminary community.

The Seminary strives to create an environment in which people of color may bring their gifts and experiences to share with the whole body of Christ. In order to maintain the environment of academic freedom long cherished at this institution, nothing within this policy shall be construed as an attempt to restrict legitimate freedom of thought or exchange of ideas.

In this Christian context, however, we understand freedom to be limited by love (Phil 2:4, 1 Cor 8-10). Because we are Christians, our individual liberty is less important to us than hearing from our sisters and brothers the ways in which our words and actions have caused them pain (even when we did not intend to do so) and changing our behaviors to prevent further harm to them. Therefore, when a member of the Seminary community or a group within the community experiences racial discrimination (as clarified above), or believes institutional racism to be a factor in a policy or decision, an appropriate first step may be to discuss the incident or issue with the person or group responsible for the offensive speech, action, policy, or decision. The offended party should not discuss the matter with anyone before confronting the offending party. The appropriate response by the person or group so confronted is not defensiveness or self-justification, but attentive listening, an attempt to understand the experience of the offended person(s), and an attempt to resolve the situation in a way satisfactory to all involved. Once a resolution has been reached, the matter is closed and should not be discussed with anyone **by either party**.

The New Testament ideal is a community in which the level of trust and mutual regard makes possible such private reconciling of differences. However, all actual historical communities fall short of the ideal. There may be occasions when private reconciliation is not feasible, e.g., lack of trust stemming from fear of reprisal. Therefore, it is necessary to establish the following procedures.

### **PROCEDURES DEALING WITH RACIAL DISCRIMINATION**

1. This policy will be widely publicized in the Seminary community.

5. Through courses and other programs, the Seminary will seek to provide materials, bibliography, and educational events designed to make us more aware of racial prejudice, racial discrimination, and institutional racism and to help us to conduct these idolatries in ourselves, our churches, and our society.
6. If possible, informal means of reconciliation should be pursued. When an initial private conversation has failed to resolve the issue, or when a private reconciliation is not feasible, a member of the Seminary community or group within the community that has experienced racial discrimination (as clarified above), or believes institutional racism to be a factor in a policy or decision, may make an informal or formal complaint according to the grievance procedures found in Appendix B.

## **APPENDIX E**

### **ILLICIT DRUGS, ALCOHOL, TOBACCO AND FIREARMS POLICY**

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#### **THEOLOGICAL STATEMENT**

The rights and privileges a society bestows upon or withholds from those who comprise it indicate the relative esteem in which that society holds particular persons and groups of persons. Theologically, we affirm all persons as equally valuable in the sight of God. We, therefore, work toward societies in general and in our community in particular in which each person's value is recognized, maintained, and strengthened, as well as each person's good health. We encourage those choices and habits that lead to good physical, mental and spiritual health. We do not support those behaviors that place health at risk. At LTS, we believe the following:

9. God created us with appetites which when satisfied in wholesome and balanced ways facilitate life and are good. We all are at risk to satisfy our appetites in unhealthy and abusive ways. We affirm the right of each person to make individual decisions about the use of alcohol, tobacco and other legal drugs.
10. We affirm our historic tradition of high standards of personal discipline and social responsibility.
11. Being sisters and brothers of the Church of Jesus Christ or members of other faith groups involved in our community, we seek to live our lives in such a manner to honor God and not be an embarrassment to the church or to an arm of the church, this Seminary community.

#### **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)). *On the Seminary campus, you are in a "public place" when you exit an apartment or townhouse.*

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

## POLICY

1. 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.
7. 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.
8. 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.
9. 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.
10. No smoking or use of tobacco in any form is allowed in Mandrell Hall, the Administration and Classroom building; Bosworth Memorial Library; Chapel; or public gatherings of the community. Smoking containers for cigarette butts are furnished at the entrances of each of these buildings for smokers to discard cigarettes or other tobacco products.
11. For training, professional resources, and appropriate referral, students and faculty members are encouraged to contact the Dean; and staff are encouraged to contact the Chief Financial Officer.

## **SANCTIONS**

1. 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.
2. Further violation of being in possession of or using illicit drugs results in expulsion or dismissal.
3. 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.
4. 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. Individual housing units are not considered public.
5. 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.
6. 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.
7. 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.
8. All incidents will be documented and placed in the permanent file.

## **FIREARMS POLICY**

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.

## **POLICY DISTRIBUTION & REVIEW**

By virtue of its inclusion in the *Handbook*, 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.

