

APPENDIX B

GRIEVANCE PROCEDURES

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. It is the Seminary's policy to provide a prompt, fair and impartial investigation and resolution in all cases involving disciplinary complaints.

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 offenses, dating or domestic violence or harassment and racial discrimination as defined elsewhere in Seminary policies and procedures. 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 six members. The members shall include two 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.

Seminary officials who participate as members of the Appeals/Grievance Committee in cases of alleged domestic violence, dating violence, sexual assault and stalking shall receive annual training on topics related to these issues and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

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.

RIGHTS OF THE PARTIES INVOLVED

Both the accuser and the accused are entitled to the same opportunity to:

- access information that will be used at the hearing;
- present relevant witnesses and other evidence; and
- have others present during the hearing and related meetings or proceedings.

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

Rights of the accuser:

- protection under applicable privacy laws (e.g. FERPA);
- to be informed in writing of the Seminary's grievance process;
- the presence of an advocate/advisor of her/his choice during the process. The advocate/advisor may advise the accuser and may speak and question witnesses on the party's behalf;
- to be informed in writing of any change in the results of the process that occurs prior to the time the results become final as well as the final outcome of the grievance process

Rights of the accused:

- protection under applicable privacy laws (e.g. FERPA);
- to be informed in writing of the Seminary's grievance process;

- the presence of an advocate/advisor of her/his choice during the conduct process. The advocate/advisor may advise the accused and may speak and question witnesses on the party's behalf;
- to be informed in writing of any change in the results of the process that occurs prior to the time the results become final as well as the final outcome of the grievance process.

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

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.

In cases of disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault or stalking, an accused student or employee may be suspended from the Seminary on an interim basis pending the final outcome of the grievance proceeding, should the Committee deem such action necessary for the protection of the accuser.

Regardless of whether criminal charges are filed, students found to be responsible for sexual misconduct may be subject to Seminary conduct sanctions. Sanctions against a student who has violated the Seminary's policies regarding sexual offenses include suspension and dismissal and vary depending on the severity of the violation and the accused's conduct history. The recommended sanction for non-consensual sexual intercourse will be dismissal. Other sanctions may include suspension and educational intervention. Both the accuser and the accused will be simultaneously informed in writing of the outcome of each stage of the proceedings.

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.