# APPENDIX F

## POLICY STATEMENT ON AIDS/HIV

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### INTRODUCTION

The committee to write the policy on AIDS (Acquired Immune Deficiency Syndrome) and HIV (Human Immunodeficiency Virus) infection began research and writing in April of 1992 in response to the growing number of people affected by this virus. Institutions of higher education have had to reconsider their policies of admissions, hiring, and student health in response to the HIV virus for legal and medical reasons. Because this virus presently bears with it a negative social stigma, and because we are an institution of theological education, this committee has attempted to deal both theologically and educationally with the issue, as well as legally and medically. While the safety of our community is a vital concern, we have also considered the impact this policy will have on persons living with AIDS. Our goal is that persons living with AIDS will not encounter further suffering in their encounter with this seminary, and that the seminary *community* will be able to respond to the presence of the virus in its midst in ways informed by recent medical information and rooted in the gospel.

### THEOLOGICAL STATEMENT

The growing presence of the HIV virus and AIDS causes us to re-examine our understanding of physical suffering. Suffering prevails as a theme throughout the Bible and throughout the church's history. In fact, according to Charles H. Talbert, the Bible contains at least three very different approaches to understanding suffering.

In both the First and New Testaments, suffering and illnesses are regarded as punishment for wrongdoing. When we understand suffering as a punishment from God, we respond with repentance and the understanding that, like David, whose son died despite his earnest prayer of confession and penitence, we may have to suffer the entirety of the punishment anyway.

The story of Job challenges this understanding of suffering. Job was a righteous man who had done no harm. Here, suffering is viewed as a direct attack of evil or the devil. In the New Testament, also, physical ailments are commonly linked to the presence of demons or evil spirits. With this understanding of suffering comes our response of relying on the power of good to overcome the power of evil. Whether this occurs by perseverance as in the story of Job or by exorcism as in the New Testament, depends on your theological stance. Sometimes the evil remains and the suffering continues, as with Paul who repeatedly prayed for healing and never received it, or Job's children who died in the attack.

There is, however, a third understanding of suffering in the Bible. According to Genesis 3, all of creation was affected by the sin of Adam and Eve. All creation suffers from a brokenness or incompleteness introduced by human rebellion. Paul more fully develops this understanding in Romans by saying that "all creation groans" waiting for redemption at Christ's return. Until then, creation is in bondage to this inherent decay. Physical suffering results from confusion in the natural order. In this understanding, physical cure comes either when

humans make medical efforts to correct the disorder or when God intervenes to restore order. Again, physical cure does not always come.

The AIDS crisis which we now face cannot logically be regarded merely as a punishment for particular actions or lifestyles. Beyond logic, this response has repeatedly led to harassment of persons living with AIDS by the Christian *community*, whether by being ostracized from the church or by verbal and physical abuse. Similarly, understanding AIDS as demon possession perpetuates negative social stigmas about AIDS which isolate persons living with AIDS from the support systems usually available to persons living with physical suffering.

In the midst of suffering, the church stands as a witness to the love of God. In the New Testament we find that Jesus repeatedly reached out and touched those whom society had deemed untouchable. Jesus' interaction with the man who had leprosy in Mark 1:40-45 and with others suffering socially "unacceptable" diseases directly contradicted the social mores set by the religious *community*. Various diseases had been declared unclean, and contact with those who suffered them was strictly forbidden. Thus, those who lived with these diseases were isolated from the community which existed to represent the love of God. By physically touching the leprosy man, Jesus shattered the social stigma and acted out the love of God for that man. (He similarly treats a hemorrhaging woman and the dead daughter of Jairus, Mark 5:21-43.) What was to society a terrible risk was to Jesus a simple act of faith, embodying God's love, touching someone who had been living in forced isolation.

Persons living with AIDS must often live in this type of socially enforced isolation, much of which is perpetuated by the Christian community. Therefore, when we consider how we will understand suffering in terms of the gospel, it is vital that the view on which we base our actions be conducive to the kind of radical statement about God's love which Jesus demonstrates. "The Christian – the church – must not contribute to breaking the spirit of the sick and weakening their faith by harshness... The presence of the church must be a presence of hope and grace, of healing and reconciliation, of love and perseverance to the very end... [AIDS] is a human disease."<sup>1</sup> Persons living with AIDS encounter the spiritual issues of suffering which challenge faith. The Christian community can stand in solidarity, sharing the questions and suffering of its members in much the same way that Jesus willingly interacted with the suffering around him.

The particular view we take of suffering will affect our decisions and actions towards persons living with AIDS and those who love them. In the third view of suffering, which we believe is most consistent with the gospel of God's compassionate love, AIDS can be understood as one of the tragedies of the unredeemed creation. In this context, persons with AIDS are understood to suffer as a result of a common humanity and, therefore, are to be treated, not as outcasts or condemned persons, but as viable and valued members of the community. Thus, the stigma of isolation can be broken and the gospel more faithfully lived out. From this perspective, the community of Lexington Theological Seminary will approach the questions of a responsible policy about AIDS which is both well informed and true to the gospel.

## **POLICY**

With respect to those persons who are HIV positive or who have HIV infection, it is the policy of Lexington Theological Seminary:

12. Not to base enrollment or employment decisions on the existence of AIDS or HIV infection. Persons with AIDS or HIV infection will be evaluated according to the Seminary's normal educational and employment

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<sup>1</sup> Quinn as quoted by Shelp and Sunderland in *Aids and the Church*, (The Westminster Press: Philadelphia 1987), p. 24.

standards. All employment practices at the Seminary are governed by the Americans with Disabilities Act (ADA) guidelines.

13. To the extent required by law, to maintain standards of confidentiality regarding AIDS or HIV infection. No persons or institutions, including members of the faculty, other members of the community, insurers, or outside employers will be provided with any student or employee medical information, including information regarding AIDS and HIV infection, without the prior written consent of the individual affected. Students and employees may wish to inform the Seminary's administrative officers if they have AIDS or HIV infection in order that their rights and the community's safety may be protected in appropriate ways; but the Seminary, consistent with ADA guidelines, will honor the right of persons to withhold information regarding their disease from the Seminary.
14. To take reasonable steps to make available to students and employees current information regarding AIDS and HIV infection, especially through the orientation process for new students and employees. Such ongoing education will be designed to help persons in the community deal with their own concerns regarding AIDS, to increase the community's general awareness of AIDS (its prevention, transmission, manifestations, and treatment), and to promote effective ministry regarding AIDS on the part of seminary students and employees.
15. To condemn all harassment of persons with AIDS and HIV infection, including the spreading of rumors, and to respond to such harassment with appropriate action.

Implementation of these policy guidelines will rest with the Seminary's administrative officers. Decisions required by the Policy guidelines will be made by the administrative officers. The administrative officers may consult, as needed, with relevant parties during their deliberations, but all deliberations will be carried out according to the standards of confidentiality stated earlier.

### **SAFETY PRECAUTIONS**

The Seminary will follow OSHA guidelines or universal precautions for persons who may be responsible for applying first aid or other emergency medical treatment.

Special precautions to protect the health of immunologically compromised individuals may be taken during outbreaks of certain casually contagious diseases.

Safety Precautions: The Seminary will adopt safety guidelines as proposed by the United States Public Health Service for the handling of the blood and body fluids of all persons.

### **LEGAL**

1. Lexington Theological Seminary shall not deny admission, employment, or regular participation in Seminary activities to persons with AIDS or positive manifestations of the HIV infection. Those with positive manifestations of the HIV infection or with the AIDS syndrome are to be considered no different from others in terms of academic or employment-related requirements. In this respect, they are not to be dismissed from work or academic responsibility unless they are unable to perform their duties as judged according to regular standards of judgment at the Lexington Theological Seminary.

2. Seminary officials must remember that all confidential medical information is protected by statutes, and that any unauthorized disclosure of it may create legal liability.
3. Access to facilities or programs shall not be denied because of AIDS/HIV.
4. Employment considerations under ADA and EEC guidelines:
  - An interviewer cannot question applicants about the existence, nature, or severity of a disability. An interviewer can ask applicants to demonstrate or describe how they would perform job functions, with or without accommodations.
  - An interviewer cannot require applicants to disclose potentially disabling impairments on an application, nor ask disabled candidates how often they would need leave time because of their condition. However, an interviewer can state any attendance requirements and ask whether applicants can meet them. An interviewer can ask applicants if they need reasonable accommodations to take pre-employment tests, and may request verification of accommodations that are needed.
  - An interviewer can ask applicants to self-identify disabilities to comply with Section 503 of the Rehabilitation Act.
  - Pre-employment medical exams are restricted under the rules. A post-offer physical can be required before an employee starts working (making the job contingent upon results) only if all entering employees in the same job category are required to have such a physical. The results must be kept confidential and maintained separately in a medical records file. If a disability is identified, the employers may only rescind the job offer if the disability cannot be accommodated and relates to the performance of essential job functions.
  - Health insurance and other benefits for disabled employees must be equal to the benefits of other similarly situated employees without disabilities.
5. Harassment of individuals because of AIDS/HIV is condemned and shall be dealt with accordingly.